



## MEMORANDUM

**TO:** Mayor and Council Members

**FROM:** Joya Hayes, Human Resources and Civil Service Director *JA*

**THROUGH:** Veronica Briseño, Assistant City Manager

**DATE:** July 28, 2022

**SUBJECT:** **Expanding Parental Leave for Non-Sworn and Sworn Employees (Resolution 20220505-034)**

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This memorandum aims to provide cost estimates, details on the proposed phased approach, and policy recommendations to the City Council for expanding the Paid Parental Leave benefit for non-sworn and sworn employees.

[Resolution No. 20220505-034](#) directed the City Manager to return to the Council within 90 days with several pieces of information:

1. Assess a phased approach implementing Paid Parental Leave at eight weeks by 2023, 10 weeks by 2024, and 12 weeks by 2025, or sooner;
2. Increase Paid Parental Leave for non-sworn, sworn, and part-time employees, from 6 weeks to 12 weeks;
3. Provide cost estimates associated with each phased approach;
4. Evaluate amendments to eligibility to allow an employee access to Paid Parental Leave after working for the City for 6-months;
5. Maintain current policy providing Paid Parental Leave to employees regardless of their sexual orientation, gender identity, marital status, whether the City employs multiple family members, and regardless if employees become parents because of birth, adoption, or foster placement;
6. Maintain the ability for an employee to use Paid Parental Leave to the 30-day threshold that is required to use short-term disability; and
7. Maintains other components of the City's existing Paid Parental Leave policy, including the ability to access paid leave before the birth or placement of the child to allow for time for prenatal appointments, court proceedings, or home visitations.

## Current Policy

The City of Austin adopted Paid Parental Leave for non-sworn employees in 2013 and sworn employees in 2022. This leave is available to parents for the birth of the employee's child and the placement of a child with the employee for adoption or foster care without regard to marital status or sexual orientation. Employees who qualify for Family Medical Leave Act (FMLA) can utilize the Paid Parental Leave.

The Paid Parental Leave benefit is up to 30 working days for a maximum of 240 hours (6 weeks). Parental Leave must be taken with the FMLA period associated with the date of the birth or placement of a child for adoption or foster care.

## Costs

Employee hours are budgeted annually, and additional costs are minimal as there is limited need for backfill of non-sworn positions. Using data from 2021, 287 non-sworn employees utilized Paid Parental Leave. Based on the actual hours used and actual salary of the employees, the value of this leave was \$1,829,240. Based on the data from 2021, below is an estimate of the value for these employees using eight, ten, or 12 weeks (320, 400, or 480 hours, respectively.)

Non-Sworn Estimates		
8 weeks	10 weeks	12 weeks
\$2,983,171	\$3,728,964	\$4,474,756

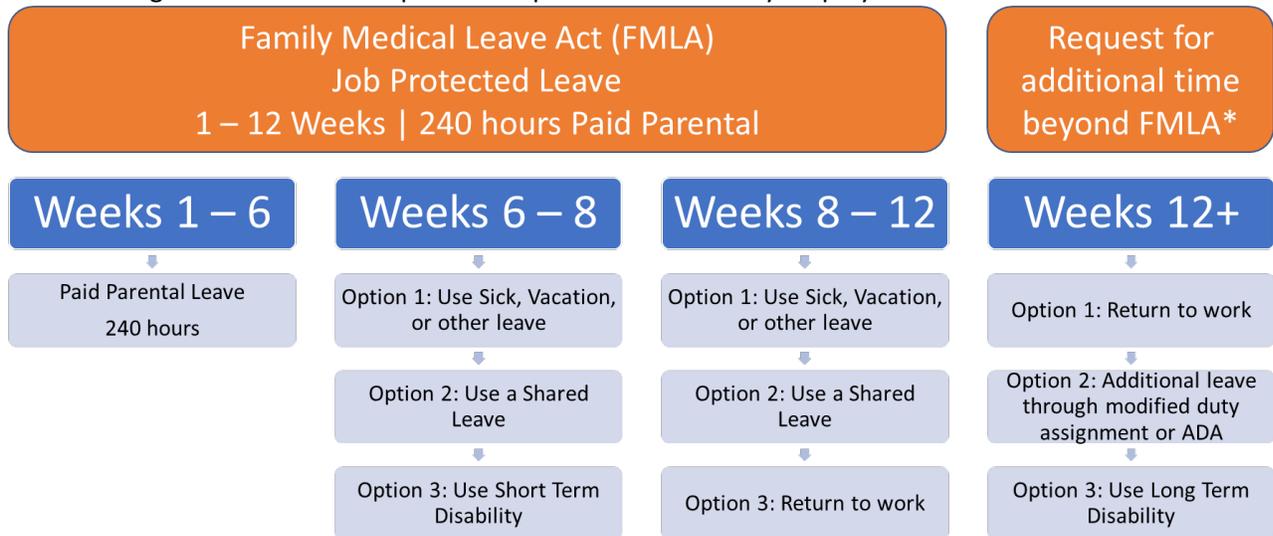
Costs for sworn personnel were calculated based on several factors since we do not yet have actual data for this benefit. Sworn employees are backfilled when they are not able to work. The following table contains the cost analysis to backfill for absences related to employees who utilize Paid Parental Leave. The table below contains/assumes the following:

- Number of dependents is the average from the last four years and includes a calculated increase to account for dependents not on the City plans, adoptions, and filling vacancies
- The actual numbers will fluctuate annually
- The amount below is the costs to backfill only; it does not include the paid leave costs

Sworn Estimates		
8 weeks	10 weeks	12 weeks
\$2,329,396	\$2,911,745	\$3,494,094

## Current Parental Leave Benefits

The following table outlines the options and processes utilized by employees for Parental Leave.



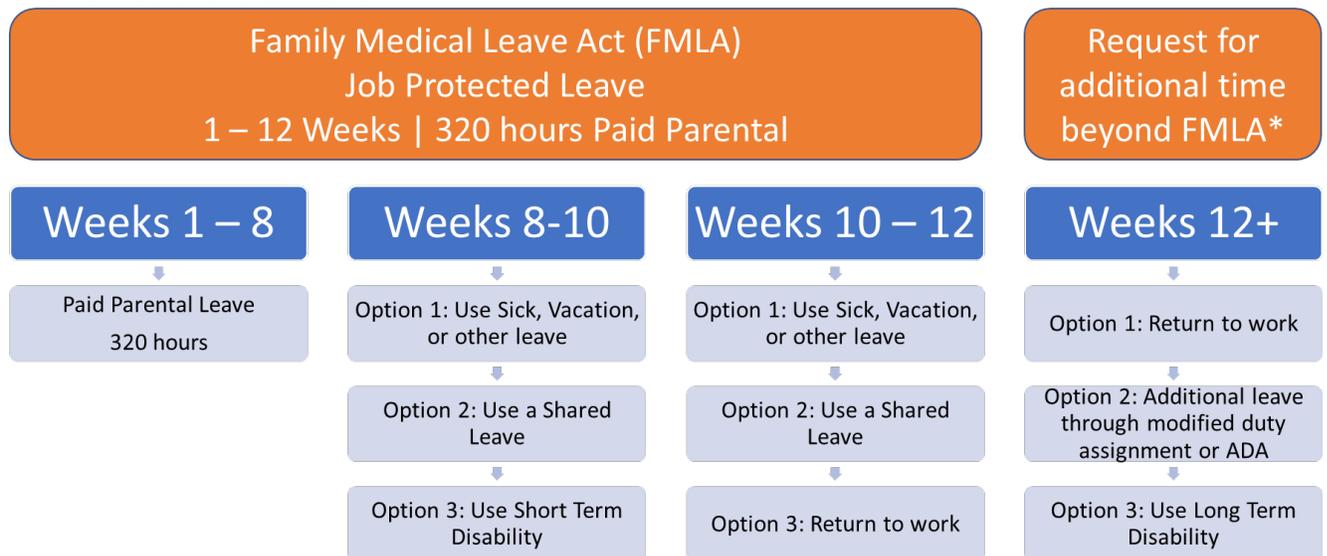
Protected time requires use of paid leave

\* Requires approval by City Manager

## Phased Approach

Implementing an increase in Paid Parental Leave would look like the following tables.

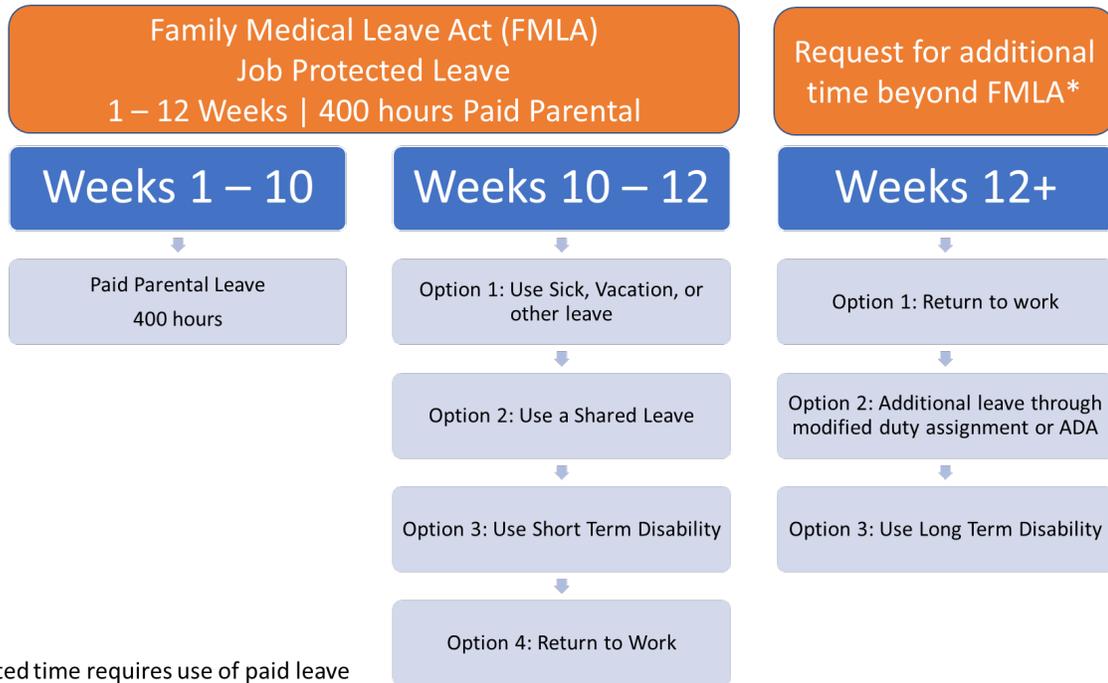
### FY23 - 8 Weeks Parental Leave



Protected time requires use of paid leave

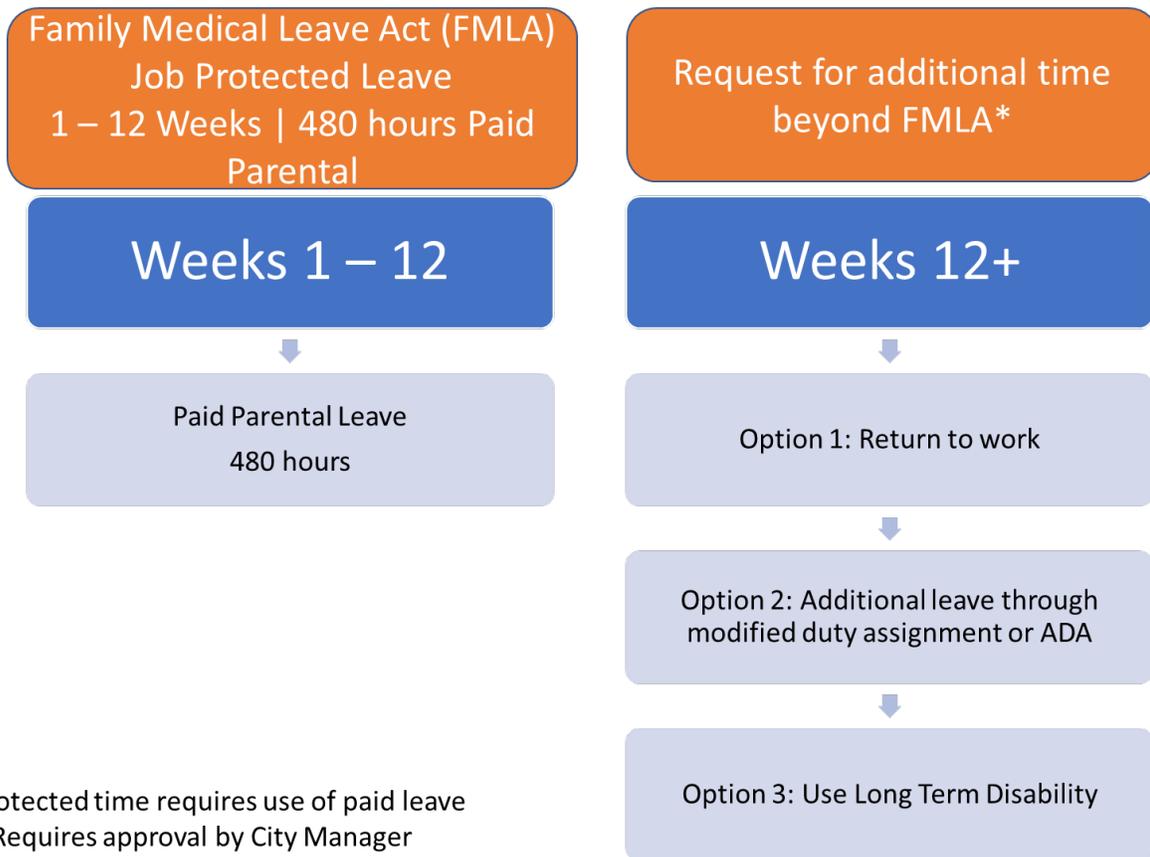
\* Requires approval by City Manager

**FY24 - 10 weeks Parental Leave**



Protected time requires use of paid leave  
 \* Requires approval by City Manager

**FY25 - 12 weeks Parental Leave**



Protected time requires use of paid leave  
 \* Requires approval by City Manager

## Eligibility

It is recommended to maintain current eligibility for any regular employee, sworn or non-sworn, that qualifies for leave through the FMLA (Family Medical Leave Act) due to the birth of a child or the placement of a child for adoption or foster care is eligible for Paid Parental Leave. Employees are eligible for FMLA when they have worked for the City for at least 12 months and at least 1,250 hours over the previous 12 months.

It is not recommended to provide expanded benefits to employees who are not afforded job protections under FMLA due to the birth of a child or the placement of a child for adoption or foster care. The City does not currently have paid leave programs for individuals who do not qualify for FMLA. This would set a new precedent and may require an extension to other FMLA qualifying events where an employee is not eligible for FMLA.

There are concerns that people may seek employment with the City of Austin only through the birth of a child or the placement of a child for adoption or foster care without the intent to return to their position after the leave has been awarded. The City is not mandated to hold those positions if someone is not covered by FMLA. This can be a hardship for departments and current City employees who cover the job duties for those who are out.

## Policy Considerations

The Paid Parental Leave policy requires eligible employees to qualify for FMLA. The City will continue the current policy that Paid Parental Leave is available to parents for the birth of the employee's child and the placement of a child with the employee for adoption or foster care without regard to marital status or sexual orientation. Additionally, the City's current FMLA procedure states if both parents work for the City and are qualified for FMLA leave, both are eligible for leave for the birth, adoption, or foster care of a child.

The City will continue providing Paid Parental Leave before an employee utilizes other benefits, like short-term disability. Paid leave may be used during the required 30-day waiting period an employee must be off work for the use of short-term disability.

Paid Parental Leave is available after the birth or placement of a child. The Leave is available to an employee within the approved FMLA period associated with the date of birth or placement of a child for adoption or foster care. This paid leave is not available before the birth or placement of the child or outside of the approved FMLA period.

HRD recommends incrementally increasing Parental Leave for non-sworn and sworn employees as indicated in the phased approach. The department does not recommend including individuals who do not qualify for FMLA.

The Human Resources Department will continue to seek feedback from employees on enhancing family-friendly policies within the City of Austin organization and will bring back this information to Council.

If you have additional questions, please contact me at [Joya.Hayes@austintexas.gov](mailto:Joya.Hayes@austintexas.gov).

cc: Spencer Cronk, City Manager  
Anne Morgan, Acting City Manager