

..Number

211166

..Version

PROPOSED SUBSTITUTE C

..Reference

..Sponsor

ALD. KOVAC AND ZAMARRIPA

..Title

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

Section

350-39.3 cr

..Analysis

Under this ordinance, a benefits-eligible employee of the city is entitled to paid parental leave, which will be administered and implemented by the department of employee relations. An eligible employee is entitled up to 6 weeks of paid parental leave for any of the following qualifying events once every calendar year:

1. Birth of a child.
2. Miscarriage or stillbirth after 26 weeks of pregnancy.
3. Placement of a child under the age of 5 through adoption, fostering, guardianship or acting in the place of a parent.

To be eligible, any qualifying event must occur either on or after April 4, 2022. In addition, paid parental leave will run concurrently with any state or federal family leave to which the employee may be eligible. Eligible employee must have worked a minimum of 1,000 hours, excluding leave of absence, in the 12 months prior to the qualifying event. A part-time employee with a qualifying event is also eligible for paid parental leave prorated based on the employee's regular schedule. In addition, if paid parental leave coincides with a paid holiday, the employee shall be given holiday pay in lieu of paid parental leave. The ordinance also provides that any employee with a qualifying event 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.

In addition, a birthing parent who experiences incapacity related to pregnancy or a serious health condition following the birth of a child is entitled to up to 4 weeks of paid leave. The ordinance also specifies that a birthing parent who experiences a miscarriage or stillbirth prior to 26 weeks is entitled to up to 2 weeks of paid leave. Finally, the ordinance requires the department of employee relations to submit an annual report to the common council detailing the department's activities related to the paid parental leave program and findings from the previous year.

..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.**

a. 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.

b. The city comptroller shall develop and establish recordkeeping practices for payroll and related functions.

**2. ELIGIBILITY AND RESTRICTIONS.** Any benefits-eligible general city employee, as defined in s. 36-02-17 and s. 350-237, shall, as administered by the department, be entitled up to 6 weeks of paid parental leave for any qualifying event once every calendar year, subject to the following:

a. Only qualifying events taking place on or after April 4, 2022, shall be eligible for paid parental leave.

b. Paid parental leave shall run concurrently with any state or federal family leave to which the employee may be eligible.

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

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

e. 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.

f. 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 up to 6 weeks of paid parental leave once per calendar year, after any of the following events:

a. Birth of a child.

b. Miscarriage or stillbirth after 26 weeks of pregnancy, including surrogacy.

c. Placement of a child under the age of 5 through adoption, fostering, guardianship or acting in place of a parent.

**4. SPECIAL CIRCUMSTANCES.**

a. A birthing parent who experiences incapacity related to pregnancy or serious health conditions following the birth of a child shall be eligible for up to 4 weeks of paid leave in addition to the 6 weeks of paid parental leave.

b. A birthing parent who experiences a miscarriage or stillbirth prior to 26 weeks of pregnancy may be eligible for up to 2 weeks of paid parental leave.

**5. ANNUAL REPORT.** The department shall submit an annual report of its findings and activities under this section to the common council.

Part 2. This ordinance takes effect April 4, 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 177080-6  
Christopher Hillard  
2/1/2022