

# Ordinance No. 630-2023 AS AMENDED

By Council Member Slife and Mayor Bibb

## AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 171.68 relating to paid parental leave.

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WHEREAS, the City recognizes the importance of supporting its employees in their journey towards parenthood, and acknowledges that Paid Parental Leave is a fundamental right that should be extended to all employees, regardless of their gender, sexual orientation, or family structure; and

WHEREAS, the City believes that providing Paid Parental Leave to its employees is also a smart business decision that will lead to reduced turnover, improved employee morale, increased ability to recruit talent, and higher levels of employee productivity, thus benefiting the City, its employees, and ultimately Cleveland residents; and

WHEREAS, the City recognizes that the first few months after the birth or adoption of a child are critical for the well-being and development of both the child and the parent, and understands that providing Paid Parental Leave will enable employees to spend quality time with their newborn or newly adopted child, thereby fostering stronger family bonds and promoting a healthier work-life balance; and

WHEREAS, the City recognizes that providing Paid Parental Leave is a crucial step towards achieving greater gender equity and breaking down barriers that prevent women and caregivers from advancing in the workplace, and is committed to creating a culture of inclusivity that promotes equal opportunities for all employees; and

WHEREAS, the City calls on all employers to implement similar policies that reflect their commitment to their workforce and the well-being of their employees and their families; and

WHEREAS, this Council will establish a working committee with the Administration and stakeholders, including Council representatives, the Mayor's Office, Departments of Human Resources and Law, labor representatives, and subject area experts to develop a City Paid Family and Medical Leave policy; and

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WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the Codified Ordinances of Cleveland, Ohio 1976, are supplemented by enacting new Section 171.68 to read as follows:

Section 171.68      Paid Parental Leave

(a) All regular full-time annual and hourly rate City employees who have completed thirty (30) days of continuous employment shall be entitled to twelve (12) weeks of paid parental leave during the twelve (12) month period following the ~~birth or adoption~~ birth, adoption, or appointment of legal guardianship by a court of law of a child at one hundred percent (100%) of their regular base rate of pay. Hourly rate craft employees paid on the basis of building trades prevailing wages are not eligible. The eligibility of City employees in a union-represented bargaining unit is subject to the terms of the City's collective bargaining agreements and the requirements of Revised Code Chapter 4117. "Parental leave" shall mean a leave of absence following the birth of a newborn, ~~or the placement of a newly adopted child~~ the placement of a newly adopted child, or the appointment of legal guardianship of a child by a court of law.

(b) Where paid parental leave is taken for a qualifying reason under The Family Medical Leave Act of 1993 ("FMLA"), paid parental leave shall run concurrently with FMLA leave, shall be counted against FMLA leave available to employees using the paid parental leave benefit, and shall be in addition to, and not reduce an employee's balance of other accrued paid leave provided to the employee by the City except as provided in divisions (e) and (h)(3) below.

~~————(c)—— An employee who would otherwise be eligible for paid parental leave under division (a) above and who experiences a stillbirth shall be eligible for three (3) weeks of paid parental leave. "Stillbirth" shall mean a fetus of at least twenty (20) weeks of gestation that dies prior to the complete expulsion or extraction from its mother or which after such expulsion or extraction does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.~~

~~————(d)—— An employee who would otherwise be eligible for paid parental leave under division (a) above, and who experiences a miscarriage or any other condition or complication that leads to the loss of the pregnancy or impacts the viability of the fetus and is subject to a medical procedure that is performed in relation thereto shall be eligible for three (3) weeks of paid parental leave commencing on the date of the procedure. "Miscarriage" shall mean the spontaneous loss of a pregnancy before the 20th week.~~

(c) An employee who would otherwise be eligible for paid parental leave under division (a) above and who experiences a pregnancy loss, as defined by the rules and

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regulations established pursuant to division (i), shall be eligible for three (3) weeks of paid parental leave.

~~(e)~~(d) If after a live birth or after the placement of a newly adopted child the 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 under division (a) above, and the paid parental leave shall not terminate due to the death of the child. All other provisions of paid parental leave shall apply.

~~(f)~~(e) If an employee takes leave under divisions ~~(d) or (e) above~~ (c) or (d) above, the employee is ineligible to take bereavement leave made available through Section 171.31 of these Codified Ordinances.

~~(g)~~(f) In addition to the twelve (12) weeks of paid parental leave, every eligible employee shall be entitled to up to twenty (20) hours of intermittent paid leave in a twelve (12) month period at one hundred percent (100%) of their regular base pay to attend pre-natal medical and related appointments up to the birth of a child(ren). The employee's balance of other accrued paid leave that the City provided to the employee shall not be reduced by the taking of the foregoing leave.

~~(h)~~(g) In addition to the twelve (12) weeks of paid parental leave, every eligible employee who pursues a legally-sanctioned adoption shall be entitled to up to twenty (20) hours of intermittent paid leave in a twelve (12) month period at 100% of their base rate of pay to attend required meetings or interviews to obtain approval for an adoption of a child(ren). The employee's balance of other accrued paid leave that the City provided to the employee shall not be reduced by the taking of the foregoing leave.

~~(i)~~(h) All of the following apply to employees granted paid parental leave under this section:

(1) They shall remain eligible for all employer-paid and employer-provided benefits and shall continue to accrue other forms of paid leave while on paid parental leave.

(2) They are ineligible to receive overtime pay, and no portion of their parental leave shall be included in calculating their overtime pay.

(3) They are ineligible to receive holiday pay. A holiday occurring during the leave period shall be counted as one day of paid parental leave and shall be paid as such.

~~(j)~~(i) The Director of Human Resources shall establish rules and regulations governing paid parental leave. Such rules and regulations shall include the permissible grounds for paid parental leave, procedures for taking leave, allowances for intermittent leave, and any other relevant considerations not inconsistent with this section or FMLA.

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Section 2. That Section 171.68 of the Codified Ordinances of Cleveland, Ohio, 1976, shall take effect and be in force sixty (60) days after the effective date of this ordinance.

Section 3. That the Administration shall report to Council regarding the progress of the working committee to develop a City Paid Family and Medical Leave policy, by December 1, 2023, and shall report to Council with a written recommendation regarding this policy by May 1, 2024.

Section 3.4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

JS:nl  
5-15-2023  
FOR: Mayor Bibb and Council Member Slife

**Ord. No. 630-2023 AS AMENDED**

**REPORT  
after second Reading**

**By Council Member Slife and Mayor Bibb**

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**READ FIRST TIME**  
and referred to \_\_\_\_\_

**REPORTS**

by the council \_\_\_\_\_

\_\_\_\_\_  
**CITY CLERK**

**READ SECOND TIME**  
by the council \_\_\_\_\_

\_\_\_\_\_  
**CITY CLERK**

**READ THIRD TIME**  
by the council \_\_\_\_\_

\_\_\_\_\_  
**PRESIDENT**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED**

\_\_\_\_\_  
**MAYOR**

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Published in the City Record \_\_\_\_\_