

ORDINANCE RECORD

VILLAGE OF NEWBURGH HEIGHTS, OHIO

ORDINANCE NO. 2016-28

INTRODUCED BY: Mayor Elkins

AN ORDINANCE AMENDING THE VILLAGE OF NEWBURGH HEIGHTS PERSONNEL POLICY MANUAL BY AMENDING SECTION 709 ENTITLED “PAID PARENTAL LEAVE POLICY,” FOR THE PURPOSE OF CREATING PAID MATERNITY LEAVE AND PATERNITY LEAVE FOR FULL-TIME EMPLOYEES, AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Newburgh Heights wishes to provide full-time employees who become parents through childbirth or adoption with additional flexibility and time to bond with their new child, adjust to their new family situation, and balance their professional obligations;

WHEREAS, the Village of Newburgh Heights wishes to promote policies that are conducive to wellness, and that promote a work-life balance; and

WHEREAS, the Village of Newburgh Heights has the authority to amend and revise its Personnel Policy Manual from time to time in its sole and absolute discretion;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEWBURGH HEIGHTS, CUYAHOGA COUNTY, OHIO, that:

Section 1. The Village hereby enacts Section 709 of the Personnel Policy Manual to read in its entirety as follows:

709 PAID PARENTAL LEAVE POLICY

STATEMENT OF PAID PARENTAL LEAVE POLICY

It is the policy of the Village of Newburgh Heights to provide Paid Parental Leave to benefits-eligible employees, due to the birth of an employee’s child or the placement within an employee’s home of an adopted child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, in cases where an employee is eligible for FMLA leave.

REASON FOR POLICY

The purpose of the Paid Parental Leave policy is to give parents additional flexibility and time to bond with their new child, adjust to their new family situation, and balance their professional obligations.

DEFINITIONS

For purposes of this Paid Parental Leave policy, the following words or terms shall have the following meanings.

“Eligible Employee” shall mean a full-time employee who has been employed by the Village for at least one continuous year (12 months).

“Family and Medical Leave Act” or “FMLA” shall mean The Family and Medical Leave Act of 1993, 29 U.S.C. Section 2611 et seq.

“Parent” shall mean a male or female employee who is a birth mother; a father of the birth child; a same-sex domestic partner of the birth mother; a same-sex domestic partner of the birth father; an adoptive mother or father; a same-sex domestic partner of an adoptive mother or father.

“Paid Parental Leave” shall mean a period of paid leave of absence (that does not reduce an Eligible Employee’s balance of any other paid leave provided to the Eligible Employee by the Village, such as vacation or sick pay or holidays) for the purpose of recovery from the birth of a child; and/or to bond with a newborn or with a newly adopted child under the age of 18.

EXCLUSIONS

Elected officials are not eligible for Paid Parental Leave.

Employees who have been employed by the Village in an eligible position for less than one continuous year (12 months) are not eligible for Paid Parental Leave.

Part-time employees are not eligible for Paid Parental Leave.

Surrogate mothers and sperm donors are not eligible for Paid Parental Leave.

PROCEDURES

General Provisions

The Village will provide Paid Parental Leave to an Eligible Employee during the first twelve months following birth or adoption.

Paid Parental Leave is a benefit of full-time employment and its use will not be considered as a negative factor in employment actions, such as hiring, promotion, disciplinary actions or attendance policies.

Workload issues should be dealt with proactively so that unreasonable or excessive work demands are not placed on other employees within the department of the Eligible Employee.

Departments should be flexible in managing Paid Parental Leave requests to allow Eligible Employees to handle work and family responsibilities effectively and efficiently.

Leave Provisions

Paid Parental Leave will be paid at 100% of an Eligible Employee's straight-time, regular pay for the specified amount of time outlined in this policy.

The fact that a multiple birth or adoption occurs (for example, the birth or adoption of twins) does not increase the length of Paid Parental Leave granted for that event.

An Eligible Employee who is the birth or adoptive parent of a newborn or newly adopted child may receive up to 6 months (1040 hours) of Paid Parental Leave for recovery from childbirth and/or to bond with the newborn or newly adopted child.

If both parents are employed by the Village and both parents are Eligible Employees, those parents will receive an aggregate Paid Parental Leave of up to 6 months (1040 hours), which may be allocated as the parents deem fit, subject to approval of the applicable Department Heads and the Mayor.

The Paid Parental Leave will generally commence immediately following the birth or adoption of a child. However, Paid Parental Leave may occur prior to an adoption when deemed necessary to fulfill the legal requirements for an adoption.

Intermittent and Reduced Leave

Paid Parental Leave may be taken during the first twelve months following the birth or adoption and is available on a continuous, intermittent (separate blocks of time), or reduced schedule (reduction in number of work hours per day or per week) basis. However, intermittent or reduced schedule Paid Parental Leave requires approval from the Eligible Employee's Department Head and the Mayor. An Eligible Employee must consult with his or her Department Head and the Mayor and make a reasonable effort to schedule intermittent or reduced schedule Paid Parental Leave so as not to unduly disrupt the Village's operations. Intermittent or reduced schedule leave may not be taken in increments of less than four (4) hours.

Concurrent with FMLA Leave

Paid Parental Leave will run concurrently with FMLA leave, if the Eligible Employee meets the eligibility requirements of the FMLA. The concurrent use of Paid Parental Leave and FMLA leave will decrease, in whole or in part, the amount of FMLA leave available to an Eligible Employee.

Notice

An Eligible Employee shall, initially, verbally notify his or her Department Head of the desire to take Paid Parental Leave under this policy, and the anticipated timing and duration of the Paid Parental Leave. If the need for Paid Parental Leave is foreseeable, an Eligible Employee must give his or her Department Head at least thirty (30) calendar days advance notice of the desire to take leave, if practicable. If the need for Paid Parental Leave is not foreseeable, an Eligible Employee or his or her representative must give notice of the need for leave to the Eligible Employee's Department Head as soon as practicable. An Eligible Employee shall follow-up the verbal request for Paid Parental Leave with a written

request within a reasonable amount of time, not to exceed thirty (30) days, following approval of such Paid Parental Leave. Nothing herein shall be construed to alter any notice requirements under the FMLA.

Holidays

If an official Village holiday occurs during an Eligible Employee's Paid Parental Leave, the Eligible Employee will receive holiday pay in lieu of a paid parental leave day; provided, however, that the Eligible Employee must be in pay status the day before the holiday and the day after the later of the official Village holiday or the end of the Paid Parental Leave period.

Group Health Insurance

The Village will continue to pay its share of the cost of an Eligible Employee's group health insurance premium during a Paid Parental Leave. The Eligible Employee's share of the premium will be deducted from the Eligible Employee's pay in accordance with the Village's normal and customary payroll practices.

Medical Documentation

An Eligible Employee will be required to furnish appropriate medical documentation for the birth of a child. If the Eligible Employee is eligible for FMLA leave, the medical certification requirements of the FMLA will govern. The appropriate medical documentation must be completed and signed by the individual's health care provider.

Adoption Documentation

An Eligible Employee will be required to furnish appropriate adoption documentation, such as a letter from an adoption agency, or a letter from their attorney in the case of a private adoption.

Return-to-Work Statement

If Paid Parental Leave is due to the birth of a child, the birth mother must obtain a return-to-work statement from her health care provider and present it to her Department

Head upon returning to work. The statement must specify whether the Eligible Employee is able to work and any physical or other restrictions on the Eligible Employee's ability to work. Reinstatement may be delayed until the Eligible Employee submits the statement.

Reinstatement

Except as provided in the following paragraph, an Eligible Employee will be reinstated to the same position he or she held when that Eligible Employee's Paid Parental Leave began, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment, provided the Eligible Employee can perform the essential functions of the position.

The Village's obligation to restore the Eligible Employee to the same or an equivalent position ceases if and when: (i) the employment relationship would have terminated if the Eligible Employee had not taken Paid Parental Leave; (ii) the Eligible Employee informs the Village of his or her intent not to return to work at the expiration of the Paid Parental Leave; and (iii) the Eligible Employee fails to return to work at the expiration of the Paid Parental Leave and/or FMLA leave, as applicable.

Confidentiality

All medical information relating to Paid Parental Leaves, whether verbal or written, including FMLA medical documentation, shall be kept confidential to the maximum extent possible. All medical documents, including, but not limited to, medical statements and FMLA medical certifications, will be held by the Village in an employee medical file separate and apart from the employee's personnel file.

Section 2. The Personnel Policy Manual as revised will be provided to employees and all employees shall be obligated to sign acknowledgment forms indicating that they have been provided with notice of the amendments to the Personnel Policy Manual and copies of any such amendments, revisions and additions.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in such

formal action occurred in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village and for the further reason that the Village wishes to provide this benefit to full-time employees as soon as possible so that full-time employees are able to take the leave contemplated by the Paid Parental Leave Policy to foster and strengthen their families; wherefore, this resolution shall be in full force and effect from and immediately after its adoption and approval by the Mayor.

PASSED: _____, 2016

Approved at to Form

Trevor Elkins, Mayor
Village of Newburgh Heights, Ohio

Solicitor

Angel Meriwether, Fiscal Officer
Village of Newburgh Heights, Ohio