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Amending Chapter 2, Code of Ordinances, Section 2-1104 to provide for paid leave for dependent care and establishing an effective date.

Sponsors: Kevin O’Neill

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1/25/2023	1	Finance, Governance and Public Safety Committee		
1/19/2023	1	Council	referred	

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 230058

Sponsor: Councilmember Kevin O’Neill

Amending Chapter 2, Code of Ordinances, Section 2-1104 to provide for paid leave for dependent care and establishing an effective date.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances, entitled “Administration,” is hereby amended by repealing Section 2-1104 and enacting in lieu thereof new section of like number and subject matter, to read as follows.

Sec. 2-1104. Special leave.

(a) *Jury duty.* An employee may receive special leave with pay when he or she is required to serve on a jury and the hours of jury duty conflict with the hours of his or her city work. Such employees may keep the county or state jury fee; however, employees must convey his or her federal jury fee to the city through his or her department head. In case the employee serves on a jury during his or her nonworking hours or days, the employee shall be permitted to keep the jury fee. However, the employee must inform his or her supervisor of his or her jury service. July leave for all regular employees allocated to classes covered by a memorandum of understanding shall be governed by the appropriate memorandum of understanding.

(b) *Training courses.* Special leave with pay may also be granted by a department head, with the approval of the director of human resources, for the purpose of allowing a regular employee to engage in official training courses or to participate in other official activities.

(c) *Sabbatical leave for judges of municipal court.* Upon recommendation for approval by the presiding judge and approval by the city manager, judges of the municipal court shall be granted a sabbatical leave of up to six months for purposes of full-time study or teaching directly related to the profession of law. No judge shall be eligible for such leave unless he or she has served at least three years. No judge shall be granted such leave more than once during any five-year period. Not more than one judge per fiscal year shall take sabbatical leave. During any such leave a judge shall continue to be paid by the city at the rate of one-half the regular salary and shall continue to be eligible for participation in the city health and life insurance programs, pension program and other employment benefits.

(d) *Community partnership initiative.* Each fiscal year, any regular employee may be allowed a maximum of eight hours paid leave to volunteer with area schools, including those of their children, or to volunteer with one of the city's approved combined charity organizations. The employee must timely request this leave and leave shall be granted only when it will not cause undue or unnecessary imbalances in staffing levels. Employees not participating in activities for which this leave was granted to them shall have this paid leave time changed to absences without leave and appropriate disciplinary action will be taken. The department of human resources will monitor the use of the community partnership initiative and may promulgate additional requirements in its rules and regulations.

(e) *Paid parental leave.* In order to allow parents time to bond with and care for their new child as well as medically recover from giving birth, all regular and appointed employees who are eligible to take leave under the city's family and medical leave policy shall be granted paid parental leave due to the birth of the employee's child or the placement within the employee's home of an adopted child in accordance with the following provisions:

- (1) An eligible employee will receive up to six continuous weeks of pay at 100 percent of the employee's base pay per birth or adoption event.
- (2) An employee may take paid parental leave intermittently, provided the leave is taken in no less than one week increments and is approved by the employee's manager. All paid parental leave must be utilized within 9 months following the birth or adoption of a child.
- (3) If both parents are eligible employees, each will receive the leave available under sections (e)(1) and (e)(2) of this section.
- (4) Leave will be based on the employee's certified normal rate of pay, not including premiums or overtime.
- (5) All paid parental leave will run concurrently with family and medical leave under the city's family and medical leave policy. Paid parental leave will not reduce eligibility for other types of paid and unpaid leaves such as sick leave, vacation, personal leave, holiday, and short-term disability but will not increase available family and medical leave beyond a total of 12 weeks.

- (6) An eligible employee must submit a completed employee request for family and medical leave form, requesting FML leave to the human resources benefits office at least 30 days prior to the anticipated date of the leave. To the extent the 30-day notice is not possible, the employee must submit a completed employee request for family and medical leave form to the human resources benefits office as soon as possible.
- (7) Multiple births or adoptions do not increase the length of leave granted for the birth or adoption event.
- (8) An eligible employee will be required to furnish appropriate medical documentation for the birth of a child. If applicable, the medical certification requirements for FML leave will govern. The medical documentation must be completed and signed by the individual's health care provider.
- (9) An eligible employee will be required to furnish appropriate adoption documentation, such as a letter from an adoption agency, or from the attorney in cases of private adoptions.
- (10) Surrogate mothers and sperm donors are excluded from coverage under this policy.
- (11) Employees who have given birth to a child and elect to place that newborn child for adoption may receive up to six continuous weeks of pay at 100 percent of the employee's base pay with a medical professional's recommendation that such leave is necessary. All paid parental leave for parents who elect to place their newborn child/children for adoption must be utilized within 6 weeks following the birth.
- (12) In the unfortunate event that the new child dies during the time of paid parental leave, the employee shall receive up to six continuous weeks of pay at 100 percent of the employee's base pay. If the death occurs after the employee has already utilized six weeks of paid parental leave, the employee shall receive two additional week of paid leave. All paid parental leave taken under this subsection must be utilized within 6 weeks following the death of the child.
- (13) A fraudulent request for paid parental leave shall be grounds for serious disciplinary action, up to and including termination of employment. Any paid parental leave that is taken and later found to be fraudulent shall be deducted from the employee's leave balance.

(f) *Election worker leave.*

- (1) Any city employee qualified to work as an election judge, poll judge or poll worker may be granted eight hours paid leave to volunteer at any general, primary, general municipal or special election. Such employee may keep the election worker fee from the county election board. Such employee may receive paid leave under this subsection for a maximum of two election days annually, totaling 16 hours annually. Any employee requesting such leave shall certify that he or she is qualified and scheduled to volunteer as an election worker.
- (2) Such leave shall not be available to employees of the fire department.

(g) *Paid Dependent Care Leave.* All regular and appointed employees who are approved to take twelve weeks of continuous leave under the city's family and medical leave policy shall be granted paid dependent care leave one time during the course of their employment with the city to care for their immediate family with a serious health condition in accordance with the following provisions:

- (1) The term “immediate family” is defined for the purpose of this section as an employee’s spouse or registered domestic partner; dependent child of the employee, spouse, or registered domestic partner; or employee’s parent, .
- (2) The term “serious health condition” shall mean an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.
- (3) An eligible employee will receive up to two weeks of pay for dependent care of an immediate family member with a serious health condition at 100 percent of the employee's base pay. Dependent care leave may be utilized one time by each employee during the course of their employment with the city.
- (4) Leave will be based on the employee’s certified normal rate of pay, not including premiums or overtime.
- (5) An employee shall take dependent care leave in no less than one-week increments. An employee is not required to use dependent care leave in consecutive weeks.
- (6) All paid dependent care leave will run concurrently with family and medical leave under the city’s family and medical leave policy.
- (7) The director of human resources may establish reporting and documenting requirements for the use of dependent care leave. An employee may be required to submit a medical certificate or other documentation for any absence under this section. Failure to fulfill any requirements established for use of dependent care leave may result in a denial of such leave.
- (8) A fraudulent request for paid dependent care leave shall be grounds for serious disciplinary action, up to and including termination of employment. Any paid dependent care leave that is taken and later found to be fraudulent shall be deducted from the employee’s leave balance.

Section 2. That this ordinance shall become effective on January 1, 2024.

Approved as to form:

Katherine Chandler
Senior Associate City Attorney