

Submitted by: Assembly Member
Quinn-Davidson, Assembly
Member Zaletel, and Chair
LaFrance

Prepared by: Assembly Counsel's Office
For reading: February 21, 2023

ANCHORAGE, ALASKA
AO No. 2023-20

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE MUNICIPAL CODE CHAPTER 3.30 PERSONNEL RULES TO**
3 **ENACT A PARENTAL LEAVE BENEFIT.**
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6 **WHEREAS**, the Anchorage Assembly adopted AO 2020-78, as amended, which
7 permitted the administration to adopt a paid family leave program;

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9 **WHEREAS**, the under the leadership of Acting Mayor Quinn-Davidson, the
10 Municipality of Anchorage implemented a paid family leave program through Policy
11 and Procedure 40-16 (2021);

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13 **WHEREAS**, Policy and Procedure 40-16 was rescinded in 2022 by Mayor Bronson;

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15 **WHEREAS**, through the Federal Employee Paid Leave Act, the United States
16 Government affords twelve weeks of paid leave to federal employees when a child
17 is born, adopted, or placed in a foster care arrangement, see 5 U.S.C. § 6382
18 (2019);

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20 **WHEREAS**, numerous private-sector employers in Anchorage and elsewhere now
21 provide paid parental leave;

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23 **WHEREAS**, paid parental leave has been shown to be good for the health of infants
24 and parents, see, e.g., Zara Abrams, "*The Urgent Necessity For Paid Parental*
25 *Leave*," v.53 MONITOR ON PSYCHOLOGY, No.3, AMERICAN PSYCHOLOGICAL
26 ASSOCIATION (April 1, 2022), available at:
27 <https://www.apa.org/monitor/2022/04/feature-parental-leave> ;

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29 **WHEREAS**, paid parental leave has been shown to be good for employers, as it is
30 associated with increased employee retention, productivity and morale, as well as
31 increased labor-force participation, see, e.g., Kathleen Romig & Kathleen Bryant,
32 "*A National Paid Leave Program Would Help Workers,*
33 *Families*," CENTER FOR BUDGET AND POLICY PRIORITIES (April 27, 2021), available at:
34 [https://www.cbpp.org/research/economy/a-national-paid-leave-program-would-](https://www.cbpp.org/research/economy/a-national-paid-leave-program-would-help-workers-families)
35 [help-workers-families](https://www.cbpp.org/research/economy/a-national-paid-leave-program-would-help-workers-families) ;

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37 **WHEREAS**, the United States is unique among wealthy countries in its lack of a
38 national paid parental leave program;

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40 **WHEREAS**, the Anchorage Women's Commission has recommended that the

1 Municipality adopt a paid parental leave program;

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3 **WHEREAS**, it is desirable for the Municipality of Anchorage to again have a paid
4 parental leave program;

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6 **WHEREAS**, this ordinance would enact a paid parental leave benefit for employees
7 not represented by unions;

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9 **WHEREAS**, the Assembly encourages the Administration to expand paid parental
10 leave policies to represented municipal employees in future labor negotiations with
11 unions representing municipal employees;

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13 **WHEREAS**, the Assembly additionally encourages the Administration to investigate
14 the possibility of implementing paid parental leave for employees who qualify for
15 and are taking family leave under AS 39.20.500(b)(1) of the Alaska Family Leave
16 Act (AFLA), but who are not eligible to take leave under the federal Family Medical
17 Leave Act (FMLA) because they have not yet worked for the Municipality for a
18 qualifying 12-month period, and to identify to the Assembly any barriers to
19 implementing a paid parental leave program tied to use of AFLA leave, rather than
20 FMLA leave;

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22 **WHEREAS**, amendments to the personnel rules codified in Anchorage Municipal
23 Code chapter 3.30 are required to be forwarded to the Personnel Rules Committee
24 for its consideration pursuant to AMC section 3.30.018, but the Personnel Rules
25 Committee presently does not have enough appointed members to constitute a
26 quorum, and efforts to work with Human Resources to engage the Personnel Rules
27 Committee have not been fruitful, and the Assembly determines that prior review by
28 the committee is not necessary in this case, as this ordinance enacts a policy that
29 was previously in effect, and is within the Assembly's prerogative to legislate; now
30 therefore:

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32 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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34 **Section 1.** Anchorage Municipal Code chapter 3.30 part 15, *Rule 15*, LEAVE, is
35 hereby amended to adopt a new section to read as follows:

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37 **3.30.1518 Paid Parental Leave**

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39 A. *Award.* Upon request, eligible executive employees and eligible non-
40 represented employees shall be awarded one-hundred and sixty
41 hours of non-cashable leave for regular full time eligible employees
42 who have been approved for leave under the Family Medical Leave
43 Act of 1993 (FMLA) for a qualifying event. Eligible employees who
44 work less than full time will be eligible for a pro rata amount of leave
45 based on their normal hours worked.
46 B. *Rules for use.*

1. *Use in conjunction with FMLA leave.* Paid parental leave must be taken during approved FMLA leave. Any paid parental leave taken will be counted toward the twelve weeks of protected leave per rolling twelve-month period available to employees under FMLA.
2. *Use in a continuous period; use in coordination with other leave; unused paid parental leave; leave accrual during use.* Employees must take paid parental leave in one continuous period of leave and must use all paid parental leave during approved FMLA leave for the qualifying event. Paid parental leave may not be taken intermittently. Paid parental leave must be exhausted before any other type of leave. Any unused paid parental leave will be forfeited at the end of the approved FMLA leave period. Employees that are awarded non-cashable leave under subsection A. will not accrue leave while on paid parental leave. Paid parental leave does not count towards minimum leave usage requirements.
3. *One award per rolling 12-month period; two eligible employees.* In no case will an employee receive more than one award of one-hundred and sixty hours of non-cashable (or the prorated amount for employees that work less than full time) leave as paid parental leave in a rolling twelve-month period, regardless of whether more than one birth, adoption, foster care placement, or other qualifying event occurs within that twelve-month time frame. The birth or placement of more than one child at the same time will be treated as one qualifying event for which an employee will receive a total of one-hundred and sixty hours (or the prorated portion of hours for employees that work less than full time). If two eligible employees experience the same qualifying event, both employees may take parental leave.

C. *Definitions.* As used in this section, the following terms shall have the meaning given in this subsection:

1. *"Eligible executive employee"* shall mean an employee appointed to a position in the Municipality's Executive Classification and Pay Plan who has been approved to take FMLA leave for a qualifying event of birth or placement of a child or children.
2. *"Eligible non-represented employee"* shall mean a non-represented employee who has been approved to take FMLA leave for a qualifying event of the birth or placement of a child or children.
3. *"FMLA"* shall mean Family Medical Leave Act of 1993.
4. *"Qualifying event"* shall mean:
 - a. The birth of an employee's child or children, or

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- b. Placement of a child or children with the employee for adoption or foster care.
- 5. *“Paid parental leave”* shall mean an award of non-cashable leave as described in subsection A, intended to allow parents to bond with and care for a new child.

Section 2. Notwithstanding AMC section 3.30.018, this ordinance shall not require review by the Personnel Rules Committee prior to the public hearing and Assembly action.

Section 3. This ordinance shall become effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair

ATTEST:

Municipal Clerk