

MINUTES OF THE FINANCE COMMITTEE
February 19, 2019
East Conference Room

Present: Councilmembers O'Malley, Bullock & George

Also Present: Councilmembers O'Leary, Rader, & Anderson; Finance Director Pae, Human Resources Director Yousefi, Law Director Butler, Human Services Director Gelsomino, Fire Chief Gilman, Police Chief Malley, and Clerk McHugh Bach

Call to order: 6:03 p.m.

AGENDA: ORDINANCE 01-19 – AN ORDINANCE to establish paid parental leave benefits for full-time employees of the City of Lakewood. (Placed on 1st reading and referred to Finance Committee 1/7/19; 2nd reading 1/22/19)

Councilmember George gave an overview of Ordinance 01-19, being the legislation's primary sponsor. The ordinance allows for 10 weeks of paid parental leave for a new mother who is a full-time city employee that has been employed by the city for at least a year.

Director Yousefi gave an overview of the current policy for sick time, which currently allows for 15 weeks of time off. She looked through the last 3 years of data and there has not been an instance where people have not been able to take the time that they wanted to take. She asserts that the proposed policy seeks to solve a problem that does not exist. She added that it is a rare benefit.

Councilmember George stated there are a few municipalities that have done it, including Newburgh Heights and Denver, and that it is gaining traction nationwide.

Councilmember O'Malley asked how many people would be eligible for the parental leave benefit. Director Yousefi stated that the city has had 11 or 12 employees over the last 3 years, the majority being fathers.

Councilmember George stated that she did her own analysis and passed out a spreadsheet detailing the costs. She believes there are discrepancies between her data and the administration's data. She believes there may have been double accounting on the administration's part.

Councilmember O'Malley asked what is the standard amount of time off for childbirth. Director Yousefi stated that mothers usually take 12 weeks and fathers vary time wise.

Chief Gilman asked where the city has had a problem filling jobs. Councilmember George replied that the Building Department has not been able to fill a job. Chief Gilman disputed that response by stating there are not many qualified candidates to fill a job as a building inspector. He asked where is the notion of not being able to fill jobs supported. Councilmember George

replied that she has spoken with leadership in private industry where this parental leave benefits are an issue.

Director Pae stated that the public sector's pension and deferred compensation programs make the city attractive as an employer.

Councilmember O'Malley stated the sick time/parental leave policy disproportionately affects women. We don't account for the fact that women have to go through this. Councilmember George added that it's an equality issue for women.

Director Pae stated that this is a blanket policy and every woman needs different amounts of time for recovery. She believes FMLA addresses the issue appropriately. Councilmember George stated that FMLA is not paid leave. Directors Pae & Yousefi responded stating that no city of Lakewood employee is going unpaid while they're out on FMLA time, sometimes that has been up to 6-8 months.

Councilmember O'Leary asked if the proposal makes a distinction between birth or if it's based on the gender of the parent. Councilmember George clarified that the policy is based on the birth of the child and not on gender.

Councilmember O'Malley inquired as to how the policy affects staffing on fire. Chief Gilman stated that the spring and summer months generally have more FMLA time off. Councilmember O'Malley asked if the time off has changed and varied over various collective bargaining agreements (CBAs). Chief Gilman stated that the department incurred lots of overtime between 1999 and 2008 because employees then could take FMLA off for a family member. Before employees could only take it for themselves.

Similar questions were posed to Chief Malley. He stated that he generally does not know why his officers take FMLA time off because of HIPAA rules. He states the department has had some officers give birth. Generally they take the 12 weeks currently allowed through FMLA and do 5-6 months of light duty afterward. The police department does not have to pay overtime every time someone takes a sick day/FMLA day.

Director Pae stated with 7 collective bargaining units, this has not been an issue that the unions have approached the city about. There is a risk in giving an un-negotiated benefit away at a significant cost. It might open the door for retroactive grievances. She states the policy is a solution in search of a problem.

Councilmember O'Malley stated he would like to know the average length of time that someone takes after the birth of a child. Director Yousefi referred to the spreadsheet that shows hours taken. Councilmember O'Leary stated there might be a gap in the data due to the reality that fathers could use comp time or a couple sick days to stay home with a newborn.

Councilmember O'Malley asked some general questions about the amounts of comp and sick time allowed in the city's current policies. Director Yousefi and Chief Gilman provided clarification.

Councilmember Bullock inquired as to the status of Council's deliberations on the matter. Councilmember O'Malley replied that the body is in the introductory discussion of the legislation. He has reached out to bargaining units and may speak to them at a future meeting.

Councilmember O'Malley added that the policy is not necessarily a direct cost, but it might allow for the building up of banks of sick time. Director Pae replied that the city does account for unused time as dead money on the city's books.

Councilmember Anderson asked how long one would have to be an employee in order to get the parental leave benefit. Councilmember George replied an individual would need to have 12 months on the job. Anderson asked how that figure was reached. George responded that it's a standard figure. Anderson asked why not hypothetically on day 1, however he stated that this was not a suggestion, he was merely looking to understand the rationale behind the proposed policy. George replied that the benefit would cost less and the time period shows they are committed as a long term employee. Chief Malley proposed employees being eligible after a probationary period of employment. It is an 18 month period in the police department and 24 months in the fire department. Director Yousefi added that the periods of probationary employment for all employees can vary based on department, but are generally 3, 18, or 24 month periods of probationary employment.

Councilmember Bullock stated he is looking to understand the rationale behind the ordinance. Councilmember George stated that it's an equality issue. Men do not have to use their sick time to go through childbirth. Bullock asked what the standard way these leave issues have been raised. He also asked what do bargaining units prioritize. Director Yousefi replied the way things are raised depends on the issue and that they prioritize pay and lower cost health care benefits. Bullock asked if this legislation would play into labor negotiations and affect outcomes. Yousefi stated the city will be going into bargaining for contracts going into 2022.

Councilmember O'Malley stated the committee may meet with bargaining units in the future to get their feedback. Director Pae questioned if that would be a legal labor practice. All parties agreed that they may have to get input from the Law Department on the matter.

Motion to adjourn made by O'Malley and seconded by Bullock.

Finance Committee adjourned at approximately 6:45 p.m.

Department	2016	Actual	Actual	Actual	Proposed		
	Hours Used	Rate of Pay	Total Paid	100% of 12 weeks/100% 2 weeks	Overtime for Coverage	Total Cost 12 weeks + OT	
Administration	56	\$24.52	\$1,373.12	\$1,961.60	\$0.00	\$1,961.60	
Public Works	208	\$24.01	\$4,994.08	\$1,920.80	\$0.00	\$1,920.80	
Police	432	\$21.82	\$9,426.24	\$10,473.60	\$15,710.40	\$26,184.00	
Police	240	\$34.00	\$8,160.00	\$2,720.00	\$4,080.00	\$6,800.00	
Police	480	\$22.30	\$10,704.00	\$10,704.00	\$16,056.00	\$26,760.00	
Police	288	\$34.00	\$9,792.00	\$2,720.00	\$4,080.00	\$6,800.00	
Fire	384	\$25.46	\$9,776.64	\$2,036.80	\$3,055.20	\$5,092.00	
Fire	120	\$25.46	\$3,055.20	\$2,036.80	\$3,055.20	\$5,092.00	
Police	276	\$33.04	\$9,119.04	\$2,643.20	\$3,964.80	\$6,608.00	
Fire	360	\$25.46	\$9,165.60	\$2,036.80	\$3,055.20	\$5,092.00	
Police	180	\$33.04	\$5,947.20	\$2,643.20	\$3,964.80	\$6,608.00	
			\$81,513.12	\$41,896.80	\$62,845.20	\$104,742.00	
	2017						
Public Works	200	\$25.11	\$5,022.00	\$2,008.80	\$0.00	\$2,008.80	
Fire	216	\$26.22	\$5,663.52	\$2,097.60	\$3,146.40	\$5,244.00	
Police	208	\$31.61	\$6,574.88	\$2,528.80	\$3,793.20	\$6,322.00	
Police	220	\$34.00	\$7,480.00	\$2,720.00	\$4,080.00	\$6,800.00	
Fire	120	\$23.02	\$2,762.40	\$1,841.60	\$2,762.40	\$4,604.00	
Fire	72	\$26.22	\$1,887.84	\$2,097.60	\$3,146.40	\$5,244.00	
Fire	336	\$26.74	\$8,984.64	\$2,139.20	\$3,208.80	\$5,348.00	
Public Works	72	\$24.01	\$1,728.72	\$1,920.80	\$0.00	\$1,920.80	
			\$40,104.00	\$17,354.40	\$26,031.60	\$43,386.00	
	2018						
Police	388	\$32.24	\$12,509.12	\$2,579.20	\$3,868.80	\$6,448.00	
Police	420	\$34.71	\$14,578.20	\$16,660.80	\$24,991.20	\$41,652.00	
Fire	240	\$25.65	\$6,156.00	\$2,052.00	\$3,078.00	\$5,130.00	
Police	208	\$34.71	\$7,219.68	\$2,776.80	\$4,165.20	\$6,942.00	
Police	276	\$40.11	\$11,070.36	\$3,208.80	\$4,813.20	\$8,022.00	
Fire	240	\$26.75	\$6,420.00	\$2,140.00	\$3,210.00	\$5,350.00	
Police	480	\$24.89	\$11,947.20	\$11,947.20	\$17,920.80	\$29,868.00	
Fire	456	\$26.75	\$12,198.00	\$2,140.00	\$3,210.00	\$5,350.00	
Administration	400	\$27.06	\$10,824.00	\$2,164.80	\$0.00	\$2,164.80	
Administration	180	\$28.29	\$5,092.20	\$2,263.20	\$0.00	\$2,263.20	
Police	480	\$34.71	\$16,660.80	\$2,776.80	\$4,165.20	\$6,942.00	
Fire	pending					\$0.00	
			\$114,675.56	\$50,709.60	\$76,064.40	\$126,774.00	
		Three Year Cost	\$236,292.68	\$109,960.80	\$164,941.20	\$274,902.00	

*All 4 maternity requests were from the police department; the above assumes those that requested the most hours were for maternity

*Assumes overtime for only police and fire departments

2016 – 12 requests – 10 fathers – 2 mothers

2017 – 8 requests – 8 fathers

2018 – 11 requests – 9 fathers – 2 mothers

FIN
2/19/19