

MINUTES

METROPOLITAN CIVIL SERVICE COMMISSION

PUBLIC HEARING ON PROPOSED CIVIL SERVICE RULE 4.20 - PAID FAMILY LEAVE

JUNE 13, 2017

The Metropolitan Civil Service Commission met for a Public Hearing on June 13, 2017 in the Howard Office Building – Sonny West Room, 700 2nd Ave S, Nashville, Tennessee, 37210, immediately following the regularly-scheduled meeting

Commission Members present: Chairman William H. Farmer, Vice-Chairman R. Steve Corbitt, D. Billye Sanders, and Jo Ann North

Members Not Present: Ethan Link

Other Members present: John Kennedy, Interim Director of Human Resources – Secretary to the Commission and Nicki Eke, Metro Legal Department – Attorney to the Commission

(1: Civil Service Rule 4.20 – Paid Family Leave

Human Resources Analyst Seth Waltenbaugh was present before the Commission to discuss the proposed rule on Paid Family Leave. In response to a request from the Mayor's Office, Human Resources is presenting the Paid Family Leave rule patterned after the existing Family and Medical Leave Act (FMLA) rule. In addition to the proposed rule, Human Resources is creating an associated policy and hopes to receive feedback which will assist in the development of that policy which will be presented, along with the finalized rule, to the Civil Service Commission next month for a vote.

PROPOSED RULE

Full-time employees who have been employed with Metro for at least six (6) months are eligible for up to thirty (30) work days of Paid Family Leave (approximately six business weeks) for the birth or adoption of a child and/or to provide care for a spouse, parent, or child as defined by the Federal Family and Medical Leave Act (FMLA). The Paid Family Leave program will be administered within the guidelines of the FMLA Policy Handbook maintained by Human Resources and publicly available to all employees. Paid Family Leave time will run concurrently with time designated as FMLA leave.

Chairman Farmer asked if there were any questions or anyone from the public who would like to be heard on this matter.

Vice-Chairman Corbitt asked if Human Resources had received input from Department Heads on the policy and rule.

The rule and policy were developed by the Mayor's appointed Commission with assistance from Human Resources and feedback from departmental HR coordinators, and then reviewed by the Mayor's Office and Metro Legal. Department Heads and the Unions were aware of the rule and policy.

Vice-Chairman Corbitt asked how the implementation date of six (6) months of employment was determined.

Human Resources presented a number of options to the Mayor's Office and the Mayor's Council on Gender Equity and the date was determined by consensus in order to provide coverage to new Civil Service employees who would not yet be eligible for FMLA and would not have a leave balance built up. If a situation arises where a new employee has to consider caring for a sick family member or a child, Metro Departments currently face the possibility of losing that new employee and turnover can be costly.

Vice-Chairman Corbitt asked from a Department Head's perspective could using this leave immediately after attaining Civil Service Status potentially have a negative effect on the evaluation of an employee.

Departments are advised not to hold leave which is out of the employee's control against employees, and the employee would have to provide ample medical documentation in order to be approved for this leave.

Vice-Chairman Corbitt asked in implementing the policy, why not make eligibility six months after becoming a Civil Service employee. Then, departments could review this and once we get some data, we could revisit this after we see what the impact is, financial and otherwise on Metro Government. Was this considered?

This was considered and reviewed, along with data from other cities who have implemented this policy. Many offer the leave from day one of employment, and there were some who offered it at twelve months. We wanted to provide this benefit to fill the gap between new employees achieving Civil Service status as full-time employees and FMLA, for which employees are eligible after twelve months of employment, but this is also available to all full-time Civil Service employees.

Pat Shea, Co-Chair of the Council on Gender Equity, and Elizabeth Gedmark, Director of the Southern Office for A Better Balance, appeared before the Commission to discuss the proposed rule on Paid Family Leave. Co-Chair Shea stated the Council felt six weeks was a competitive length of leave. When reviewing data on what industry, non-profits, and other organizations were offering, six weeks was pretty typical. Also the focus for the Council was getting the benefit in place and available to employees, rather than putting a barrier for using it in place. Six months was because we saw a lot of job turnover in the first six months. We wanted to protect employees coming in at lower income jobs, who might really be having a harder time, by keeping their position for a longer time. Member Shea added the Council's focus was data and research-based, and there is higher turnover in the lower wage workers. One of the problems with benefits is that if you wait too long to implement them, then you will exclude a large number of workers who need it the most.

Chairman Farmer asked if data from other cities and the Federal government had been reviewed as well.

Human Resources was focused on government data, and there were more programs on the State level. We were able to learn a lot from reviewing their policies; what works and what has not worked.

Vice-Chairman Corbitt asked if peer cities had been reviewed.

Initially HR's research started with those, but many of them were not offering this kind of leave, so we expanded our research to all government. In this case, Nashville, as a governmental entity, is on the forefront in offering this leave and proud to be a part of it.

Commissioner North asked if this would be available to non-Civil Service employees.

The rule and policy only apply to full time, Civil Service employees, but other non-Civil Service departments may adopt this policy. However, that would be a decision they would have to make.

Commissioner North asked specifically what family member qualifies for an employee to use this leave.

The rule and policy follow the definitions from the Federal FMLA guidelines.

Chairman Farmer asked if there were any questions from the Commission or anyone from the public who would like to be heard on this matter.

Commissioner Sanders said having served on the Council she supported the recommendation and hoped the Commission will adopt it.

With no additional questions raised by the Commission or comments from the public, and without objection from the Commission Members, the meeting adjourned at 9:11 a.m.

ATTEST:

APPROVED:

***John P. Kennedy, Interim Director
Human Resources Department
Secretary to Civil Service Commission***

***William H. Farmer, Chairman
Civil Service Commission***