

Memorandum

TO: HONORABLE MAYOR
 AND CITY COUNCIL

FROM: Jennifer Schembri

SUBJECT: CITY-PAID PARENTAL LEAVE

DATE: March 13, 2023

Approved



Date

3/15/23

INFORMATION

On December 7, 2022, the Joint Meeting for the Rules and Open Government Committee adopted an amended recommendation for Item C.8 which directed the Administration to prepare this information memorandum regarding the status of the City’s current City-Paid Parental Leave (PPL) Pilot Program.

The City’s current PPL Pilot Program provides full-time employees in the bargaining and employee units listed in the table below with 40 hours of continuous City-paid time off for the birth of a child of the employee or the employee’s registered domestic partner, or the placement, through adoption or foster care, of a minor child with the employee or the employee’s registered domestic partner. In addition to the 40 hours of continuous paid time off, full-time employees in these bargaining or employee units are also eligible to use up to 120 hours of their available sick leave for parental leave reasons.

Prior to the City’s PPL Pilot Program, non-childbearing City employees were required to use their vacation leave, compensatory time, and personal leave and/or executive leave to take paid time off from work to bond with their child. In addition to the 40 hours of City-provided leave, this pilot program allows employees to tap into their sick leave balances allowing the employee further opportunities to extend their paid time while bonding with their child. This program was negotiated with many of the City’s bargaining units in 2021, and implemented effective September 5, 2021, as shown in the table below:

Bargaining / Employee Unit	Budgeted FTEs ¹	Effective Date of Pilot Program
Association of Engineers and Architects, IFPTE, Local 21 (AEA)	350.00	9/5/2021
Association of Legal Professionals (ALP)	47.00	9/5/2021
Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP)	120.00	9/5/2021
City Association of Management Personnel, IFPTE, Local 21 (CAMP)	564.40	9/5/2021

¹ Per the City’s Adopted Operating Budget for Fiscal Year 2022-2023

Bargaining / Employee Unit	Budgeted FTEs²	Effective Date of Pilot Program
Municipal Employees' Federation, AFSCME, Local No. 101 (MEF)	2,429.95	9/5/2021
International Union of Operating Engineers, Local No. 3 (OE#3)	777.26	9/5/2021
San José Police Dispatchers' Association (SJPDA)	160.50	9/5/2021
Temporary Unclassified Benefited Employees (Unit 84)	0.00	9/5/2021
Executive Management and Professional Employees (Unit 99)	373.00	9/5/2021
International Brotherhood of Electrical Workers, Local No. 332 (IBEW)	76.00	8/7/2022
San José Police Officers' Association (POA)	1,167.00	12/25/2022

As of the date of this memorandum the City does not have a PPL Pilot Program agreement with the International Association of Firefighters, Local 230, the Association of Building, Mechanical, and Electrical Inspectors (ABMEI), and Peace Officer Park Rangers Association (POPRA), which, in total, represent approximately 819.00 budgeted Full-Time Equivalents (FTEs).

The following table provides the total usage of the 40 hour City-paid portion of the PPL through February 4, 2023:

Bargaining / Employee Unit	# of Employees That Used PPL	Total Hours of PPL Used	Total Earnings of PPL³	Annualized PPL Earnings³
AEA	22	848.00	\$ 45,898.96	\$ 33,238.50
ALP	2	80.00	\$ 5,446.33	\$ 3,944.05
AMSP	1	40.00	\$ 1,777.20	\$ 1,286.99
CAMP	20	800.00	\$ 45,583.20	\$ 33,009.83
MEF	67	2,744.00	\$ 104,705.74	\$ 75,824.41
OE#3	26	1,032.00	\$ 35,434.24	\$ 25,660.30
SJPDA	1	40.00	\$ 1,689.60	\$ 1,223.55
Unit 84	-	-	-	-
Unit 99	10	400.00	\$ 26,397.40	\$ 19,116.12
IBEW	1	40.00	\$ 2,364.80	\$ 5,137.53
POA	-	-	-	-

The cost of backfilling the positions of employees while they have used either the City-paid leave or the sick leave components of PPL, whether through temporary employees, higher class pay assignments, or overtime is not readily available. These factors, among others, create challenges in determining the total cost of the PPL Pilot Program; however, based on data that is readily available it is estimated that the annualized cost of the program as currently constituted

² Per the City's Adopted Operating Budget for Fiscal Year 2022-2023

³ These earnings do not include any ongoing non-pensionable compensation increase or premium pay that the employee may have received as a result of using PPL. These earnings also do not include any sick leave that an employee may have used pursuant to the terms of the PPL Pilot Program.

HONORABLE MAYOR AND CITY COUNCIL

March 13, 2023

Subject: City-Paid Parental Leave

Page 3

for AEA, ALP, AMSP, CAMP, OE#3, SJPDA, and Unit 99 as of February 4, 2023, is approximately \$198,400.

It is notable that few neighboring agencies have a paid parental leave program and having such a program in place at the City is important for recruitment and retention purposes. This program has enabled employees to have the ability to take additional time to bond with their children without having to exhaust vacation or personal leave or be on unpaid leave, and this is an important benefit we can provide our employees. In addition, the City does not participate in State Disability and therefore non-childbearing employees are unable to use the State's Paid Family Leave benefit and the City's Long-Term Disability program provides wage replacement only for the disability period for the child-bearing employee and does not provide any benefit for the bonding period. The PPL Pilot Program provides a City-paid wage replacement for bonding for both the childbearing parent and the non-childbearing parent without requiring employees to exhaust other paid leave balances that may be needed for future time off.

The City anticipates beginning negotiations with MEF, AEA, AMSP, CAMP, ABMEI, POPRA, and SJPDA over successor Memoranda of Agreements in or around March 2023. The City will evaluate any proposed changes to the program that are raised in these labor negotiations, including any potential expansion of the program, and will engage in further discussion with the City Council in Closed Session as needed.



Jennifer Schembri
Director of Human Resources
Director of Employee Relations

The principal authors of this memorandum are Elsa Cordova, Assistant to the City Manager in the Office of Employee Relations, and Bill Gold, Senior Executive Analyst in the Office of Employee Relations. For questions, please contact Jennifer Schembri, at Employee.Relations@sanjoseca.gov or (408) 535-8150.