In accordance with this section, eligible employees on approved Parental Leave shall receive Supplemental Compensation as set forth herein.

Nothing in this section shall be construed to expand, reduce or otherwise affect the total amount of leave time available to employees under federal, state, or local law, Civil Service Commission rules, or applicable memoranda of understanding between the City and County of San Francisco and employee organizations. This section is intended to supplement other available sources of income during specified periods of leave to which the employee is otherwise eligible. Except for leave mandated by law, requests for leave continue to be subject to the approval of the appointing officer.

A8.365-1 DEFINITIONS

The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning:

“Domestic Partner” shall have the same meaning as set forth in Administrative Code Section 62.1 et seq.

“Employee” shall mean any person who is appointed to a position created by or which is under the jurisdiction of the City and County, whose compensation is paid by the City and County, and who is under the control of the City and County as to employment, direction and discharge and does not include persons who occupy classified or certificated positions with the San Francisco Unified School District or the Community College District or who work for the City as independent contractors.

“Paid Leave” shall mean all paid time-off provided by the Charter, the Administrative Code, the Civil Service Rules or through a collective bargaining agreement and shall include but not be limited to vacation, sick leave, compensatory time, administrative or executive leave and floating holidays. For purposes of this section, “Paid Leave” shall not include statutory holidays.

“Parental Leave” shall mean (a) Family Medical Leave as defined below, (b) Temporary Pregnancy Disability Leave as defined below:

(a) “Family Medical Leave” shall mean leave taken pursuant to the Family and Medical Leave Act, the California Family Rights Act, or Civil Service Commission Rules, where such leave is taken after the birth of a child to the Employee, the Employee’s spouse or the Employee’s Domestic Partner or for placement of a child with the Employee’s family for adoption or foster care, and has been requested and approved in accordance with the procedures set forth in those respective statutes or rules, except to the extent that those statutes, rules, or any associated regulations allow an employer to limit leave to a combined total maximum duration if more than one employee qualifies to take leave for the birth or placement of the same child. Charter Sections A8.365 through A8.365-4 are intended to provide each Employee the maximum duration of Parental Leave to which he or she would otherwise be entitled under its provisions, regardless of the amount of leave taken by another Employee for the birth or placement of the same child.

(b) “Temporary Pregnancy Disability Leave” shall mean disability leave taken in accordance with State law or the Civil Service Commission Rules because of an Employee’s inability to work, as certified by a health care provider, for reasons of pregnancy, childbirth, or related conditions, as defined by the California Fair Employment and Housing Act, Govt. Code Section 12945.07 et seq.

“Supplemental Compensation” shall mean compensation paid by the City to eligible Employees on Parental Leave. The amount of Supplemental Compensation shall be the Employee’s regular base wage less (1) all accrued Paid Leave from the City with the exception of 40 hours of sick leave and (2) any payments received by the Employee from a federal, state or other local government agency in lieu of compensation.

A8.365-2 ELIGIBILITY

The following Employees shall be eligible to receive compensation as set forth herein:

(a) Permanent, provisional, and exempt Employees whose normal work week is not less than twenty (20) hours upon completion
of six months of continuous service; and
(b) All other Employees of the City and County of San Francisco, including “as needed” Employees, who have worked one thousand four hundred and forty (1040) hours in the twelve (12) months prior to the beginning of the Parental Leave and whose average work week is not less than twenty (20) hours.

A8.365-3 DURATION
Employees shall receive supplemental compensation as set forth herein for a period not to exceed twelve (12) weeks while on approved Family Medical Leave. Employees who take approved Temporary Pregnancy Disability Leave shall receive up to an additional four (4) weeks of compensation. Such compensation shall be subject to the conditions set forth in Section A8.365-4.

A8.365-4 SUPPLEMENTAL COMPENSATION
(a) Employees shall receive their regular base wage while on approved Parental Leave subject to the following conditions;

(1) Employees on approved Parental Leave shall first exhaust all accrued Paid Leave, with the exception of 40 hours of sick leave, before receiving any Supplemental Compensation under this section. Alternatively, if an Employee chooses not to exhaust these accrued leaves, as required by the previous sentence, the total amount of the benefit Supplemental Compensation for which the Employee would otherwise have been eligible will be reduced by the total amount of accrued Paid Leave received by the Employee chooses to retain, with the exception of 40 hours of accrued sick leave, as of the start of the leave.

(2) The amount of Supplemental Compensation shall be reduced by any payments received by the Employee from a federal, state or other local government agency while on Parental Leave.

(3) Supplemental Compensation shall be provided for no more than twelve (12) weeks, in the case of Employees taking Family Medical Leave, or sixteen (16) weeks, in the case of Employees who take Temporary Pregnancy Disability Leave. For Employees eligible for both Family Medical Leave and Temporary Pregnancy Disability Leave, Supplemental Compensation shall be provided for no more than sixteen (16) weeks total. The twelve (12) or sixteen (16) week period shall be reduced by any Paid Leave taken by the Employee: (A) after the birth of a child to the Employee, the Employee’s spouse, or the Employee’s Domestic Partner; (B) after placement of a child with the Employee’s family for adoption or foster care; or (C) for temporary pregnancy disability, within twelve (12) months prior to the commencement of Parental Leave as defined herein.

(4) Under no circumstance shall an Employee receive from the City Supplemental Compensation under this Charter section which would result in an Employee receiving total compensation while on Parental Leave which is greater than the Employee’s regular base wage.

(b) During Parental Leave, the City shall continue to pay the contributions required by this Charter for retirement and health benefits, and any employer-paid Employee retirement and health contributions required under the memorandum of understanding or unrepresented ordinance covering the Employee. Retirement contributions shall be based on the actual amount of City pay received during the period of Parental Leave.

(c) The amendment of this Section A8.365-4 approved at the November 3, 2015 election shall apply only to Employees who have not yet begun Parental Leave on the effective date of the amendment, or who have begun Parental Leave but have not yet exhausted all of their accrued sick leave on the effective date of the amendment.