

ORDINANCE NO. 15783

FILE OF CITY COUNCIL

BILL 121 - 2021

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December 1, 2021

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AN ORDINANCE

Amending Section 603, Personnel Code, Chapter 80 – Personnel Policies by adding to Section § 80 -13 Holidays and Leave Time, entitled Paid Parental Leave of Absence (Non-Union).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE That Section H be added to Section § 80 -13 Holidays and Leave Time and read as follows:

**H: Paid Parental Leave of Absence for the Non-Bargaining Unit**

POLICY STATEMENT: The following policy addresses paid parental leaves of absence for City employees in order to assist and support new parent relationships through its leave policies and programs and to assist with balancing work and family matters, by providing Paid Parental Leave. This policy provides eligible employees with a period of paid time off for activities related to the care and well-being of their newborn, adopted or fostered child.

Employees are eligible to request a Paid Parental Leave of Absence within twelve (12) months of the date of birth, adoption or fostering. Employees are required to complete and submit the appropriate leave of absence paperwork for any absence of more than five (5) workdays, in accordance with the Employee Leave of Absence policy.

Employees will be provided up to six (6) consecutive week's Paid Parental Leave to an eligible parent following the birth or adoption or fostering of a child/children. Pay during leave shall be 100% of an employee's base rate at full time, or 40 hours per week. Employees are not required to expend available benefited time before Paid Parental Leave (i.e. vacation, personal or compensatory). Employees will continue accruing vacation and personal days during the duration of a Paid Parental Leave. Pension deductions will also continue during this time frame.

Paid Parental Leave of six (6) consecutive weeks shall run concurrent with the terms of the Family Medical Leave Act of 1993 (FMLA), in order to conclude the remainder of the total amount of leave time available by federal, state and local law as detailed in Section II of this policy, CONCURRENT PAID PARENTAL & FMLA LEAVE GUIDELINES.

2 Except as otherwise provided in collective bargaining unit agreements, all City of Allentown full time employees absent from work without available benefited leave time (i.e. vacation, personal or compensatory) will be considered Absent Without Leave (AWOL) and may be disciplined in accordance with the City of Allentown's disciplinary process subject to the following exceptions: - Where an employee has been approved for a Paid Parental leave of absence;

- Where an employee has been approved for an official leave of absence (e.g. under the Family and Medical Leave Act of 1993; Director's Leave);

- Where an employee has been approved for a leave of absence under an approved, short-term disability, long-term disability, or workers' compensation plan;

Where an employee has been approved for a leave of absence based upon the statutory requirements under the Americans with Disabilities Act;

Where an employee has been approved for a military leave of absence.

The employee shall coordinate such leave request with the Department of Human Resources.

Employees are required to follow department call off procedures. Unauthorized absences are not permitted and may result in discipline up to and including termination.

Disclaimer: No statements in this policy are intended or set forth as contractual commitments or obligations of the City to any individual employee or group of employees, or to establish an exception to the employment-at-will doctrine beyond that specified in the Civil Service Statutes and Rules or pertinent collective bargaining agreement. If there are differences between the various collective bargaining agreements and this policy, the pertinent collective bargaining agreement takes precedence. Disclaimer: This policy shall operate in accordance with City Code pertaining to use of accrued or accumulated sick days.

I. ENTITLEMENT TO PAID PARENTAL LEAVE Before an employee may utilize Paid Parental Leave, it must be determined if the employee is an "eligible employee" and if the reason for leave is one of the two (2) qualifying reasons. An eligible City employee may be qualified for up to six (6) weeks of paid, job-protected parental leave.

A. "ELIGIBLE EMPLOYEE" DETERMINATION In order to be eligible for paid parental leave, a full-time non-union employee with the City of Allentown must have (1) worked for the City of Allentown for at least twelve months, and (2) worked at least 1,250 hours during the twelve month period preceding the leave.

B. QUALIFYING REASONS Paid Parental Leave under the terms of this policy is available to eligible employees for one or more of the following qualifying reasons:

1) Because of the birth of child/children of the employee, or to care for the newborn child/children (within one year of birth);

2) Because of the placement of a child/children with the employee for adoption or foster care, or to care for the newly placed child/children (within one year of placement);

## II. CONCURRENT PAID PARENTAL & FMLA LEAVE GUIDELINES

The Paid Parental Leave provides eligible and qualified employees with up to six (6) weeks of paid leave. For the duration of the employee's leave, his or her job will be protected and his or her health care benefits will continue. An employee's absence will begin to count toward his or her entitlement on the first day of the leave.

Under the terms of the Family Medical Leave Act of 1993 (FMLA), eligible employees shall be entitled to a total of twelve (12) weeks of leave in a rolling twelve (12) month period. In order to determine how many weeks of FMLA leave is available, the City will look back over the past twelve (12) months to determine how much, if any, of the employee's twelve (12) week FMLA entitlement has already been used including the six (6) consecutive weeks of Paid Parental. If the employee has used a portion of his or her FMLA entitlement in the previous twelve (12) months, he or she shall be entitled to take whatever portion of

the twelve (12) weeks that remains available in combination with six (6) consecutive weeks Paid Parental Leave.

It is important to note that FMLA leave will run concurrently with other paid leave unless the employee's collective bargaining agreement provides otherwise. If an employee is eligible for short term disability benefits, his or her paid leave under either program will also be counted toward his or her twelve (12) week entitlement.

For the duration of FMLA leave guidelines please reference the City of Allentown, Employee Leave of Absence policy. 4

### III. PROCEDURES FOR REQUESTING PAID PARENTAL LEAVE

In all cases, employees must complete two steps.

(1) Obtain all necessary forms.

(2) Complete and submit the Paid Parental Leave of Absence Request and the Certification of Health Care Provider form, if necessary, to the City's Human Resource Department.

### IV. CITY'S RESPONSE

Upon receipt of an employee's completed Paid Parental Leave Request and the appropriate supporting documentation, the City will make a determination of the employee's eligibility and qualification, and approve or deny the request. The Director of Human Resources may provisionally approve a leave pending the submission of the Certification of Health Care Provider form.

If the employee fails to provide the required medical documentation within the fifteen (15) day period, the City may revoke the provisional leave. The Director of Human Resources will notify the employee and the employee's Director (and Bureau Chief, if applicable) of the revocation immediately. The employee may then be marked absent without leave (AWOL) and may be subject to disciplinary action.

Employees on Paid Parental Leave are to comply with the City's Employee Leave of Absence policy, are precluded from outside employment while on the leave and may, if necessary, be required to submit additional documentation to further substantiate the leave

SECTION TWO: That this Ordinance will take effect in ten days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency

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	Yea	Nay
Candida Affa	X	
Ce-Ce Gerlach	X	
Daryl Hendricks	X	
Natalie Santos	X	
Joshua Siegel	X	
Ed Zucal	X	
Cynthia Y. Mota, Pres.	X	
TOTAL	7	0

**I hereby certify that the foregoing Ordinance was passed by City Council on February 2, 2022 and signed by the Mayor on February 4, 2022.**

  
 CITY CLERK