

Introduced by: Mayor Matherly and
Council Members Therrien, Kun, and Marney
Finance Committee Review: September 21, 2021
Introduced: September 27, 2021

ORDINANCE NO. 6181, AS AMENDED

**AN ORDINANCE TO AMEND FAIRBANKS GENERAL CODE
CHAPTER 50, ARTICLE VIII, TO ADD PAID FAMILY LEAVE AND
PAID FUNERAL LEAVE**

WHEREAS, Fairbanks General Code Chapter 50, Article VIII, Leave; Health Benefits; Retirement, sets forth the City's policy and procedure for providing leave, health, and retirement benefits for non-union City employees whose terms and conditions of employment are covered by the Fairbanks General Code; and

WHEREAS, the City recognizes workplace benefits are an important part of balancing work, family, and medical needs, and that benefits such as paid family and funeral leave can help employees meet their personal and family health care needs, while also fulfilling work responsibilities; and

WHEREAS, the City realizes benefits such as paid family and funeral leave can play a vital role in retaining and attracting key employees, as well as in reducing turnover and its related costs and that it is more efficient to retain a quality employee than to recruit, train, and orient a replacement employee of the same quality; and

WHEREAS, the current ordinance does not provide employees with paid family leave and paid funeral leave; and

WHEREAS, it is the intent of the City to provide paid family leave in the form of medical maternity leave and parental leave to eligible employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption with the purpose of providing economic relief to the eligible employee enabling the employee to recover from childbirth or care for and bond with a newborn or a newly adopted child; and

WHEREAS, it is the intent of the City to provide paid funeral leave in the form of paid time off to attend a funeral with the purpose of providing economic relief to the eligible employee.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

Section 1. That Fairbanks General Code Chapter 50, Article VIII Leave; Health Benefits; Retirement, is hereby amended to add Section 50-288 Paid Family Leave and Sec. 50-289 Paid Funeral Leave as follows:

Sec. 50-288. Paid Family Leave.

Paid family leave in the form of paid medical maternity leave (“Paid MML”) and paid parental leave (“PPL”) is available to eligible employees.

(a) Paid Medical Maternity Leave.

Definitions:

Disability - physical or mental impairment that substantially limits one or more major life activity.

Related Medical Condition - a physical or mental condition intrinsic to pregnancy or childbirth.

Eligibility Requirements:

1. Be a female employee who experiences a disability relating to the employee’s pregnancy, childbirth, or related medical condition; and,
2. Be an employee who has worked as a permanent regular full or part-time employee for at least **one year**~~six months~~ immediately preceding the date of the requested leave. Temporary employees and interns are not eligible for this benefit.~~The six months of employment do not need to be consecutive;~~ and,
3. Be an employee who is currently on leave pursuant to the Family and Medical Leave Act (“FMLA”) or/and the Alaska Family Leave Act (“AFLA”).

Maximum Paid MML

An eligible employee may receive Paid MML up to the weeks listed below for the expressed years of employment:

Employment Period:	Paid MML availability:
1 year 6 months up to 3 years	2 weeks
3 years up to 5 years	3 weeks
5 years or more	4 weeks

(b) Paid Parental Leave.

Eligibility Requirements:

1. Be a spouse or committed partner of a female who has given birth to a child; or
2. Be an employee who has adopted a child aged ~~5~~¹⁷ or younger; and
3. Be an employee who has worked as a permanent regular full or part-time employee for at least **one year**~~six months~~ immediately preceding

the date of the requested leave. Temporary employees and interns are not eligible for this benefit.

Maximum PPL

An eligible employee may receive a maximum of two weeks of PPL per birth or adoption of a child/children.

(c) Amount, Time Frame, and Duration of Paid Family Leave.

1. Approved paid family leave may be taken at any time during the 6-month period immediately following the birth or adoption of a child. Paid family leave may not be used or extended beyond this 6-month time frame.
2. The eligible employee must take paid family leave in one continuous period of leave and must use all paid family leave during the 6-month time frame listed in this section. Any unused paid family leave will be forfeited at the end of the 6-month time frame.
3. The eligible employee shall not receive more than the number of weeks allowed of paid family leave in a rolling 6-month period, regardless of whether more than one birth or adoption event occurs within that 6-month time frame.
4. Multiple births or adoptions (e.g., the birth of twins or adoption of siblings) will not increase the total amount of paid time available or granted to the eligible employee for that event.
5. Paid MML and PPL may not be used consecutively or concurrently within the rolling 6-month period.
6. Each week of paid family leave will be compensated at 100 percent of the employee's regular, straight-time weekly pay minus all regular deductions and will be paid on regularly scheduled pay dates.
7. The eligible employee shall not receive payment for or otherwise cash-out leave available pursuant to this section. Upon termination of employment, an employee will not be paid for any unused paid family leave for which the employee was eligible.

(d) Coordination with Other Policies.

1. Paid family leave taken under this section will run concurrently with FMLA and/or AFLA leave taken, as applicable; thus, any leave taken pursuant to this section will be counted toward the applicable number of weeks of available FMLA or AFLA leave per the specified FMLA or AFLA period. All other requirements and provisions under the FMLA or AFLA will apply. The total amount of leave granted to the eligible employee pursuant to this section may not exceed the FMLA or AFLA leave period.

2. After the paid family leave (and any short-term disability leave for employees giving birth) is exhausted, the balance of FMLA or AFLA leave (if applicable) will be compensated through the eligible employee's accrued sick, vacation, and personal leave time. Upon exhaustion of accrued sick, vacation, and personal leave time, any remaining leave will be unpaid.
3. If the eligible employee and employee's family participate in the City's group health plan, the City shall maintain coverage during paid family leave on the same terms as if the employee had continued to work.
4. If a City holiday occurs while the eligible employee is on paid family leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total paid family leave entitlement.
5. If the eligible employee is on paid family leave when the City offers administrative leave (known as an "admin day"), that time will be recorded as paid family leave. Administrative leave will not extend the paid family leave entitlement.
6. An eligible employee who takes paid family leave shall be afforded the same or equivalent job protection as provided by the FMLA or AFLA for the period of time the employee is on paid family leave.

(e) Requests for Paid Family Leave.

1. The eligible employee must provide the employee's supervisor and the human resource department with notice of the request for paid family leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary human resource forms and provide all documentation as required by the human resource department to substantiate the request.
2. Upon receipt of a request for paid family leave from an eligible employee, the human resource department will inform the employee whether the employee is eligible for paid leave under this section and whether such leave is granted. Should the employee be granted leave, the human resource department will provide the employee with a notice that specifies any additional information required, as well as their rights and responsibilities.

(f) The City has the exclusive right to interpret all paid family leave policies related to this section.

(g) Notwithstanding any other provision in this chapter to the contrary, the provisions of this section will apply to all city employees.

Sec. 50-289. Paid Funeral Leave.

(a) A permanent full or part-time employee, regardless of length of employment, may be granted up to three consecutive working days of paid funeral leave to attend the funeral of a deceased immediate family member of the employee, or one working day of paid funeral leave to attend the funeral of a deceased extended family member of the employee.

(b) If approved, the employee will be granted paid funeral leave for days off to attend the funeral of a deceased immediate or extended family member.

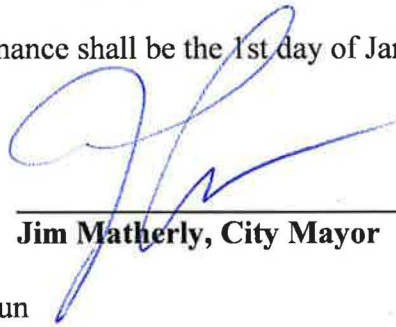
(c) Leave days must be approved by the Department Head or Mayor. Upon approval, the employee must provide the human resource department with notice of the request for paid funeral leave prior to the leave (or if the leave was not foreseeable, as soon as possible) and complete the necessary human resource forms.

(d) Upon the employee's return, proper documentation is required to be presented to the human resource department. If proper documentation is not provided within 30 days, the paid funeral leave will be reimbursed from the employee's personal annual leave bank at 100 percent of the employee's regular, straight-time pay minus any regular deductions or other appropriate means.

(e) The City has the exclusive right to interpret all funeral leave policies related to this section.

(f) Notwithstanding any other provision in this chapter to the contrary, the provisions of this section will apply to all city employees.


Section 2. That the effective date of this Ordinance shall be the 1st day of January 2022.



Jim Matherly, City Mayor

AYES: Clark, Gibson, Therrien, Marney, Kun
NAYS: None
ABSTAIN: Rogers
ADOPTED: October 11, 2021

ATTEST:



D. Danyielle Snider, MMC, City Clerk

APPROVED AS TO FORM:



Paul J. Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 6181

Abbreviated Title: ORDINANCE TO ADD PAID FAMILY LEAVE AND PAID FUNERAL LEAVE

Department(s): ALL

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes _____ No see below

2) additional support or maintenance costs? Yes _____ No X

If yes, what is the estimate? _____

3) additional positions beyond the current adopted budget? Yes _____ No X

If yes, how many positions? _____

If yes, type of positions? _____ (F - Full Time, P - Part Time, T - Temporary)

II. FINANCIAL DETAIL:

EXPENDITURES:	2021	2022	2023	Total
SALARY AND BENEFITS				\$0
TOTAL	\$0	\$0	\$0	\$0

FUNDING SOURCE:	2021	2022	2023	Total
GENERAL FUND				\$0
TOTAL	\$0	\$0	\$0	\$0

This Ordinance provides paid family leave and paid funeral leave. These benefits will not impact the general fund budget since the City budgets for an employee's standard work week and potential annual leave cash out; however, there is a value of this benefit to an eligible employee. The value of family leave for the lowest paid employee is \$2,240 for 2 weeks, \$3,360 for 3 weeks, and \$4,480 for 4 weeks; whereas, the value of leave for the highest paid employee is \$6,400 for 2 weeks, \$9,600 for 3 weeks, and \$12,800 for 4 weeks. The value of 3 days of funeral leave for the lowest paid employee is \$670; whereas, the value for the highest paid employee is \$1,920.

Reviewed by Finance Department: Initial mb Date 9/16/2021