



Office of the City Manager

REVISED AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: April 3, 2018

Item Number: 18b

Item Description: Companion Report: Supplemental Paid Family Leave

Submitted by: LaTanya Bellow, Director of Human Resources

Changes were made to 2 sections: Recommendation and Fiscal Impacts of Recommendation where the approximate cost per year for the Status of Women and Commission on Labor's recommendations is referenced. The approximate annual cost has been updated from \$945,485 per year to \$1,156,034.



Office of the City Manager

ACTION CALENDAR

April 3, 2018

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: LaTanya Bellow, Director, Human Resources
Subject: Supplemental Companion Report: Supplemental Paid Family Leave

RECOMMENDATION

Since the Commission on the Status of Women and Labor's action would result in City costs of approximately \$1,156,034, it is recommended the Council refer s this item 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 and Family Medical Leave benefit show that it would cost approximately \$1,156,034 per year to cover these employee's. 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

This item was on the council agenda on February 27, 2018 and moved to the March 13, 2018. During the meeting on March 13, 2018 council heard comments from the public regarding this item and deferred taking action to April 3, 2018.

Staff has now had time to do an analysis of the ordinance beyond Parental Leave to include looking at the city's Family Medical Leave usage for 2015, 2016 and 2017 and Part time hourly employees in order to provide council a more comprehensive number regarding the fiscal impact of the Commission's recommendation for City of Berkeley employees.

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 additional impacts of this proposed ordinance (e.g. staff to enforce ordinance in the community, back filling vacant positions, potential overtime cost) 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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