

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

#0246

Sponsor:

**Council
Member
Harlee**

WHEREAS, the City's dedicated employees are among its most valuable resources;
and

WHEREAS, the City is committed to supporting the health of its employees and their families; and

WHEREAS, by adoption of Ordinance 25-073, the Wilmington City Council enacted paid parental leave and paid medical leave for a birthing parent to comply with the Health Delaware Families Act; and

WHEREAS, the City seeks to amend the Code to clarify that an employee who utilizes parental leave or paid medical leave for a birthing parent, is entitled to utilize any remaining FMLA leave the employee may have available; and

WHEREAS, the City seeks to amend the Code to clarify that paid parental leave may be available to the parents of children born, adopted or placed through foster care, prior to January 1, 2026; and

WHEREAS, in light of the foregoing, City Council deems it necessary and appropriate to amend Section 40-341 of the Wilmington City Code to clarify the eligibility requirements.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Section 40-341 of the Wilmington City Code is hereby amended by deleting the stricken language and adding the underlined language to read as follows:

Sec. 40-341. Paid parental leave; paid birthing parent medical leave.

- (a) *Parental leave.* Any regular employee, as defined in section 40-6, who has completed at least one year of service with the city within the last seven years and has worked at least 1,250 hours for the city in the 12-month period preceding a request to take parental

leave, shall, regardless of gender, be entitled to take up to 12 weeks of paid parental leave, without use of the employee's accumulated combined leave or vacation at any time within the first year after the birth, adoption, or placement through foster care of a child. The leave may be taken consecutively or intermittently in intervals of not less than two consecutive weeks.

- (b) *Birth parent medical leave.* Any regular employee, as defined in section 40-6, who has physically given birth to a child shall, regardless of gender identity, be entitled to paid birthing parent medical leave of six consecutive weeks for a vaginal delivery and eight consecutive weeks for a caesarian delivery without use of the employee's accumulated combined leave or vacation. The leave shall commence on the employee's first scheduled workday after giving birth. It shall be in addition to the paid parental leave set forth in subsection (a) and shall not run concurrently with the paid parental leave. Eligibility for this benefit shall commence on the first day of employment.
- (c) The leave under subsections (a) and (b) 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").
- (d) The employee must apply and be approved for FMLA leave prior to qualifying for and taking the leave provided under subsections (a) or (b).
- (e) ~~Without regard to the leave under subsections (a) and (b), 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.~~ Employees who still have remaining FMLA leave available after using the leave described in subsections (a) and (b) may request to use accrued combined leave, vacation leave, or unpaid leave in accordance with the city code and human resources policy manual.
- (f) When holidays with pay (as defined in subsection 40-332(a)) and days when the city is closed by executive order of the mayor fall within the time periods of paid leave listed in subsections (a) and (b), they shall serve to extend the leave under subsections (a) and (b).
- (g) ~~The leave under subsections (a) and (b) shall apply only to births, adoptions, or foster placements that take place on or after January 1, 2026.~~

SECTION 2.

This Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

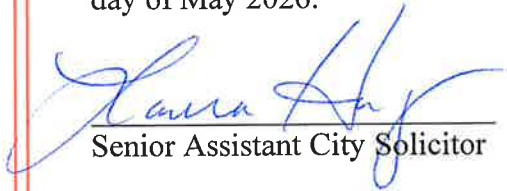
First Reading..... June 4, 2026
Second Reading..... June 4, 2026
Third Reading

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved as to form this 29th
day of May 2026.



Senior Assistant City Solicitor

Approved this ____ day of _____, 2026

Mayor

SYNOPSIS: This Ordinance amends Section 40-431 of the City Code regarding paid parental leave and paid birthing parent medical leave previously enacted by City Council, to clarify that an employee who uses less than 12 weeks of leave for Parental leave or Birthing parent medical leave shall be entitled to utilize remaining FMLA leave in accordance with City Code and City policy. The Ordinance additionally clarifies that eligibility for paid parental leave may apply to births, adoptions or placement through foster care occurring prior to January 1, 2026, provided that the leave is within the first year after the birth adoption or placement through foster care.

FISCAL IMPACT STATEMENT: The direct fiscal impact of additional paid parental leave provided under this Ordinance is expected to be de minimis for most City departments, as employee compensation is already budgeted on an annual basis. However, firefighters are subject to minimum manning requirements under the applicable collective bargaining agreement. For each firefighter taking the full parental leave available under HDFA, an estimated \$20,600 in additional overtime costs will be incurred. Based on the historical average number of firefighters who take parental leave each year, it is anticipated that total additional overtime costs will amount to approximately \$82,400 annually.

The direct fiscal impact of additional paid birthing parent medical leave for regular employees who physically give birth to a child, to allow for postpartum recovery, is also expected to be de minimis for most City departments, as employee compensation is already budgeted on an annual basis. However, firefighters are subject to minimum manning requirements under the applicable collective bargaining agreement. For each firefighter utilizing birthing parent medical leave, estimated additional overtime costs will be approximately \$8,240 for a vaginal delivery and approximately \$11,000 for a cesarean delivery.

In addition, this Ordinance may result in decreased productivity and additional use of overtime, acting out of class pay, temporary staffing costs, and consultants in departments other than Fire. The loss of productivity will affect the smallest departments and divisions more significantly, especially if the employee on leave holds a specialized position that cannot easily be covered by other employees. These additional costs and the extent of the productivity losses cannot be determined at this time.