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**Article 19. Federal, State, and City Family and Medical Leave. ~~Family and Medical Leave~~**

- 19.1 ~~To provide employees the opportunity to balance their family commitments with their employment obligations, the~~ The City shall will grant employees leave in accordance with ~~Family Leave to employees in accordance with the Federal Family and Medical Leave Act (FMLA), and the Oregon Family Leave Act (OFLA), and Human Resources Administrative Rules for Family and Medical Leave. and as designated in the City's Human Resources Administrative Rules.~~ For purposes of ~~Family Leave~~ family leave, the City agrees that "spouse" includes "domestic partner.
- 19.2 Any subsequent changes in the law or the Human Resources Administrative Rules will be incorporated into this Agreement. Specific rules and/or administrative procedures are available from ~~bureau timekeepers~~ or the Bureau of Human Resources.
- 19.3 During periods of leave covered by FMLA and/or OFLA ~~the Oregon Family Leave~~, eligible employees shall be required to use accrued or accumulated paid leaves, including vacation and, when applicable, sick leave, prior to a period of unpaid leave of absence. The use of sick leave shall be governed by Article 18 except as indicated below in this ~~article~~ Article.
- 19.3.1 Notwithstanding the provisions of Article 19.3 above, an employee may reserve all compensatory time and whatever vacation is necessary to accumulate a total of 80 hours of combined compensatory and vacation time for use upon return from ~~Family Leave~~ family leave.
- 19.3.2 If an employee has qualified for family leave, the employee may use sick leave in cases of a "serious health condition" (as defined in state law) in the employee's immediate family (as defined in ORS state law including domestic partner as defined in this Labor Agreement). If the duration of the employees' family leave is longer than the amount of the employees' accrued paid leave (not including sick leave), the employee may choose to be placed on unpaid leave of absence or sick leave for the duration of the family leave after using all other accrued paid leave. In no event may an employee use sick leave under this section to extend family leave beyond

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Management TA:

twelve (12) weeks per calendar year.

- 19.4 **City Paid Parental Leave.** Per City Human Resources Administrative Rules HRAR 6.05, employees covered by this agreement may be eligible for paid parental leave. ~~See HRAR 6.05 for additional information.~~ Should the provisions of ~~HRAR 6.05~~ the HRAR change, the City and Unions will meet to negotiate over the impact of the change(s). ~~Changes shall be recommended by the Labor/Management Benefits Committee and approved by City Council.~~
- 19.5 **State Paid Leave.** Under Paid Leave Oregon (PLO) or Washington Paid Family and Medical Leave (WA PFML), employees may be eligible to take a leave of absence with partial or full-wage replacement provided by the State. Any subsequent changes in the law or Human Resources Administrative Rules, will be incorporated into this Agreement. If an employee elects to take a leave of absence covered by PLO or WA PFML, an employee may elect the order in which they use their accrued leaves or elect to not use their accrued leaves to supplement their PLO or WA PFML benefit. In the event an employee does not specify an order of usage, sick leave will be utilized first, then compensatory time, then paid personal days, and lastly, vacation pay. While the intention of this program is to allow employees to supplement their PLO or WA PFML benefits up to one hundred percent (100%) of the regular income, because the agencies administering these benefits don't report specific benefit payouts, supplementation of PLO or WA PFML benefits may exceed one hundred percent (100%) of an employee's regular income without penalization or recoupment by the City. Employees shall continue to accrue paid sick leave, vacation, and any other leave that normally accrues while in continuous service for the City for the duration of their PLO or WA PFML leave.
- 19.6 **Non-City Parental Leave.** ~~In cases where an employee is eligible for Oregon Family Leave and has been granted leave to care for an infant or newly adopted child under 18 years of age, or for a newly placed foster child under 18 years of age, or a child under 18 years of age newly placed through a legal guardianship order, or for an adopted or foster child older than 18 years of age if the child is incapable of self-care because of a mental or physical~~

Union TA:

Management TA:

~~disability (“parental leave”):~~ In addition to Parental Leave described in Article 19.4, employees may be eligible for leave under FMLA and Oregon or Washington law for the care of an infant or newly adopted child or for a newly placed foster child.

19.6.1 Employees may take parental leave covered under ~~FMLA/OFLA/PLO/WA~~ PFML and any additional leave granted by contract in a continuous block of time. Employees may request to take their ~~FMLA/OFLA/PLO/WA~~ PFML parental leave intermittently or on a reduced schedule. Management shall approve requests submitted 30 days or more in advance; requests submitted less than 30 days in advance will be by mutual agreement. If required by law, ~~All~~ parental leave, including any additional leave granted by contract, must be taken within a year of the date of birth, adoption, or custody of the child.

19.6.2 Such employee shall be allowed to use sick leave, vacation credits or compensatory time during the period of leave for the above purpose, as provided by ~~State~~ law.

19.6.3 An additional period of unpaid leave or accrued vacation shall be granted upon request to extend the period to a total of 6 months.

19.6.4 The parties have further agreed that an employee who is granted family leave under the above laws shall be entitled to utilize accrued compensatory time for that leave. An employee must exhaust all unreserved accrued time off before taking unpaid leave.