

ORIGINAL

ORDINANCE 2019-03

**AN ORDINANCE AMENDING THE WHITESTOWN EMPLOYEE MANUAL
WITH RESPECT TO PAID PARENTAL LEAVE**

WHEREAS, on June 21, 2017, the Town Council of the Town of Whitestown, Indiana ("Town Council"), adopted Ordinance No. 2017-22, an Ordinance Adopting An Updated Employee Manual ("Manual") for the Town of Whitestown ("Town"); and

WHEREAS, the Town Council may from time to time amend the Manual; and

WHEREAS, the Town Council now desires to amend the Manual in order to amend the Paid Parental Leave Policy previously adopted the by the Town Council.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whitestown, Indiana, as follows:

Section 1: The Paid Parental Leave policy in "Section 4: Attendance and Time Away From Work Policies" of the Manual is hereby amended and restated as set forth in the attached Exhibit A (additions in underline, deletions in ~~strikethrough~~).

Section 2: Execution of Amendment. Upon adoption of this Ordinance, the Town Clerk-Treasurer in conjunction with the Town Manager shall make all amendments stated herein to the Manual (including updating the table of contents as needed).

Section 3: Severability. The terms, paragraphs, sentences, words, policies, and procedures of this Ordinance, the Exhibits, and the Manual are separable, and if a court of competent jurisdiction hereof declares any portion of this Ordinance, the Exhibits, or the Manual unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions thereof.

Section 4: Superseding Clause. The amendments stated herein supersede all prior inconsistent portions of the amended sections and subsections of the Manual, and all prior inconsistent portions of the Manual which do not include the amendments approved herein are similarly superseded by this Ordinance. All other provisions of the Manual remain unchanged.

Section 5: Effective Date. This Ordinance is effective immediately upon passage, provided that the benefits set forth in the attached Exhibit A shall also apply retroactively for eligible employees as to an applicable child born, adopted, or foster placement occurring after its introduction on December 19, 2018.

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Introduced on January 23, 2019, and adopted by the Town Council of the Town of Whitestown, Indiana, on this 23 day of January, 2019.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA

YAY/NAY



Yes

Clinton Bohm, President



yes

Susan Austin, Vice-President

Eric Miller

-



YAY

Kevin Russell



yes

Jeffrey Wishek

ATTEST:



Matt Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

3570709

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Exhibit A

Paid Parental Leave

Full-time employees who have been employed by the Town for at least one (1) year in full-time status and who become parents through birth, adoption, or foster care, will be eligible for a defined period of paid Parental Leave per calendar year for the care of the child after birth or adoption or foster placement. Paid Parental Leave is a one-time benefit per child, must be taken immediately within ninety (90) days after the birth or placement of the child when eligible, and where eligible may ~~only be used up to~~ not be used beyond the maximum amount per year (regardless of number of children).

An employee (except for public-safety shift employees, who are separately addressed below) who is the child's primary caregiver will be provided up to six (6) weeks of paid Parental Leave per calendar year under this policy. A secondary caregiver will be provided up to two (2) weeks of paid Parental Leave per calendar year. However, if both parents work for the Town they will be limited to a combined total of up to six (6) weeks paid Parental Leave per calendar year.

A Fire Department shift employee who is the child's primary caregiver will be provided up to ten (10) shift days (*i.e.*, 24-hour shifts) of paid Parental Leave per calendar year under this policy. A Fire Department shift employee who is the child's secondary caregiver will be provided up to five (5) shift days of paid Parental Leave per calendar year. However, if both parents work for the Town they will be limited to a combined total of up to ten (10) shift days of paid Parental Leave per calendar year.

A Police Department shift employee who is the child's primary caregiver will be provided up to twenty-one (21) shift days (*i.e.*, 12-hour shifts) of paid Parental Leave per calendar year under this policy. A Police Department shift employee who is the child's secondary caregiver will be provided up to seven (7) shift days of paid Parental Leave per calendar year. However, if both parents work for the Town they will be limited to a combined total of up to twenty-one (21) shift days of paid Parental Leave per calendar year.

For purposes of this policy, the primary caregiver is the person who regularly provides the child with the majority of his or her care during the entire period of the paid Parental Leave rather than, for example, a stay-home parent or grandparent. A parent who is not a primary caregiver is considered a secondary caregiver for purposes of this policy provided he or she actually takes care of the child. The Town reserves the right to determine in its sole discretion whether an employee is considered a primary or secondary caregiver for purposes of this policy.

An employee is only eligible for paid Parental Leave one time for any child. The paid Parental Leave must be taken immediately in full (to the extent taken) with ninety (90) days after the birth or placement of the child and must be taken ~~consecutively~~ in full day increments.

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Where eligible, employees may only use Paid Parental Leave one time per calendar year up to the maximum annual leave amount.

Paid Parental Leave is integrated with disability benefits. This means that if the employee is receiving disability benefits, paid Parental Leave will be used to pay the difference between the amount the employee receives from disability benefits and the employee's standard base rate of pay for the six or two week period, as applicable.

An employee who is eligible to take FMLA leave cannot take Paid Parental Leave instead of FMLA leave. Rather, Paid Parental Leave will run concurrently with (*i.e.*, it is not in addition to or an alternative for) leave taken under the federal Family and Medical Leave Act.

Employees are not entitled to pay instead of taking paid Parental Leave.

Employees must give their manager at least ~~60~~ seven (7) days' notice of their intent to take paid Parental Leave. If the employee is unable to give such notice because the need for leave is not foreseeable, then the employee must give as much notice as practicable under the circumstances.

The Town will continue the employee's health insurance and other benefits during the Parental Leave period to the extent and under the same circumstances as if the employee continued to be at work. Benefit deduction for the employee's portion will continue for the duration of the paid leave.

Paid Parental Leave does not apply in the case of an employee adopting the child of their spouse (*i.e.*, step-child) and only applies to adoption or placement of children under the age of sixteen (16) years.