

SAMPLE FAMILY FRIENDLY WORKPLACE POLICIES



HEALTHY MOTHERS WORKPLACE COALITION

SAMPLE POLICY:

San Francisco Paid Parental Leave Ordinance

Overview

Most employees in the state of California contribute a portion of their wages every pay period to the State Disability Insurance Fund (SDI). This fund, managed by the Employment Development Department (EDD), allows eligible employees to access the state's Paid Family Leave (PFL) program.

Through this program, employees are able to receive partial wage replacement (currently 55%, starting in 2018, 60 – 70% depending on income) for up to 6 weeks per year while they are off of work to bond with a new child or to care for a family member.

In 2016, the San Francisco Board of Supervisors passed the San Francisco Paid Parental Leave Ordinance (PPLO). The Ordinance requires employers to provide eligible employees with additional wage replacement (or “Supplemental Compensation”) when they are receiving Paid Family Leave benefits to bond with a new child, so that they receive 6 fully paid weeks of leave.

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[BUSINESS NAME] recognizes the valuable role of bonding and leave time for families and our community. Below is information regarding the eligibility, application, and rights and responsibilities under the San Francisco Paid Parental Leave Ordinance (PPLO).

Eligibility

Only eligible employees are entitled to receive Supplemental Compensation during their leave. To be eligible, you must meet the following criteria:

- Work in San Francisco
- Commenced employment at least 180 calendar days before the start of your Paid Family Leave (PFL) period
- Work at least 8 hours per week and 40% of your weekly hours in San Francisco
- Apply for and receive Paid Family Leave benefits from the Employment Development Department for new child bonding (including adoptive and foster children)

If you think you are eligible, or if you have any questions, ask your [supervisor or human resources representative] and review the posted information [NAME LOCATION WHERE INFORMATION CAN BE FOUND].

Application Process

To apply for PPLO Supplemental Compensation, you first need to apply for Paid Family Leave (PFL) through the Employment Development Department (EDD). You can apply online (www.edd.ca.gov). When you apply, we recommend answering “yes” when asked whether the EDD may disclose benefit payment information to your employer. This will allow [BUSINESS NAME] to speak directly with EDD if needed.

After you apply for PFL through the EDD, you need to complete the San Francisco Paid Parental Leave Form (SF PPL Form), which [BUSINESS NAME] will provide. The form can also be found on the Office of Labor Standards Enforcement website (sfgov.gov/pplo).

After you apply for PFL through the EDD, you will then receive a letter from the EDD entitled “Notice of Computation” that will list your weekly PFL benefit amount.

You must submit the completed San Francisco PPL Form along with the EDD Notice of Computation to your [supervisor or human resource representative]. In addition, if requested, you must notify your [supervisor or human resource representative] when you receive your first PFL payment from the EDD.

To recap, below are the four steps you must take to apply for Supplemental Compensation under the San Francisco Paid Parental Leave Ordinance:

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San Francisco Paid Parental Leave Ordinance Cont . . .

- Apply for Paid Family Leave (PFL) through the Employment Development Department (EDD)
- Complete the San Francisco Paid Parental Leave Form (SF PPL Form)
- Submit the SF PPL Form and EDD “Notice of Computation” to [BUSINESS NAME and/or supervisor or human resource representative]
- If requested, notify [BUSINESS NAME and/or supervisor or human resource representative] when you receive your first PFL payment.

Interaction with [Vacation, Paid Sick Leave, and/or PTO – choose the appropriate section below based on your company’s leave program]

Vacation & Sick Leave Programs:

We may require you to use up to 2 weeks of accrued but unused vacation time to cover [BUSINESS NAME’s] Supplemental Compensation obligation. If you do not agree to allow us to use your accrued but unused vacation time, [BUSINESS NAME] is not required to provide any Supplemental Compensation under the Ordinance. However, we will not apply any accrued but unused sick time to cover our obligation under the Ordinance.

PTO programs:

[BUSINESS NAME] may require employees to use up to two weeks of accrued, unused PTO in excess of 72 hours to cover [BUSINESS NAME’s] Supplemental Compensation obligation. However, [BUSINESS NAME] will not apply more than 2 weeks of accrued but unused PTO time in excess of 72 hours. If you do not agree to this, [BUSINESS NAME] is not required to provide any Supplemental Compensation under the Ordinance.

Employer Responsibilities

We have posted information from the City of San Francisco [in/on] [LOCATION] for you to review. When you notify your [supervisor or human resources representative] you are expecting a new child, we will provide you with a copy of the San Francisco Paid Parental Leave Form (SF PPL Form). We will also assist you in determining your eligibility for the program (see Eligibility above) and calculate your Supplemental Compensation.

Once you qualify for Supplemental Compensation, and throughout the duration of your leave, we will continue payments during your normal pay periods.

Employee Rights and Responsibilities

You should be sure to follow the application process required to apply for Supplemental Compensation. See the “Application Process” section above.

Check with your [supervisor or human resources representative] to see if you also qualify for other leave rights under the Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA) or Pregnancy Disability Leave Act (PDL).

Acronyms

- PFL: Paid Family Leave
- EDD: Employment Development Department
- SDI: State Disability Insurance
- PPL Form: San Francisco Paid Parental Leave Form
- SF PPL Form: San Francisco Paid Parental Leave Form
- FMLA: Family Medical Leave Act
- CFRA: California Family Rights Act
- PDL: Pregnancy Disability Leave Act

SAMPLE POLICY:

Family School Partnership Act & Paid Sick Days

[Business X] recognizes that family structures and workplace demographics have changed significantly; fewer households with children have at least one parent staying home full-time; there are more singleparent households as well as two-parent households where both parents work; both schools and children thrive when parents are involved; there is a positive correlation between parental involvement and improvements in a child's academic performance; and parents cite lack of time and conflicting work schedules as major obstacles to getting more involved. Business X protects a parent's right to participate in his or her child's child care or school activities, take time to select and enroll his or her child in child care and school, and attend to child care and school emergencies, by allowing parents to take time off to engage with their children in such activities and address such needs. Breastfeeding mothers will be informed of the following [Business X] breastfeeding policy prior to departure on maternity leave.

Eligibility

An employee who is a parent, guardian, stepparent, foster parent, grandparent with custody of a child, or other caregiver of a child has the right to request up to 40 hours off from work each year for the purpose of any of the following child-related activities:

- To participate in his or her child's child care or school activities, including, but not limited to, parent-teacher conferences, special activity days, field trips, and school productions;
- To find, evaluate, or enroll his or her child in child care and school; or
- To attend to his or her child during a child care or school emergency, including when the child care or school asks that the child be picked up, the child has a behavioral or discipline problem, the child care or school has closed or cannot care for the child without warning, or due to a natural disaster.

Excluding emergencies, this time off shall not exceed eight hours in any calendar month of the year. The employee may use vacation, personal leave, compensatory time off, or time without pay for the 40 hours allowed time off under this section.

Use of Paid Sick Days

Paid sick days can be used for the purpose of either of the following:

- For the diagnosis, care, or treatment of an existing health condition of, or preventative care for, the employee or the employee's child, parent, spouse, domestic partner, grandparent, grandchild, or sibling; or
- For an employee who is the victim of domestic violence, sexual assault, or stalking.

Employee Responsibilities

- **Prohibit Discrimination:** Business X will not discriminate in any manner against an employee because of his or her actual or perceived status as a caregiver, because he or she made a request for time off or use of paid sick days for the above mentioned reasons, or because he or she made a request for reconsideration under this policy.
- **Grant Request:** Business X will grant reasonable requests for time off made pursuant to this policy, unless it has a bona fide business reason that it cannot grant the request. Supervisors may ask employees to reschedule the activity, excluding emergencies.

Employee Responsibilities

- **Communicate with Supervisors:** Employees who wish to request time off should make a request as soon as possible or as soon as they are reasonably aware in the case of attending to a child's school or child care emergency. Employees should maintain open communication with supervisors about their scheduling needs.
- **Make a Written Request:** Employees should submit a written request that clearly outlines the purpose of the requested time off, as well as the specific date and time.

SAMPLE POLICY:

Babies in the Workplace

[Business X] supports new mothers or fathers or guardians with infant children (hereinafter referred to as "parent" or "parents") who want to return to work sooner than they might otherwise be able, to bring their infant to work with them until the child is six months old or begins to crawl, whichever comes first. Employees wishing to participate in this program must sign a waiver of liability (see Appendix A below) before bringing their infant to work with them. Parents wishing to bring their infant children to work with them must request approval from [Business X] Human Resources in advance and must adhere to the guidelines set forth in this policy. Failure to adhere to these guidelines may result in rescission of the privilege to bring the infant to work.

Employee's Responsibilities

- The infant must remain under the direct care and supervision of the parent and must remain in the parent's work area at all times. The parent will be solely responsible for maintaining his/her work area in a safe and sanitary condition at all times. The parent will be responsible for ensuring that the infant's requirements and presence at the workplace do not disrupt or interfere with his/her work schedules or responsibilities or those of co-workers.
- The parent must be open to accepting an alternate, temporary or floating workspace during the utilization of this policy in order to accommodate parent, infant, and co-workers' needs and to minimize disruption of the work environment.
- The parent will accept complete responsibility for the safety of the infant.
- To avoid spreading illness in the office, employees participating in this program shall not bring sick children into work. If an infant becomes sick during the day, the parent must take the infant home.
- "Babysitting" by other staff members is not allowed. A parent participating in this program may not leave the building (not even for a short time) without taking the infant with them.
- The parent must provide all supplies and equipment needed to care for the infant at the worksite and ensure that the area is kept in a clean and sanitary condition.
- Diapers must be changed only in a designated restroom or in quiet room location and not in work areas. When an infant accompanies a parent to work, used cloth diapers must be stored in a closed container and taken home daily. Used disposable diapers must be wrapped appropriately and discarded in an appropriate container provided by the parent and placed in an area not used by staff for office or meeting space.
- All supplies utilized by the parent must be maintained in a manner that is not disruptive to the work of other employees.
- Mothers who are breast-feeding or expressing breast milk will be provided with a private location for these activities.
- There may be work circumstances that require a parent's full attention such that it may be necessary for parents to make other arrangements for child care during the utilization of this policy. Parents are expected to work closely with their supervisor and coworkers to ensure that all parties involved are aware of what duties can and cannot be reassigned and parents are expected to make alternate child care arrangements when required to do so.
- If a baby is fussy for a prolonged period of time, causing a distraction in the workplace, or preventing the parent from accomplishing required work, the parent shall remove the infant from the workplace.
- In order for a Babies in the Workplace program to be most effective, all parties need to be sensitive to the needs of others. The employee must maintain acceptable work performance and ensure that the presence of the infant does not create any office disturbances.
- If problems arise that cannot be resolved, the employee understands that the program may be terminated for that employee.

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Babies in the Workplace Cont . . .

Other Considerations:

- Co-workers who believe their work is disrupted by the presence of an infant should raise the matter with Human Resources. [Business X] management will decide, in its discretion, how to resolve issues or disputes arising under this policy, including the need to modify work schedules or to end the participation of any staff member in this program.
- A parent's participation in this program does not preclude her or his use of [Business X] telecommuting or flexible work schedule policies as described in the [Business X] Employment Handbook.
- This Babies in the Workplace program is a voluntary option for employees, subject to approval as outlined in this policy, where it is compatible with job requirements.
- Participation in the Babies in the Workplace program is a privilege and not a right. [Business X] expressly reserves the right to refuse participation in the program if the requesting parent's position is deemed unsafe or unsuitable for the presence of a baby due to business reasons.
- [Business X] expressly reserves the right to change or revise this policy, which will be reviewed annually. Any changes will be conveyed to affected employees as soon as possible after any change or revision.
- [Business X] reserves the right to terminate this policy due to operating or other business reasons. In this event, affected employees will be given reasonable notice.

SAMPLE POLICY:

Babies in the Workplace Cont ...

*Business X
Babies in the Workplace Policy*

Appendix A

PARENT AGREEMENT, CONSENT & WAIVER AGREEMENT

By signing this Agreement, I certify that I have read the Babies in the Workplace program guidelines. I understand and agree to comply with the terms and conditions set forth in the Policy guidelines. I further understand and agree that, in the event I fail to comply with such terms and conditions or otherwise fail to meet any Policy criteria currently in the policy or that may be added to the policy and conveyed to me in writing, my eligibility to participate may be terminated, requiring me to remove my baby from the workplace within a reasonable period of time.

I acknowledge that the Business X reserves the right to rescind the Babies in the Workplace Program in part or in its entirety at any time, thus requiring me to remove my baby from the workplace within a reasonable period of time. In this event, I understand that the Business X will accommodate a reasonable period of time for me to identify a different care setting for my infant.

Signature of Parent

Date

CONSENT AND WAIVER

In consideration of [Business X's] permitting me to bring my child to work with me in compliance with the Babies in the Workplace policy, I hereby release, on my own behalf and on behalf of my child: (i) the Business X; (ii) any entity affiliated with Business X; and (iii) any of the current or former officers, directors, agents, representatives, insurers, attorneys, successors, assigns, and current employees of Business X and the foregoing entities from any and all claims, liabilities, causes of action and demands of any kind or character, including negligence, whether vicarious, derivative or direct, that I or any of my child's family members, heirs, or assigns now have or may hereafter have or assert against Business X growing out of, resulting from, or connected with this policy and/or with me bringing my child to work or his/her presence at work with me. This waiver does not preclude legal remedies for injury due to malice or egregious negligence.

Signature of Parent

Date

SAMPLE POLICY:

Flexibility/Predictability for Family Caregiving Policy

Business X recognizes that the demographics of the workforce and the structures of families have undergone significant changes, including an increased number of women in the workforce; fewer households with children that have at least one parent staying at home full-time; more single-parent households; and a larger elderly population, resulting in complex demands placed on employees. Moreover, an employee's actual or perceived status as a caregiver can create workplace and pay inequities. In an effort to promote fair and equitable scheduling practices Business X protects an employee's right to request flexible or predictable work arrangements because of caregiving.

Eligibility

An employee who has been employed for at least 6 months and regularly works at least 8 hours a week has the right to request a flexible or predictable work schedule to accommodate caregiving for a minor child, a family member with a serious health condition, or a parent over the age of 65. Family members included in this policy are spouses, domestic partners, children, parents, siblings, grandchildren and grandparents, whether related by blood, legal custody, domestic partnership, or through marriage.

Frequency of Requests

An employee may make 2 requests per year for schedule changes pursuant to this policy, unless that employee has a change in circumstances (such as the birth of a new child, or increase caregiving responsibilities for an ill relative), then he or she may make an additional request.

Employer Responsibilities

Prohibit Discrimination: Business X will not discriminate in any manner against an employee because of his or her actual or perceived status as a caregiver, because he or she made a request for a flexible or predictable schedule, or because he or she made a request for reconsideration under this policy.

Grant Request: Business X will grant requests for flexible or predictable work schedules made pursuant to this policy unless it has a bona fide business reason that it cannot grant the request.

Meet with Employee: Business X will meet with the employee who made a request for a schedule change within 21 days to discuss the request.

Respond in Writing: Business X will respond to an employee's request in writing within 21 days of the date Business X met with the employee to discuss the request. If denying a request for a bona fide business reason, Business X will clearly communicate the reason as it relates to the request.

Reconsideration: If an employee's request is initially denied, and that employee requests reconsideration in writing within 30 days, Business X will meet with the employee again within 21 days, and issue a new decision within 21 days of that meeting.

Employee Responsibilities

Communication with Supervisors: Employees who wish to request flexible and/or predictable work schedules should make a request as soon as possible. Employees should maintain open communication with supervisors about scheduling needs, including participating in meetings to discuss a request.

Make a Written Request: Employees should submit a written request for a flexible or predictable schedule that clearly outlines the schedule the employee is requesting and the reason he or she is making the request. Requests may include, but are not limited to:

- reduction in hours
- changes to work times
- changes in work location (e.g., telecommuting)
- modification to work assignments
- a predictable work schedule

Request Reconsideration in Writing: If an employee's request under this policy is denied, then he or she may make a written request for reconsideration within 30 days.