

**Agenda #4149**

**Sponsors: Council President Gregory  
Council Members D. Brown**

**AN ORDINANCE TO AMEND CHAPTER 40 OF THE  
CITY CODE REGARDING PAID PARENTAL LEAVE**

**WHEREAS**, the City of Wilmington (the “City”) Personnel Code serves as a labor relations guide for the City and reflects principles of merit, equity and fairness on which the City was founded; and

**WHEREAS**, Wilmington City Council deems it necessary and proper to amend the Personnel Code to provide up to 20 days of paid parental leave for birth parents, and for adoptive parents of a minor child who is 6 years of age or under, to be used within the first 4 calendar weeks immediately upon the birth or adoption of a child; and

**WHEREAS**, a paid parental leave policy will foster the bonding between parents and their children, increase work productivity, improve work-life balance, lessen the financial hardship that can be associated with caring for a new child, and increase employee morale; and

**WHEREAS**, it is the intent to provide paid parental leave for all Regular Employees currently employed by the City having completed one year of service with the City; and

**WHEREAS**, it is understood the paid parental leave benefit is a term and condition of employment and therefore must be negotiated with the City’s unionized employees; and

**WHEREAS**, currently City employees receive no paid parental leave benefit and must use their accumulated combined leave, vacation, and unpaid leave to care for a newborn or adopted child; and

**WHEREAS**, the provisions of this ordinance were reviewed by the Administrative Board in accordance with the requirements of Section 4-200 of the City Charter.

**THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:**

**SECTION 1.** Chapter 40 of the City Code is hereby amended by adding to Chapter 40, Article V, Division 1, a new Section 40-341 to read as set forth herein:

Section 40-341. Paid Parental Leave.

- (a) Any Regular Employee as defined in § 40-6, who has completed 1 year of service with the City, shall be entitled to take up to 20 days of paid leave, without use of the employee's accumulated combined leave or vacation, within the first 4 calendar weeks immediately following the birth of his or her child or upon the adoption by the employee of a minor child who is 6 years of age or younger. The benefit shall commence with the first scheduled work day on or after the birth or adoption.
- (b) The leave under subsection (a) of this section shall run at the same time as the employee's approved leave under the Family Medical Leave Act, 29 U.S.C.S. §§ 2601 *et seq.* ("FMLA").
- (c) The employee must apply and be approved for FMLA leave prior to qualifying for and taking the leave benefit provided under subsection (a) of this section.
- (d) Without regard to the leave under subsection (a) of this section, the employee shall be eligible to apply to take any remaining FMLA leave balance using accumulated combined leave, vacation, or unpaid leave as approved in accordance with the City Personnel Code and the City Human Resources Policy Manual.
- (e) When holidays with pay (as defined in § 40-332(a)) and days when the City is closed by Executive Order of the Mayor fall within the 20 days of paid leave,

they shall not serve to extend the leave under subsection (a) of this section.

(f) The leave under subsection (a) of this section shall apply only to births or adoptions (6 years of age or younger) that take place on or after July 1, 2016.

(g) The leave under subsection (a) of this section shall apply to each biological parent and each adoptive parent, regardless of the gender of the parent.

**SECTION 2.** This Ordinance shall be deemed effective July 1, 2016.

First Reading . . . . . January 21, 2016

Second Reading. . . January 21, 2016

Third Reading . . . . .

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved as to form this \_\_\_\_  
day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
City Solicitor

Approved this \_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This ordinance amends Chapter 40 of the City Code (the Personnel Code) by adding Section 40-341 to require that all current Regular Employees, who have been employed by the City for at least 1 year, are eligible to take up to 20 days of paid leave within the first 4 calendar weeks after the birth or adoption of a child 6 years of age or younger. Both parents, regardless of gender, are eligible for such leave. Employees shall continue to have the right to use accrued combined leave, vacation, or unpaid leave for

parental leave purposes in addition to the 20 days of paid leave. Granting paid leave will promote parent-child bonding, increase work productivity, improve work-life balance, increase employee morale, and lessen the financial hardship that can be associated with caring for a new child.