

..Number

211166

..Version

PROPOSED SUBSTITUTE A

..Reference

..Sponsor

ALD. DIMITRIJEVIC

..Title

A substitute ordinance relating to paid parental leave for city employees.

Section

350-39.3 cr

..Analysis

Under this ordinance, a non-bargaining employee of the city is entitled to up to 12 weeks of paid parental leave after any of the following qualifying events:

1. Birth of a child, including surrogacy.
2. Still birth after 20 weeks of pregnancy, including surrogacy.
3. Adoption of a child.
4. Foster placement of a child.

Eligible employees are limited to 12 weeks of paid parental leave per calendar year. Whenever both parents work for the city, they may take their leave concurrently, separately or in any combination thereof. In addition, the ordinance specifies that part-time employees are also eligible for paid parental leave, which is prorated based on their work schedules.

An employee shall have completed a minimum of 1,000 hours worked, excluding leaves of absence, in the 12 months prior to the qualifying event. Parental leave shall be taken within one year of any qualifying event, and shall run concurrently with any state or federal family leave to which the employee may be eligible. The ordinance also provides that an employee with a qualifying event, who does not qualify for leave under the Family and Medical Leave Act, shall be entitled to the protections enumerated therein. Finally, an employee who experiences complications during pregnancy is entitled to up to 4 additional weeks of paid leave, and an employee who experiences a stillbirth prior to 20 weeks is entitled to up to 6 weeks of paid leave.

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 350-39.3 of the code is created to read:

**350-39.3. Paid Parental Leave.**

**1. GUIDELINES AND ADMINISTRATION.** Subject to approval by the common council, the department shall issue policies and procedures to implement the paid parental leave policy and to coordinate the policy with city leave policies and procedures.

**2. ELIGIBILITY AND RESTRICTIONS.** Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, any general city employee, as defined in s. 36-02-17, as administered by the department, shall be entitled to up to 12 weeks of full paid parental leave per qualifying event, subject to the following:

a. Only qualifying events taking place after April 1, 2022, shall be eligible for paid parental leave.

b. The employee shall have worked a minimum of 1,000 hours, excluding leaves of absence, in the 12 months prior to the qualifying event.

c. An eligible employee shall be any employee who is a parent, legal guardian or individual acting in place of a parent.

d. Eligibility for paid parental leave shall expire within one year of any qualifying event.

e. An employee may not use more than 12 weeks of paid parental leave in one calendar year.

f. Any parents who both work for the city shall be eligible to take their individual parental leave separately, concurrently or in any combination thereof.

g. A part-time employee with a qualifying event shall be eligible for paid parental leave, prorated based on the employee's regular schedule.

h. Eligible employees shall make use of any available federal or state family medical leave to which they are entitled concurrently with paid parental leave.

i. An employee with a qualifying event under this section who does not qualify for protection under the Family and Medical Leave Act of 1993 shall be provided the same job protections enumerated by the act.

j. If paid parental leave coincides with a paid holiday, the employee shall be given holiday pay in lieu of paid parental leave.

**3. QUALIFYING EVENTS.** An eligible employee shall be eligible for paid parental leave immediately after any of the following events:

- a. Birth of a child, including surrogacy.
- b. Miscarriage after 20 weeks of pregnancy, including surrogacy.
- c. Adoption of a child.
- d. Foster placement of a child.

**4. SPECIAL CIRCUMSTANCES.**

- a. In the event of medical complications arising from pregnancy, a qualified employee shall be eligible for up to 4 additional weeks of paid parental leave in addition to the 12 weeks of paid parental leave.
- b. An employee who experiences a miscarriage prior to 20 weeks of pregnancy shall be eligible for up to 6 weeks of paid parental leave.

Part 2. This ordinance takes effect April 1, 2022.

..LRB  
APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau  
Date: \_\_\_\_\_

..Attorney  
IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney  
Date: \_\_\_\_\_

..Requestor  
..Drafter  
LRB 177080-5  
Christopher Hillard  
1/4/2022