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00-0-0199

(Do Not Write Above This Line)

**AN ORDINANCE
 BY COUNCILMEMBER CATHY
 WOOLARD**

**AN ORDINANCE TO AMEND
 CHAPTER 114 ARTICLE IV
 SECTION 114-421 OF THE CODE
 OF ORDINANCES OF THE CITY
 OF ATLANTA TO PROVIDE FOR
 PATERNITY LEAVE, FOR
 MATERNITY AND PATERNITY
 LEAVE BASED UPON THE
 ADOPTION OF A CHILD, AND TO
 PROVIDE FOR PAID MATERNITY
 AND PATERNITY LEAVE FOR
 CERTAIN CITY EMPLOYEES; AND
 FOR SUCH OTHER PURPOSES.**

FILED BY FIN EXEC OCT 02 2000 objection
 CITY COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 2/7/00

Referred To: FIN EXECUTIVE

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee _____
 Date _____
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members _____
 Refer To _____

Held 9-1-00
Held 4-12-00
Held 5-31-00
Held 6-14-00
Held 6-28-00

Committee FIN EXEC
 Date 9-27-00
 Chair g2/pe
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: F.P.R.
 Members Chair: g2/pe
g2/pe
g2/pe
 Refer To _____

FINAL COUNCIL ACTION
 2nd
 1st & 2nd
 3rd
 Readings
 Consent
 V Vote
 RC Vote

CERTIFIED

CERTIFIED
 OCT 2 2000
 ATLANTA CITY COUNCIL PRESIDENT
Rubert A. Pate

CERTIFIED
 OCT 02 2000
Rubert A. Pate
 MUNICIPAL CLERK

MAYOR'S ACTION

AN ORDINANCE

BY COUNCILMEMBER CATHY WOOLARD

00-0-0199

AN ORDINANCE TO AMEND CHAPTER 114 ARTICLE IV DIVISION 14 SECTION 114-421 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA TO PROVIDE FOR PATERNITY LEAVE, FOR MATERNITY AND PATERNITY LEAVE BASED UPON THE ADOPTION OF A CHILD, AND TO PROVIDE FOR PAID MATERNITY AND PATERNITY LEAVE FOR CERTAIN CITY EMPLOYEES; AND FOR SUCH OTHER PURPOSES.

WHEREAS, the City of Atlanta wishes to promote the welfare of its employees and their families; and

WHEREAS, the City of Atlanta recognizes the importance of parents spending time at home after the addition of a new child to their family, whether that addition be through birth or adoption; and

WHEREAS, the City of Atlanta recognizes that it is important for fathers as well as mothers to spend time at home after the birth or adoption of a child; and

WHEREAS, although the City of Atlanta provides employees with two weeks of sick leave per year, sick leave does not adequately address the needs of new parents. Childbirth or adoption of a child not only impacts the health of the of the birth mother, but also affects the father of the child and adoptive parents due to the needs and responsibilities involved in caring for an infant, such as bonding with the child, frequent feedings, and protecting an infant with an immature immune system from germs and the elements; and

WHEREAS, day care centers do not accept children under the age of six weeks, thereby requiring parents of newborns to remain home with the newborn for at least six weeks; and

WHEREAS, currently, City employees must utilize any accumulated sick time or annual leave or take time without pay to accommodate their need to be with a newly born or adopted child, and often this results in the employee's expending all leave time and having no leave time in the case of illness; and

WHEREAS, providing paid maternity and paternity leave would have a positive impact upon employees' morale and an employee's ability to meet family obligations without creating an undue burden upon the City of Atlanta.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA AS FOLLOWS:

SECTION 1: That Chapter 114, Article IV, Division 14, Section 114-421 of the Code of Ordinances of the City of Atlanta shall be deleted in its entirety and substituted by a new Section 114-421 which shall read as follows:

- (a) Maternity and paternity leave shall be defined as a period of approved absence because of the birth or adoption of a child by an employee, the employee's spouse or the employee's domestic partner. In addition, maternity leave shall include leave taken by an employee because of the employee's incapacity relating to pregnancy and confinement, and disabilities suffered by the employee which are caused or contributed to by pregnancy, childbirth and recovery therefrom.
- (b) Any employee who has been a full time employee of the City of Atlanta for at least eighteen (18) months prior to the birth or adoption of a child as described in subsection (a) above, shall receive upon request six (6) weeks of paid maternity or paternity leave to begin on the date of the birth or adoption of the child. Any additional maternity or paternity leave, maternity or paternity leave for employees of less than eighteen (18) months, or maternity leave based upon incapacity or disability as set forth in subsection (a) above, shall be requested as set forth in this Section and shall be charged to sick leave or any combination of sick leave, annual leave and leave without pay.
- (c) An employee desiring maternity or paternity leave based upon the birth of a child should report the pregnancy as soon as possible, but such employee must notify the employee's department head by the fifth month of pregnancy. Such notification shall include a written physician's statement specifying the approximate date of birth. An employee desiring maternity or paternity leave based upon the adoption of a child shall report the adoption to the employee's department head as soon as the employee is notified of the adoption, including the approximate date of the adoption and written documentation of the adoption.
- (d) An employee requesting unpaid maternity or paternity leave shall be permitted to exhaust accumulated sick leave prior to using accrued annual leave or leave without pay. Normally, annual leave shall be exhausted prior to granting leave without pay.

- (e) The date of the expiration of maternity or paternity leave or the date of return to work from maternity or paternity leave shall be determined by the employee's department head on an individual basis depending upon the physical condition of the child, and in the case of the employee's being pregnant and/or giving birth, the physical condition of the employee and the nature of the employee's job.
- (f) A pregnant employee shall be permitted to continue work as long as the conditions of pregnancy do not adversely impair the employee's health or the performance of the employee's duties. Should the pregnant employee wish to commence maternity leave prior to giving birth, the commencement of said leave shall be determined by the department head with notification to the personnel director and shall be based upon the written medical opinion of the employee's physician, the physical stress resulting from the employee's job or public contact, and the employee's ability to fully perform the normal job duties with efficiency. In considering the physical condition of a pregnant employee or an employee who has given birth with respect to the date of the expiration of maternity leave, the employee shall obtain and submit to the department head a medical certificate from a licensed physician stating that such employee is physically and mentally capable of fully performing the normal duties of the employee's position with efficiency.
- (g) Maternity or paternity leave shall not exceed three (3) months past the date of the birth or adoption of the child. In the event that further leave is requested or required, such leave shall be handled in the same manner as employee requests for extended leave for other purposes.