



Office of the City Manager

ACTION CALENDAR

March 13, 2018

(Continued from February 13, 2018)

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: LaTanya Bellow, Director, Human Resources

Subject: Companion Report: Supplemental Paid Family Leave

RECOMMENDATION

Since the Commissions' action would result in City costs of approximately \$945,485, recommend that the Council refer the Commission on the Status of Women and Commission on Labor's recommendations to the City's referral prioritization process.

FISCAL IMPACTS OF RECOMMENDATION

Should Council include the City of Berkeley as a covered employer, preliminary data based on the average number of City employees who utilized the City of Berkeley's existing Parental Leave benefit (excluding Police and Fire) show that it would cost approximately \$945,485 per year to cover these employees. This cost does not include additional anticipated increased utilization cost of the parental leave benefit nor does it include employee replacement costs. Moreover, the Commission's recommendation would also include staff time costs to conduct an analysis of the program creation, implementation and administration for the Supplemental Paid Family Leave benefit. The amount of staff time needed to conduct the detailed analysis and evaluation would not be known until the item is referred to the prioritization process and the Budget Office and Departments responsible for administering the program are able to consider the full impact.

CURRENT SITUATION AND ITS EFFECTS

On October 25, 2017 and November 15, 2017, the Commission on the Status of Women and the Commission on Labor, respectively, unanimously voted in favor of recommending for Council to consider adopting the first reading of an ordinance with the following changes:

1. Add Job Protection Language to ensure workers cannot be fired for using paid family leave.
2. Include the City of Berkeley as a "covered employer" in Chapter 9.90.030 of the Ordinance.

3. Allocate financial resources for outreach, education and enforcement of the provisions provided by the Ordinance.

Job Protection and Outreach, Education and Enforcement

The City Manager would designate the appropriate Departments to implement the requirements contained in the ordinance.

Include the City of Berkeley as a “covered employer”

The City’s Human Resources Department and/or City Auditor would be the most appropriate departments to analyze the impact of this proposed ordinance and report the findings back to the City Manager and Council. Preliminarily, however, the City’s existing Union Agreements (Memorandum of Understanding and Memorandum Agreements) and City’s Parental Leave Administrative Regulation entitle employees to take up to one (1) year for the birth or adoption of a child as Parental Leave. Employees who take any Parental Leave are entitled to employment protection as well as other benefits associated with Parental Leave, e.g. an employee cannot be fired or disciplined; the leave does not affect the employee’s seniority, the employee’s insurance is paid for by the City for the duration of the leave (up to one (1) year). Moreover, the City’s Equal Employment Opportunity Policy includes as a protected bases “*pregnancy*” and specifically states, “*No City employee or applicant for employment shall be subjected to unlawful discrimination, retaliation or harassment because of their membership in or their association with any of the above listed statutory protected bases.*” Fundamentally, however, an analysis of a program that provides paid family leave for City of Berkeley employees would need to be conducted in order to determine the full impact. Because a majority of the City’s workforce is represented by a Union, a benefit enhancement (including the above-referenced Supplemental Paid Family Leave) may be more appropriate to consider in the context of contract negotiations.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

This report was prepared based on the action taken by the Commission on the Status of Women and Commission on Labor’s at the Commission Meetings on October 25, 2017 and November 15, 2017, respectively.

ALTERNATIVE ACTIONS CONSIDERED

Reject one or more of the Commissions’ recommendations.

CONTACT PERSON

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