



Sarah A. Nemastil
Director of Human Resources | Chief Human Resources Officer
SANemastil@cuyahogacounty.us

November 28, 2023

Via Email: rkopcienski@cuyahogacounty.us

Rebecca Kopcienski, Director
Cuyahoga County Personnel Review Commission
9830 Lorain Avenue
Cleveland OH 44102

Re: Proposed Rule Change to the Policies and Procedures Manual (Employee Handbook)

Dear Director Kopcienski,

Please accept this correspondence as the Department of Human Resources' submission/coversheet for a proposed "rule change" in accordance with Rule 5.01 of the Personnel Review Commission's Administrative Rules.

Under Section 11.09 of the Cuyahoga County Personnel Policies and Procedures Manual (Employee Handbook), Paid Parental Leave is two (2) weeks of continuous paid leave available to eligible employees to care for their newborn or newly adopted child. At present, employees are not eligible for Paid Parental Leave unless they are also eligible for leave under the Family and Medical Leave Act. As a result, full-time and part-time benefits eligible employees are not eligible to use Paid Parental Leave to care for their newborn or newly adopted child *unless* they have one (1) year of service with the County and 1,250 hours in the previous year. Unpaid leave to care for a newborn or newly adopted child is likely not feasible for many employees, especially insofar as they will be required to pay the COBRA rate to maintain their health insurance benefits for the duration of the unpaid leave.

Cuyahoga County seeks to modify Section 11.09 of the Employee Handbook to expand both the eligibility criteria and duration of the Paid Parental Leave benefit.¹ Specifically, the County seeks to:

- Expand the eligibility criteria to all full-time and part-time benefits eligible employees who have worked for the County for three (3) months/ 90 days; and
- Expand the duration of Paid Parental Leave so that employees will be paid thirty (30) hours of Paid Parental Leave at their base rate of pay, for up to twelve (12) weeks of continuous leave.

Full-time employees who are eligible for FML and have paid time off allowances (i.e., accrued exchange

¹ A copy of Section 11.09 with the proposed modifications is enclosed.

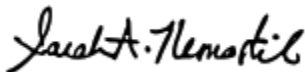
or compensatory time, sick leave, or vacation leave) will be required to supplement the remaining ten (10) hours during each week of Paid Parental Leave/ FML with any accrued paid time off. Full-time employees who are not eligible for FML may supplement the remaining ten (10) hours during each week of Paid Parental Leave at their base rate of pay with accumulated exchange or compensatory time, sick leave, or vacation leave. Full-time employees who are not eligible for FML but are eligible for Paid Parental Leave may receive donated leave to supplement the remaining ten (10) hours of each week of Paid Parental Leave, provided they exhaust all sick leave, vacation leave, and exchange or compensatory time.

Expanding the County's Paid Parental Leave benefit is critical to improve the overall health and well-being of our employees and their families and to fostering a diverse, inclusive, and equitable workplace. Expanding the eligibility criteria and duration of Paid Parental Leave will provide employees with sufficient time to bond with their newborn or newly adopted child and reduce physical, mental, and financial stress. Early attachment is critical to healthy child development and employees will be far less likely to choose between work and bonding with their new child with the expanded Paid Parental Leave benefit. The expanded Paid Parental Leave benefit will also enhance the County's overall benefit and compensation package to promote recruitment and retention in our workforce.

I respectfully request that the PRC post the proposed change to the Employee Handbook in accordance with Rule 5.01 and consider the same for submission of a recommendation or a Statement of Non-Endorsement to Cuyahoga County Council.

Thank you in advance for your consideration. Please let me know if you have any questions.

Sincerely,



Sarah A. Nemastil
Director of Human Resources

Enc.

Proposed Rule Change/ Modification to the Employee Handbook:

11.09 Paid Parental Leave

The County offers Paid Parental Leave to eligible employees to care for an employee's newborn child or newly adopted child following the placement of the adopted child who is under the age of 18 within the employee's home. Paid Parental Leave gives parents additional flexibility and time to bond with their new child, adjust to their new family situation, and balance their work obligations.

Paid Parental Leave is available to all full-time and part-time benefits-eligible who have at least three (3) months/ 90 days of continuous employment with a Cuyahoga County agency that is subject to the Employee Handbook.

For each eligible employee, Paid Parental Leave is thirty (30) hours of paid leave at the employee's base rate of pay for up to twelve (12) continuous weeks following the birth or adoption of the employee's child.

Paid Parental Leave will run concurrently with FML and will be counted against any FML available to employees using the Paid Parental Leave benefit. Full-time employees who are eligible for FML and have paid time off allowances (i.e., accrued exchange or compensatory time, sick leave, or vacation leave) will be required to supplement the remaining ten (10) hours during each week of Paid Parental Leave/ FML with any accrued paid time off.

Full-time employees who are not eligible for FML may supplement the remaining ten (10) hours during each week of Paid Parental Leave at their base rate of pay with accumulated exchange or compensatory time, sick leave, or vacation leave. If employees do not have accumulated paid time off, the remaining ten (10) hours will be unpaid. As an exception to the Leave Donation policy in Section 11.07 of this Handbook, full-time employees who are not eligible for FML may receive leave donations from other County employees in accordance with the process set forth in Section 11.07 to supplement the remaining ten (10) hours during each week of Paid Parental Leave, provided they exhaust all sick leave, vacation leave, and exchange or compensatory time.

Vacation and sick leave continue to accrue during Paid Parental Leave. The County will also continue to pay its share of the cost of an employee's group health insurance during Paid Parental Leave. The employee's share of the premium will be deducted from the employee's pay in accordance with normal practices during Paid Parental Leave.

Paid Parental Leave must be utilized within the twelve (12) weeks following the birth or adoption of a child. Employees are not eligible to receive holiday pay during Paid Parental Leave. A holiday occurring during the leave period shall be counted as one day of Paid Parental Leave and shall be paid as such.

An employee is eligible for Paid Parental Leave for only one (1) birth or adoption within a rolling twelve (12) month period. The fact that a multiple birth or adoption occurs (for example, the birth or adoption of twins) does not increase the length of Paid Parental Leave granted for that event.

If two married eligible employees both work for a County agency that is subject to this Handbook, and each wants to take Paid Parental Leave for the birth or adoption of a child, the employees may take only a combined total of twelve (12) weeks of leave. Bargaining-unit employees should review their respective CBA and contact Human Resources to determine if they are eligible for Paid Parental Leave.

Documentation Required for Paid Parental Leave:

Eligible employees must submit a completed leave request form to Human Resources at least thirty (30) days prior to the anticipated date of Paid Parental Leave. In situations where it is not possible to submit the form thirty (30) days prior to the anticipated date of Paid Parental Leave, employees should submit a leave request form to Human Resources as soon as it is practicable to do so.

Eligible employees will be required to furnish appropriate medical documentation to use Paid Parental Leave to care for a newborn child. If applicable, the medical certification requirements for FML will govern (see section 11.07). The employee's health care provider must complete and sign the medical documentation.

Eligible employees will be required to furnish appropriate adoption documentation, such as a letter from an adoption agency or from the attorney in cases of private adoptions, to care for a newly adopted child.

Below is a Comparison of the Current Language in Section 11.09 and Proposed Comparison:

11.09 Paid Parental Leave

The County offers Paid Parental Leave to eligible employees, ~~due to the birth of care for~~ an employee's newborn child or newly adopted child following the placement of the adopted child who is under the age of 18 within ~~an~~ the employee's home ~~of an adopted child.~~ Paid Parental leave gives parents additional flexibility and time to bond with their new child, adjust to their new family situation ~~and balance their work obligations.~~ ~~Paid parental leave is available to full-time and part-time benefits-eligible employees who are FML eligible (see section 11.07). An employee is FML eligible when they have at least one (1) year of service with the County and have worked at least 1,250 hours in the previous year, and balance their work obligations.~~

~~Paid parental leave~~ Parental Leave is ~~two (2)~~ available to all full-time and part-time benefits-eligible who have at least three (3) months/ 90 days of continuous ~~weeks of employment with a Cuyahoga County agency that is subject to the Employee Handbook.~~

For each eligible employee, Paid Parental Leave is thirty (30) hours of paid leave, which at the employee's base rate of pay for up to twelve (12) continuous weeks following the birth or adoption of the employee's child.

Paid Parental Leave will run concurrently with FML, and ~~is in addition to~~ will be counted against any other FML available to employees using the Paid Parental Leave benefit. Full-time employees who are eligible for FML and have paid time off allowances (i.e., accrued exchange or compensatory time, sick leave, or vacation leave that may be available for the employee to use while on FML.) will be required to supplement the remaining ten (10) hours during each week of Paid Parental Leave/ FML with any accrued paid time off.

~~Paid parental leave will be based on an employee's normal rate of pay (based on full-time equivalency), not including premiums or scheduled overtime. Part-time benefits-eligible employees will receive two (2) continuous weeks of paid leave, with pay based on the average number of hours worked during the previous year.~~

Full-time employees who are not eligible for FML may supplement the remaining ten (10) hours during each week of Paid Parental Leave at their base rate of pay with accumulated exchange or compensatory time, sick leave, or vacation leave. If employees do not have accumulated paid time off, the remaining ten (10) hours will be unpaid. As an exception to the Leave Donation policy in Section 11.07 of this Handbook, full-time employees who are not eligible for FML may receive leave donations from other County employees in accordance with the process set forth in Section 11.07 to supplement the remaining ten (10) hours during each week of Paid Parental Leave, provided they exhaust all sick leave, vacation leave, and exchange or compensatory time.

Vacation and sick leave continue to accrue during ~~paid parental leave.~~ Paid Parental Leave. The County will also continue to pay its share of the cost of an ~~eligible~~ employee's group health insurance during ~~paid parental leave.~~ Paid Parental Leave. The ~~eligible~~ employee's share of the premium will be deducted from the ~~eligible~~ employee's pay in accordance with normal practices during Paid Parental Leave.

~~Paid parental leave.~~ Parental Leave must be utilized within the twelve (12) weeks following the birth or adoption of a child. ~~Paid parental leave will not reduce eligibility for other types.~~ Employees are not eligible to receive holiday pay during Paid Parental Leave. A holiday occurring during the leave period shall be counted as one day of Paid Parental Leave and shall be paid and unpaid leaves as such as sick leave, vacation, unpaid personal leave and holiday. Bargaining employees should review their CBA (if applicable) and contact Human Resources.

An employee is eligible for ~~paid parental leave once~~ Paid Parental Leave for only one (1) birth or adoption within a rolling twelve (12) month period. The fact that a multiple birth or adoption occurs (for example, the birth or adoption of twins) does not increase the length of ~~paid parental leave.~~ Paid Parental Leave granted for that event. ~~If both parents are eligible employees, each will be able to utilize the appropriate provisions of this procedural guideline.~~

If two married eligible employees both work for a County agency that is subject to this Handbook, and each wants to take Paid Parental Leave for the birth or adoption of a child, the employees may take only a combined total of twelve (12) weeks of leave. Bargaining-unit employees should

review their respective CBA and contact Human Resources to determine if they are eligible for Paid Parental Leave.

Documentation Required for Paid Parental Leave:

Eligible employees must submit a completed leave request form to Human Resources at least thirty (30) days prior to the anticipated date of ~~the leave. To the extent the 30 day notice~~Paid Parental Leave. In situations where it is not possible; ~~to submit the form thirty (30) days prior to the anticipated date of Paid Parental Leave,~~ employees ~~must~~should submit a leave request form to Human Resources as soon as ~~possible. Eligible employees will be required to furnish appropriate medical documentation for~~it is practicable to do so.

~~the birth of a child.~~Eligible employees will be required to furnish appropriate medical documentation to use Paid Parental Leave to care for a newborn child. If applicable, the medical certification requirements for FML will govern (see section 11.07). The employee's health care provider must complete and sign the medical documentation ~~must be completed and signed by the individual's health care provider.~~

Eligible employees will be required to furnish appropriate adoption documentation, such as a letter from an adoption agency, or from the attorney in cases of private adoptions, to care for a newly adopted child.