

City-Paid Parental Leave**4.2.7****PURPOSE**

The purpose of the policy is to establish and specify rules for the implementation of the City-Paid Parental Leave program and procedures.

SCOPE OF APPLICATION

As of the revised date of this policy, the following Memoranda of Agreements and/or Compensation Summaries include provisions for City-Paid Parental Leave:

- Association of Building, Mechanical and Electrical Inspectors (ABMEI)
- Association of Engineers and Architects, IFPTE, Local 21 (AEA)
- Association of Legal Professionals (ALP)
- Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP)
- City Association of Management Personnel, IFPTE, Local 21 (CAMP)
- International Brotherhood of Electrical Workers, Local No. 332 (IBEW)
- Municipal Employees' Federation, AFSCME, Local 101 (MEF)
- International Union of Operating Engineers, Local No. 3 (OE#3)
- San José Police Dispatchers' Association (SJPDA)
- San José Police Officers' Association (POA)
- Full-Time Benefited and Unrepresented Employees (Units 81/82)
- Executive Management and Professional Employees (Unit 99)

OVERVIEW

Full-time employees shall be eligible for City-Paid Parental Leave of paid time off for the following City-Paid Parental Leave reasons:

- a) The birth of a child of the employee or the employee's spouse or registered domestic partner.
- b) The placement, through adoption or foster care, of a minor child with the employee or the employee's registered domestic partner.
 - "Child" means a biological, adopted, or foster child under 18 years of age.

Each bargaining unit MOA details the amount of continuous paid time off represented employees are entitled to and the number of sick hours employees are able to use of their available sick leave outlined as follows:

Bargaining Unit	City-Paid Parental Leave	Sick Leave
Association of Building, Mechanical and Electrical Inspectors (ABMEI)	320 hours	120 hours
Association of Engineers and Architects (AEA)	320 hours	120 hours
Association of Legal Professionals (ALP)	320 hours	120 hours
Association of Maintenance Supervisory Personnel (AMSP)	320 hours	120 hours

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Bargaining Unit	City-Paid Parental Leave	Sick Leave
City Association of Management Personnel (CAMP)	320 hours	120 hours
International Brotherhood of Electrical Workers (IBEW)	40 hours	120 hours
Municipal Employees' Federation (MEF)	320 hours	120 hours
International Union of Operating Engineers (OE#3)	40 hours	120 hours
San José Police Dispatchers' Association (SJPDA)	320 hours	120 hours
San José Police Officers' Association (POA)	40 hours	120 hours
Full-Time Benefited and Unrepresented Employees	320 hours	120 hours
Executive Management and Professional Employees (Unit 99)	320 hours	120 hours

ELIGIBILITY

To be eligible for City-Paid Parental Leave, an employee must be a full-time employee and must have completed at least 2,080 hours of service from the most recent of the following: (1) their original date of hire, or (2) their most recent date of rehire. Hours of service shall mean regular hours worked, paid holidays, and other cumulative or consecutive paid leave.

LIMITATIONS AND RESTRICTIONS

1. An employee shall only be eligible for one instance of City-Paid Parental Leave per unique birth, adoption, or foster care placement, regardless of whether a twelve (12) month rolling period would cross multiple payroll calendar years.
 - Example: An employee experiences a birth, adoption, or foster care placement on September 23, 2023.

The employee will be eligible for the maximum total of continuous paid time off as specified in their MOA, and will be eligible to use a maximum of hours outlined in their MOA from their accumulated sick leave balance.

If the employee has used a portion or all of their City-Paid Parental Leave prior to the end of Payroll Calendar Year 2023, the used portion will not be renewed and shall not be available for use in Payroll Calendar Year 2024. This is because the employee is eligible for hours of continuous paid time off per unique birth and they can utilize up to the maximum total hours, as indicated in their MOA, from their available sick leave, specifically for City-Paid Parental Leave purposes for each unique birth.

2. In situations of one birth with multiple children (e.g., twins) or where multiple children are adopted or are placed in the foster care of an employee at the same time, this shall be treated as one instance.
3. An employee shall be eligible for a maximum of one instance of City-Paid Parental Leave per payroll calendar year.
 - Example: An employee who experienced a qualifying event in January 2023, and a second qualifying event in October 2023.

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In this situation, the employee would be eligible for the maximum hours of continuous paid time off, outlined in their MOA, and will be eligible to use a maximum of 120 hours of their accrued sick leave balances for their January 2023 qualifying event.

The employee would need to wait until Payroll Calendar Year 2024 to receive their City-Paid Parental Leave for their October 2023 qualifying event, and would only be eligible to receive this benefit if they have not already returned to work following their October 2023 qualifying reason.

4. For eligible births, adoptions, or foster care placements that occur between January 1, 2023, and September 17, 2023, no retroactive timecard adjustments will be allowable and any additional City-paid parental leave hours as provided for herein may only be used on a prospective basis.
5. All leave provided under this policy runs concurrently with qualifying leave under the federal Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) in situations where an employee's entitlement exists. Employees who are eligible for City-Paid Parental Leave and have already exhausted some or all of their FMLA and/or CFRA entitlement(s) are still eligible to use City-Paid Parental Leave.
6. City-Paid Parental Leave and the use of available sick leave balances for City-Paid Parental Leave reasons must be used and completed no later than 12 months from the birth or placement of a child.

PROCEDURES

To be eligible for the City-Paid Parental Leave Program, employees must complete a Leave of Absence Request Form. This request must be completed 30 days prior to the commencement of leave, where possible, and submit the required documentation upon request by the City. Please refer to the procedures found in the City's [Leaves of Absence Policy](#). Should the date of the birth, adoption or foster care placement differ from that originally determined, the employee shall submit updated documentation to the City's Human Resources Department to adjust their expected City-Paid Parental leave dates.

Requests for City-Paid Parental leave outside of FMLA and CFRA are subject to approval by the employee's Department Director or designee.

For additional information or assistance:

Internet Website: <https://www.sanjoseca.gov/your-government/departments-offices/human-resources/leaves-of-absence>

City's Intranet Website: <http://www.sjcity.net>
[Overview and Frequently Asked Questions](#)
[Department Reference Guide](#)

E-mail: HRbenefits@sanjoseca.gov

Human Resources: (408) 535-1285

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Approved:

/s/ Jennifer Schembri
Director of Employee Relations/
Director of Human Resources

November 1, 2023
Date

Approved for Posting:

/s/ Jennifer A. Maguire
City Manager

November 1, 2023
Date