

Proposed: 6/6/2022

ORDINANCE NO. 79-2022 (AS), *First Reading*

By Mayor Seren and Councilor Moore

An Ordinance repealing Sections 131.08 “Maternity Leave” and 139.13 “Maternity Leave” of the Codified Ordinances of the City of Cleveland Heights, enacting a new Section 139.13 “Paid Parental and Childbirth Leave,” and amending Sections 131.15 “Other Leaves of Absence” and 139.16 “Other Leaves of Absence” to provide paid parental leave benefits for full-time, permanent employees.

WHEREAS, the City of Cleveland Heights currently offers maternity leave to employees who are expectant mothers, and

WHEREAS, the City of Cleveland Heights hasn’t updated its maternity leave policy since 1977, and

WHEREAS, this Council believes that it is important to offer a more modern and inclusive parental leave policy to employees in the pursuit of an equitable workplace and to help the City attract well qualified workers, and

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The existing Section 131.08 “Maternity Leave” of the Codified Ordinances of Cleveland Heights shall be, and is hereby, repealed in its entirety.

SECTION 2. The existing Section 139.13 “Maternity Leave” of the Codified Ordinances of Cleveland Heights shall be, and is hereby, repealed in its entirety.

SECTION 3. A new Section 139.13 “Paid Parental Leave and Childbirth Leave” of the Codified Ordinances of Cleveland Heights shall be, and is hereby, enacted to read as follows:

139.13 PAID PARENTAL LEAVE AND CHILDBIRTH LEAVE

- (a) As used in this Section, “paid parental leave” shall mean a four-week leave of absence for the purpose of a parent bonding with a newborn or with a newly adopted child in which the employee is compensated at 100 percent of their regular base rate of pay. Paid parental leave shall be in addition to, and not reduce, an employee’s balance of any other accrued paid leave provided to the employee by the City.
- (b) As used in this Section, “paid childbirth leave” shall mean a twelve-week leave of absence in which a parent who gives birth shall be compensated at 100 percent of their regular, base rate of pay while recovering from childbirth. Paid childbirth leave shall be in addition to, and not reduce, an employee’s balance of any other accrued paid leave provided to the employee by the City.
- (c) All employees of the City who have been employed full-time for 12 or more months, or part-time at an average of at least 35 hours per week for 12 or more months, shall be eligible to take paid parental leave one time in a 12-month period.

- (d) All employees of the City who have been employed full-time for 12 or more months, or part-time at an average of at least 35 hours per week for 12 or more months, and who are parents who give birth shall be eligible to take paid childbirth leave one time in a 12-month period.
- (e) Paid parental leave and paid childbirth leave must be taken in one uninterrupted period of leave time and must be taken within 12 months following the birth or placement of a child for adoption or foster care.
- (f) Paid parental leave and paid childbirth leave shall run concurrently with each other, as applicable, and with Federal Family Medical Leave Act (FMLA) leave, and be counted against the amount of FMLA leave available to and employee taking these benefits.
- (g) Whenever the birth or placement of a child for adoption or foster care is foreseen, the employee must provide the Director of Human Resources at least 30 days' notice of their intention to take paid parental leave or paid childbirth leave.
- (h) An employee who would otherwise be eligible for paid parental leave pursuant to the above, whose child is stillborn or dies during the third trimester of pregnancy, is eligible for three (3) calendar weeks of paid parental leave following the date of death of the unborn or stillborn child. In the event the newly born or adopted child dies during the period of time that the employee is on paid parental leave, the employee shall be entitled to the full extent of the paid parental leave permitted above, and the paid parental leave shall not terminate due to the death of the child. All other provisions of the paid parental leave granted pursuant to above shall apply.
- (i) If an employee is enrolled in group health insurance or other insurance benefits sponsored by the City, these benefits will continue as if the employee had not taken leave.
- (j) Paid parental leave and paid childbirth leave taken by an employee shall not be counted as time worked for the purposes of calculating overtime.
- (k) The Director of Human Resources shall promulgate a policy related to provision of medical documentation, adoption or foster documentation, intermittent leave, returning to work, confidentiality, and any other relevant considerations not inconsistent with this Section or the Family and Medical Leave Act.

SECTION 4. Section 131.15 "Other Leaves of Absence" of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

131.15 OTHER LEAVES OF ABSENCE.

Leave of absence other than sick, paid parental, paid childbirth, or vacation leave, may be granted upon written request, with or without pay by the Mayor, under such conditions and terms as the Mayor shall determine.

SECTION 5. Section 139.16 "Other Leaves of Absence" of the Codified Ordinances of Cleveland Heights shall be, and is hereby, amended to read as follows:

139.16 OTHER LEAVES OF ABSENCE.

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Leave of absence other than sick, paid parental, paid childbirth, or vacation leave, may be granted upon written request, with or without pay by the Mayor, under such conditions and terms as the Mayor shall determine.

SECTION 6. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 7. This Ordinance shall take effect and be in force at the earliest time possible permitted by law.

MELODY HART
President of the Council

Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor