

Amendment to the City Personnel Rules

Presented to:
Government Performance and
Financial Management Committee
October 25, 2021

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City of Dallas

Personnel Rules Update Overview



The personnel rules update corresponds with new state law requirements, new initiatives and refinement of processes

Review and modify Chapter 34 of the Dallas City Code
(City of Dallas Personnel Rules) to address:

- Changes to state laws, and
- Changes to reflect new City initiatives

Provide overview of changes, including:

- New initiatives
- Update definitions



Personnel Rules Overview



New Initiatives

- Provide paid parental leave to employees who have given birth or adopted a child
- Provide quarantine leave to uniform staff after exposure to contagious disease (new state law)
- Provide mental health leave to peace officers after an on-the-job traumatic incident (new state law)
- Provide compassionate leave to employees with a catastrophic health condition who are unable to work

Refine Definitions

- Clarify definition for military leave to reflect change in law
- Add new leaves to paid leave definition



Personnel Rules Updates



- Update the definition of Paid Leave to reflect changes to military leave requirements and to add the new types of leave
- Section 34-4, Definitions,
 - (35) PAID LEAVE means sick leave, vacation leave, holiday leave, court leave, death-in-family leave, no more than 22 ~~15 [fifteen]~~ days of military leave each fiscal year other than rollover days, as required by state law, parental leave, quarantine leave, mental health leave for peace officers, compassionate leave, and mandatory city leave.



Personnel Rules Updates



New SEC. 34-22.2. QUARANTINE LEAVE*

- A sworn member of the fire department or police department, or an emergency medical technician or detention officer
 - Who is ordered to quarantine by the employee's supervisor or the city's health authority due to a possible or known exposure to a communicable disease while on duty
 - Is eligible to receive paid quarantine leave for the duration of the ordered quarantine or isolation
- The city will not reduce an eligible employee's paid leave balance in connection with paid quarantine leave taken



* Required by new state law

Personnel Rules Updates



New SEC. 34-22.3. MENTAL HEALTH LEAVE FOR PEACE OFFICERS*

- An employee of the police department, fire department, or marshal's office, who holds an active peace officer license
- Each peace officer shall be allowed up to five days of paid mental health leave per fiscal year,
 - Experience a traumatic event while on duty
 - Need for leave is verified by a licensed psychiatrist, psychologist or licensed professional counselor
- The city will keep requests for mental health leave and any medical information related to mental health leave confidential to the extent allowed by law
- The city will not reduce other paid leave balance for mental health leave taken in accordance with this section



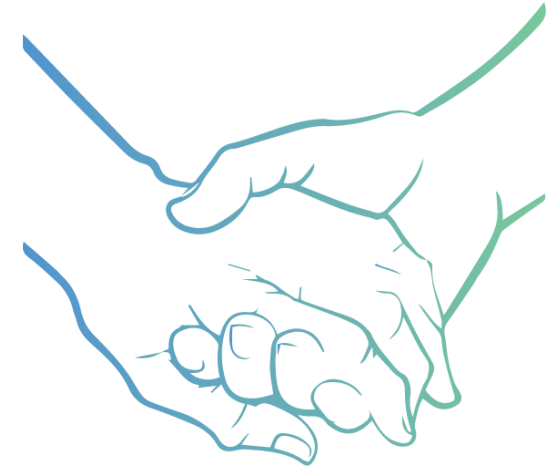
* Required by new state law

Personnel Rules Updates



New SEC. 34-22.4. COMPASSIONATE LEAVE.

- Intended for employees with a serious medical condition or injury that prevents the employee from performing any type of work
- An employee must have exhausted all accrued leave balances, completed a minimum of one year of city employment, and accumulated a minimum of 40 hours of sick leave
- The maximum amount of compassionate leave is 348 hours for a sworn employee in the emergency response bureau of the fire department, and 232 hours for any other employee.
- An employee may only be awarded compassionate leave once.
- An employee's request for compassionate leave must be approved by the employee's department director and the director of human resources.



Personnel Rules Updates



SEC. 34-24.2. PAID PARENTAL LEAVE

- Effective October 1, 2021
- A maximum of six weeks of paid parental leave is available to employees following:
 - The birth of the employee's child;
 - To care for the child after birth; or
 - The placement of a child with the employee for adoption or foster care or to care for the child after placement.



Next Steps



- City Council Approval of Personnel Rules amendments - 11/10/2021 Council Meeting
- Implementation of new and updated rules





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Appendix





Personnel Rules Updates

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
Table of Contents Changes	None	<u>Sec. 34-22.2 Quarantine Leave</u> <u>Sec. 34-22.3 Mental Health Leave</u> <u>Sec. 34-22.4 Compassionate Leave</u> <u>34-24.2 Paid Parental Leave</u>	Add references to new sections
Paid Leave Definition 34-4 (35)	(35) PAID LEAVE means sick leave, vacation leave, holiday leave, court leave, death-in-family leave, no more than 15[fifteen] days of military leave each fiscal year other than rollover days, as required by state law, and mandatory city leave.”	“(35) PAID LEAVE means sick leave, vacation leave, holiday leave, court leave, death-in-family leave, no more than <u>22 [fifteen]</u> days of military leave each fiscal year other than rollover days, as required by state law, <u>parental leave</u> , <u>quarantine leave</u> , <u>mental health leave for peace officers</u> , <u>compassionate leave</u> , and mandatory city leave.”	New state law and new types of paid leave





Personnel Rules Updates

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
Sec. 34-22.2 Quarantine Leave	None	<p><u>“SEC. 34-22.2. QUARANTINE LEAVE. (a) Eligibility. A sworn member of the fire department or police department, or an emergency medical technician or detention officer as defined in this section, who is ordered to quarantine or isolate by the employee’s supervisor or the city’s health authority due to a possible or known exposure to a communicable disease while on duty, is eligible to receive paid quarantine leave for the duration of the ordered quarantine or isolation. (b) Definitions. In this section: Amending Chapter 34 Page 2 of 4 (1) DENTENTION OFFICER means an individual employed by the city, and whose job responsibilities include the care and custody of individuals incarcerated in the city’s municipal jail. (2) EMERGENCY MEDICAL TECHNICIAN means an individual who is employed by the city and certified as an emergency medical technician in accordance with Chapter 773 of the Texas Health and Safety Code. (3) HEALTH AUTHORITY means a physician appointed by the city to administer state and local laws relating to public health within the city’s jurisdiction. (c) Entitlements. Eligible employees under this section who are required to quarantine or isolate by their supervisor or the city’s health authority due to a possible or known exposure to a communicable disease while on duty are entitled to receive: (1) all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits provided by the city; and (2) if applicable, reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation costs. (d) Effect on leave balances. The city will not reduce an eligible employee’s sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with this section. (e) Reimbursements. An employee may be required to provide receipts or proof of payment with a request for reimbursement of expenses and may be denied reimbursement for any expenses that the city deems unreasonable or unrelated to quarantine.”</u></p>	New state law





Personnel Rules Updates

Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
Mental Health Leave for Peace Officers	None	<p><u>“SEC. 34-22.3. MENTAL HEALTH LEAVE FOR PEACE OFFICERS. (a) Eligibility. An employee of the police department, fire department, or marshal’s office, who holds an active peace officer license with the Texas Commission on Law Enforcement, shall be allowed up to five days of paid mental health leave per fiscal year, if they experience a traumatic event while on duty, and if the need for leave is verified by a licensed psychiatrist or psychologist. Each department of the city that employs licensed peace officers may develop additional departmental rules to carry out the provisions of this policy</u></p> <p><u>(b) Confidentiality. The city will keep requests for mental health leave and any medical information related to mental health leave in accordance with this section confidential to the extent allowed by law and separate from the employee’s personnel or departmental file. The city cannot guarantee confidentiality of information that is otherwise public or necessary to carry out the city’s obligations under the law. (c) Effect on leave balances. The city will not reduce an eligible employee’s sick leave, vacation leave, holiday, or other paid leave balance for mental health leave taken in accordance with this section.”</u></p>	New state law



Personnel Rules Updates



Personnel Rules Reference	Personnel Rule Wording (Current)	Recommended Personnel Rule Wording	Reason
34-22.4	None	<u>"SEC. 34-22.4. COMPASSIONATE LEAVE. (a) Purpose. Compassionate leave is intended for employees with a serious medical condition or injury that prevents the employee from performing any type of work and, due to the employee's medical condition, it is anticipated that the employee will not be able to return to work. (b) Eligibility. To be considered for compassionate leave, an employee must have exhausted all accrued leave balances, completed a minimum of one year of city employment, and accumulated a minimum of 40 hours of sick leave at any time prior to the occurrence of the condition for which the compassionate leave is requested. (c) Maximum leave allowed. For employees who are approved for compassionate leave, the maximum amount of compassionate leave that may be awarded is 348 hours for a sworn employee in the emergency response bureau of the fire department, and 232 hours for any other employee. An employee may only be awarded compassionate leave once. (d) Required approval. An employee's request for compassionate leave must be approved by the employee's department director and the director of human resources. Specific procedures and requirements for the administration of compassionate leave are outlined in the administrative directives of the city."</u>	New initiative
34-24.2 Paid Parental Leave	None	<u>"Sec. 34-24.2 PAID PARENTAL LEAVE: On or after January 1, 2022, a maximum of six weeks of paid parental leave is available to employees following the birth of the employee's child or to care for the child after birth, or for the placement of a child with the employee for adoption or foster care or to care for the child after placement. Specific procedures and requirements for the administration of paid parental leave are outlined in the administrative directives of the city."</u>	New initiative





City of Dallas Employee Paid Parental Leave



City of Dallas Proposed Employee Paid Parental Leave



- Best Practices:
 - The Irresistible Organization
 - Family Friendly Workplace Characteristics and Benefits
- City's Employee Well-Being Pillars
- Background and Consideration
- Proposed Paid Parental Leave Program's:
 - Estimated Cost
 - Program Description/Eligibility
 - Timeline
- Revised Personnel Rules (Pending Approval)
- Next Steps



Human Resources Model: Best Practices

Excerpted: Deloitte Irresistible Organization Model



Meaningful Work	Hands-On Management	Positive Work Environment	Growth Opportunity	Trust in Leadership
Autonomy	Clear, Transparent Goals	Flexible Work Environment	Training and support on the job	Mission and Purpose
Select to Fit	Coaching	Humanistic Workplace	Facilitated Talent Mobility	Continuous Investment in People
Small, Empowered Teams	Invest in Management Development	Culture of Recognition	Self-Directed, Dynamic Learning	Transparency and Honesty
Time for Slack	Modern Performance Management	Inclusive, Diverse Work Environment	High Impact Learning Culture	Inspiration
A Focus On Simplicity				

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Family Friendly Workplaces



20%

of employees are not comfortable talking to their manager about the need for work and family leave**

35%

of employees are actively looking or considering leaving their employer due to difficulties combining their job with family life*

41%

of parents and caretakers believe commitment to their job is questioned if using family friendly arrangements*

62%

of employees report difficulties looking after their own mental and physical health as they attempt to manage competing work and family responsibilities**



* Research commissioned by Parents At Work (May 2021)

** Results from the [National Working Families Survey 2019](#). (September 2019)

Family Friendly Workplaces



- A recognition framework that enables organizations to be awarded either a:
 - **Family Inclusive Workplace Certification**
 - **Employer of Choice for Families**
- **Family Inclusive Workplace Certification** recognizes an employer that has achieved the National Work + Family Standards certification criteria and is working toward achieving additional standards to enable a family friendly workplace culture.
- **Employer of Choice for Families** recognizes employers exceeding certification expectations and championing best practice achievement of the National Work + Family Standards.



Family Friendly Workplaces



The list below includes the baseline set of criteria to qualify for a Family Friendly Workplace:

Does your organization have:

- A framework to enable flexible working?
- **A paid parental leave policy?**
- A carer's (care givers) and wellbeing policy or framework to enable the combining of work and life commitments?
- Support for leaders so they can enable organizational policies and frameworks?
- A way of gaining employee feedback or measuring utilization of organizational policies?
- 100+ employees or more?

If you answered **YES** to **ALL** the above, your organization may be eligible to apply for certification.

<https://familyfriendlyworkplaces.com/how-to-certify/>



Benefits of a Family Friendly Workplaces



- Family Friendly workplace practices result in:
 - Increased productivity
 - Improved loyalty and commitment
 - Resilient, happier and healthier employees
- Benefits to employers include:
 - Improved onboarding
 - Less turnover and lower absenteeism
- Benefits to employees include:
 - Time to invest in their children – our future workforce
 - Help build safe, stable and nurturing relationships and environments for young children

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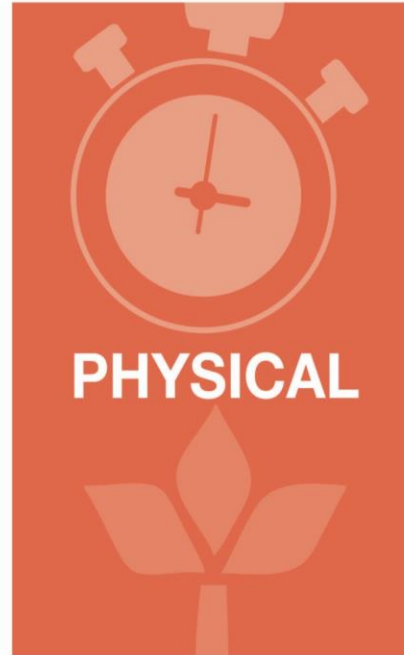
City of Dallas' Employee Well-Being Pillars



Promoting and sustaining supportive positive relationships



Access to resources that support managing economic life and security



Good health and energy to perform daily life tasks



Liking where one lives and feeling safe in the environment and giving back



Ability to endure daily stress and strengthen resiliency

Our goal is to create awareness and inspire action that leads our employees towards the tools and resources in place to help them achieve their total health and well-being goals.



Background for Paid Parental Leave



- In 2018, the City of Dallas (COD) made improvements to employee benefits to achieve a competitive position to attract and retain top talent.
- In 2019, HR staff conducted research to compare parental leave benefits offered by other municipalities
- In 2020, a recommended Parental Leave program was developed for inclusion in the 2020 budget.
 - Due to budget constraints implementation was postponed.
- In 2021, staff received recommendation to consider a Paid Parental Leave program for city employees as part of the FY2021/2022 budget process.
- If approved, this would be a significant enhancement to the Family Medical Leave Act (FMLA) which provides 12-weeks of job protection.



For Consideration for Paid Parental Leave



- Texas cities with existing Paid Parental Leave Policies:
 - Austin
 - Desoto
 - Fort Worth
 - Lake Jackson
 - San Antonio
- Harris County also offers Employee Paid Parental Leave
- Many tech companies and Fortune 500 companies offer Employee Paid Parental Leave
- Aligns with the model to become an employer of choice
- Supports the City's Core Value of Equity



Texas Municipalities with Paid Family Leave



City	Reason	Covered Workers	Max Leave	Benefit Amount	Interaction with other leave
Austin, Texas (2013)	Birth, adoption, foster placement	FMLA-eligible city employees in regularly budgeted positions (excludes city safety workers, and employees covered by a collective bargaining agreement or meet and confer agreement)	240 hours (prorated based on budgeted workweek)	Full salary	Must be taken concurrently with FMLA leave; must exhaust vacation and sick time first
DeSoto, Texas (2019)	Birth, adoption, foster placement	Employees who have been employed full time for at least one year and are FMLA eligible; parents; does not cover surrogate mothers or sperm donors	Non-firefighter employees: 120 contiguous, uninterrupted hours Firefighters: 180 contiguous, uninterrupted hours	100 percent of base pay rate	Concurrent use of paid parental leave and FMLA leave does not increase the amount of either available to the employee; paid parental leave must be exhausted before using other forms of paid or unpaid leave under the FMLA
Fort Worth (2020)	Birth, adoption, foster placement Not parental custody	Employed 12 months, 1250 hours, scheduled more than 20 hours a week.	Six weeks paid leave, each spouse six weeks	Regular pay	Approved paid parental leave may be taken at any time during the 26-week period immediately following the birth, adoption, or placement.
Lake Jackson, Texas (2016)	Birth, adoption, foster placement	Employees who have worked for the city for at least 12 months and have worked at least 1,250 hours for the city in the 12 months preceding the leave; parents without regard to the marital status or sexual orientation of the parenting individual	Employees who are pregnant with a child: Six consecutive weeks (240 hours) All other employees who qualify for parental leave: Three consecutive weeks (120 hours)	Regular pay	Will run concurrently with FMLA leave
San Antonio, Texas (2016)	Birth, adoption, foster placement	Full-time civilian employees are eligible upon hire; ; birthing and non-birthing parents; excludes employees covered by a collective bargaining agreement or trainees attending the police or fire academies	All purposes: Six consecutive weeks	100 percent of compensation	Will run concurrently with FMLA leave; annual and personal leave continue to accrue; the employee receives holiday pay where eligible



Paid Parental Leave Potential Impact



City of Dallas Parental Leave Estimates		
Average Age of Birthparents	29	
City of Dallas Average Weekly Pay (29-year-old)	\$1,077	
Annual Average number of Maternity Claims (2019 & 2020)	360	
6-Weeks Paid Maternity Expense (Approximately):	All Employees (including DFR)	DFR* (97 x \$1,250 x 6wks) Minimum Requirement
6-Weeks Paid Parental Leave	\$2,325,905	\$727,500
*Annual Estimate of DFR Claims (mandatory staffing department)		

Sources: FMLASource and Holmes Murphy data





Recommendation:

City of Dallas Proposed Paid Parental Leave

- **Effective Date: October 1, 2021**
- **Eligibility:**
 - Must be an active, full and/or part-time employee with at least 12 months of service with the City of Dallas
 - Leave request must also meet FMLA criteria
 - Have given birth on or after October 1, 2021
 - Needs to care for a child born on or after October 1, 2021
 - Has adopted, granted legal guardianship or have received placement of a child (age 12 or younger) on or after October 1, 2021
- **Salary coverage:** Full base pay
 - Comparable to all other Texas cities identified with program provide 100% base salary coverage.



City of Dallas Proposed Process



Submit requests for Paid Parental Leave to:
CODemployeepaidleave@dallascityhall.com
(Confidential Site)



Paid Parental Leave Personnel Rules



Sec 34-24. 2 PAID PARENTAL LEAVE

(a) Paid Parental Leave: On or after October 1, 2021, a maximum of six weeks of paid parental leave is available to employees following the birth of the employee's child or to care for the child after birth, or for the placement of a child with the employee for adoption or foster care or to care for the child after placement. Specific procedures and requirements for the administration of paid parental leave are outlined in the administrative directives of the city."



Employee Paid Parental Leave Implementation Timeline

