

Personnel Rule 7.12 – Paid Family Care Leave

7.12.0 Authority

SMC 4.04.030 and subsequent revisions thereto, Definitions

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-Making Authority

SMC 4.29 and subsequent revisions thereto, Paid Family Care Leave

Seattle Ordinance No. 125834

7.12.1 Definitions

- A. “Appointing authority” shall mean the head of an employing unit authorized by ordinance or City Charter to employ others on behalf of the City, or a designated management representative. The term includes and can be used interchangeably with department head, department director, superintendent, and chief.
- B. “Child” shall mean a biological, adopted, or foster child, a step child, a legal ward, or the child of a person standing in loco parentis, who is 18 years of age or under, or who is 18 years of age or older and incapable of self-care because of a mental or physical condition at the time the leave is to commence.
- C. “Department Human Resources Representative” shall mean an employing unit’s representative authorized by the department appointing authority to process employees’ City Paid Family Care Leave requests consistent with this Personnel Rule.
- D. “Domestic partner” shall mean an individual with whom an employee shares the same regular and permanent residence, has a close personal relationship, and has agreed to be jointly responsible for basic living expenses incurred during the domestic partnership. To qualify to use Paid Family Care Leave to care for a domestic partner, an employee must file an affidavit of domestic partnership in a form prescribed and furnished by the Seattle Human Resources Director with their employing unit attesting that:
 - 1. They are not married to anyone, and
 - 2. They and their domestic partner is 18 years of age or older, and
 - 3. They are not related by blood closer than would bar marriage in Washington, and
 - 4. They were mentally competent to consent to contract when their domestic partnership began, and
 - 5. They are each other’s sole domestic partner, and are responsible for each other's common welfare; and
 - 6. Any prior domestic partnership in which the employee or their domestic partner participated with a third party was terminated not less than 90 days prior to the

date the employee files an affidavit of domestic partnership, or by the date of the death of the third party, whichever was earlier, and, if such earlier domestic partnership had been acknowledged pursuant to [SMC] subsection 4.30.010.A or 4.30.010.B, that notice of the termination of such earlier domestic partnership was provided to the City pursuant to [Section 4.30.030](#) not less than 90 days prior to the date of such affidavit;

- E. “Equivalent position” shall mean a position in which the employee enjoys the same status, seniority, rate of pay and benefits.
- F. “Grandchild” shall mean the child of the employee’s child.
- G. “Grandparent” shall mean the parent of the employee’s parent.
- H. “Intermittent or reduced leave schedule” shall mean Paid Family Care Leave that is taken sporadically or that results in a temporary reduction of the employee’s normal work schedule, respectively.
- I. “Paid Family Care Leave” shall mean properly certified paid leave taken by an employee for a qualifying condition pursuant to SMC Chapter 4.29. The Paid Family Care Leave entitlement is pro-rated for part-time employees.
- J. “Parent” shall mean the biological, step or adoptive mother or father of the employee or the employee’s spouse or domestic partner. Parent includes an individual who stood in loco parentis to the employee when the employee was a child; i.e., an individual who acted as a parent and who had day-to-day responsibilities to care for and financially support the employee. A legal or biological relationship is not necessary.
- K. "Part-time employee" shall mean an employee whose authorized work schedule is at least twenty (20) hours but less than forty (40) hours per week. .“Pro-Rated” shall mean the total number of City Paid Family Care Leave hours a part-time employee is entitled to and is calculated as a proportion based on their part-time work schedule.
 - 1. When the part-time employee’s weekly scheduled work hours vary from week to week, will the total City Paid Family Care Leave hours the part-time employee is entitled to be calculated by averaging the hours scheduled over the 12 months preceding the pay period in which the leave is set to begin (including any hours for which the employee took leave of any type).
 - 2. When an employee’s status changed from part-time to full-time or from full-time to part-time during the 12 months preceding the pay period in which the leave is set to begin, the total City Paid Family Care Leave hours the employee is entitled to will be calculated by averaging the weekly hours scheduled over the 12 months preceding the pay period in which the leave is set to begin (including any hours for which the employee took leave of any type).
- L. “Qualifying death” shall mean either (a) the death of a child or (b) the death of a domestic partner or spouse either from childbirth or from complications related to childbirth.

- M. “Regularly appointed employee” shall mean an individual who has a probationary, trial service, regular or exempt appointment to a position of City employment. It does not include temporary workers, interns, or other workers who are not in a regular position.
- N. “Rolling 12-month period” shall mean a 12-month period measured backward from the first day that an employee takes Paid Family Care Leave. Each time an employee takes Paid Family Care Leave the remaining leave entitlement would be any balance of the leave hours which has not been used during the immediately preceding 12 months.
- O. "Runs concurrently" shall mean substitution for or counting toward another leave entitlement.
- P. “Seattle Human Resources Director” shall mean the head of the Seattle Department of Human Resources or his or her designated management representative.
- Q. “Serious health condition” shall mean an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.
- R. “Sibling” shall mean a sibling of the employee.
- S. “Spouse” shall mean a spouse of the employee
- T. “Status” shall mean the condition of being exempt, probationary or regular in the current position or class.

7.12.2 Application of this Rule

- A. This Rule applies to regularly appointed employees.
- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.
- C. Criteria related to whether this Rule applies to individuals hired by the City on a temporary, intermittent, or seasonal basis, or for a work schedule of fewer than 20 hours per week, are addressed in [Personnel Rule 11 Temporary Employment](#).
- D. This Rule does not apply to individuals performing services under contract with the City.
- E. This Rule does not apply to individuals who are employed under the terms of a grant that includes family and medical leave provisions that conflict with this Rule.
- F. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of the personnel system within their employing units, provided that such policies and procedures do not conflict with the provisions of this Rule.

7.12.3 Care for Qualifying Family Member with Serious Health Condition

A. Eligibility

1. All full-time employees who have completed six months of employment with the City are eligible for Paid Family Care Leave; and
2. Employee has not exhausted their City Family and Medical Leave hours in the preceding rolling 12-month period; and
3. Employee has been approved for City Family and Medical Leave for the care of a qualifying family member.

B. Qualifying Conditions

An employee may take Paid Family Care Leave for any one or a combination of the following reasons:

1. The care of the employee's spouse/domestic partner or a child or parent of the employee or their spouse/domestic partner who has a serious health condition; or
2. The care of the employee's grandparent, grandchild, or sibling who has a serious health condition

C. Leave Entitlement

1. The Paid Family Care Leave Program provides up to 160 hours (four weeks) of paid leave per rolling 12-month period for a combination of one or more of the leave categories set forth in Personnel Rule 7.12.3(B).
2. The amount of leave available shall be pro-rated for part-time employees consistent with Personnel Rule 7.12.1(K).
3. Where an employee and the employee's spouse/domestic partner both work for the City, each is entitled to up to the maximum amount of Paid Family Care Leave, pro-rated for part-time employees.
4. An employee is eligible to take Paid Family Care Leave on an intermittent basis or reduced leave schedule where the leave is medically necessary if properly certified by a healthcare provider and in accordance with their City and/or Federal Family Medical Leave approval.
 1. Intermittent leave or leave taken as part of a reduced schedule may also be taken in increments as small as 15-minutes.
 2. An employee who takes Paid Family Care Leave on an intermittent or reduced leave schedule for planned medical treatments may be temporarily transferred to an alternative position for which the employee is qualified, that better accommodates the intermittent or reduced leave schedule, in accordance with SMC 4.26.030(B). The position to which the employee is transferred must have equivalent pay and benefits. The employee must be restored to the position from which they were transferred when Paid Family Care Leave terminates or the entitlement expires.

5. The entitlement of 160 hours of Paid Family Care Leave shall run concurrently with the employee's City Family and Medical Leave entitlement hours. It shall also run concurrently with the employee's Federal Family and Medical Leave Act entitlement hours only when the employee is eligible for both City and Federal Family and Medical Leave.
6. An employee who takes Paid Family Care Leave shall be entitled to the same protections as provided for City Family and Medical Leave in Personnel Rule 7.1.
7. The entitlement to 160 hours of paid leave expires once an approved Paid Family Care Leave period ends or sooner if the qualifying condition ends. Paid family care leave provided by the City to an employee but not used within a rolling 12-month period shall be forfeited and may not be retained for later use by the employee.

D. Notice and Certification Requirements

1. Employees shall provide at least 30 days' advance notice of the need and reason to take Paid Family Care Leave when the need for leave is foreseeable. In the case of an unforeseen need for leave, employees shall provide notice of the need and reason to take Paid Family Care Leave as soon as practicable.
2. The employee shall complete and submit the City's Paid Family Care Leave Application to their department's human resources representative..
3. The employee shall furnish a health care provider's Family and Medical Leave Certification of the qualifying family member's serious health condition, a to their department's Human Resources Representative within 15 calendar days of their notification of the need and reason for Paid Family Care Leave The medical certification must be issued by the health care provider of the qualifying family member of the employee. Certification should include:
 - a. The date on which the serious health condition commenced
 - b. The probable duration of the condition;
 - c. The appropriate medical facts within the knowledge of the health care provider regarding the condition; and
 - d. A statement that the eligible employee is needed to care for the qualifying family member.
4. Paid Family Care Leave entitlement hours are not available for use until employees have submitted the required leave application and medical certification to their department's human resources representative, demonstrating leave eligibility, and processing has been completed.
5. Paid Family Care Leave for the care of a qualifying family member's serious health condition must run concurrently with leave under the City's Family and Medical Leave (Personnel Rule 7.1) and, when applicable, the federal Family and Medical Leave Act (FMLA). As such, the department's human resources representative may require recertification of an employee's need for continuing

Paid Family Care Leave, but may not require such recertification more often than every 30 days.

6. The City may require, at the expense of the City, that the eligible employee obtain the opinion of a second health care provider designated or approved by the City concerning any information certified. When the second opinion differs from the opinion in the original certification, the City may require, at the expense of the City, that the employee obtain the opinion of a third health care provider designated or approved jointly by the City and the employee. The opinion of the third health care provider concerning the information certified shall be considered to be final and shall be binding on the City and the employee. Failure to provide notice and medical certification as required shall be grounds to deny Paid Family Care Leave, unless 15 calendar days is not practicable under the particular circumstances despite an employee's diligent, good faith efforts.

7.12.4 Qualifying Death Event

With Bea's Law, Seattle Ordinance 125834, the City expanded the use of the existing Paid Family Care Leave benefit (PFCL) by including specific qualifying death events. To distinguish between PFCL taken under Personnel Rule 7.12.3 (B) and PFCL taken due to a qualifying death, the latter will be referred to as Bea's Law Paid Family Care Leave.

A. Eligibility

1. All regularly appointed employees, who have been employed for a total period of six months, are eligible for Bea's Law Paid Family Care Leave; and
2. Employees who have exhausted their City Family and Medical Leave entitlement hours, but have not exhausted their Paid Family Care Leave entitlement hours in the last 12-month rolling period looking backward, are entitled to Bea's Law Paid Family Care Leave.

B. Qualifying Conditions

An employee may utilize Bea's Law Paid Family Care Leave for any one or a combination of the following reasons:

1. The death of an eligible child; or
2. The death of a spouse or domestic partner who dies from childbirth or childbirth complications

C. Leave Entitlement

1. Leave utilized under Bea's Law shall not exceed the employee's available leave hours set forth in Personnel Rule 7.12.3(C)1.
2. Amount of leave available shall be pro-rated for part-time employees consistent with Personnel Rule 7.12.1(K).
3. Where an employee and the employee's spouse/domestic partner both work for the City, each is entitled to up to the maximum amount of leave hours set forth in Personnel Rule 7.12.3(C)1, pro-rated for part-time employees.

4. An employee is eligible to take Bea's Law Paid Family Care Leave on an intermittent basis or reduced leave schedule. The use of intermittent leave must be made by written mutual agreement between the employee and their supervisor or manager.
 - a. Intermittent leave or leave taken as part of a reduced schedule may also be taken in increments as small as 15-minutes.
 - b. An employee who takes Bea's Law Paid Family Care Leave on an intermittent or reduced leave schedule may be temporarily transferred to a position consistent with Personnel Rule 7.12.3(C)3.1.
5. The leave entitlement of up to 160 hours under Bea's Law shall not run concurrently with the employee's City Family and Medical Leave entitlement hours.
6. The leave entitlement expires 12 months after the date of the qualifying death. Leave under Bea's Law provided by the City to an employee but not used within a rolling 12-month period shall be forfeited and may not be retained for later use by the employee.

D. Notice and Certification Requirements

1. Notice requirements shall be consistent with Personnel Rule 7.12.3(D)1.
2. The employee shall complete and submit the City's Bea's Law Paid Family Care Leave Application to their department's Human Resources representative.
3. The employee shall furnish a copy of the child's, spouse's, or domestic partner's death certificate along with their leave application to their department's Human Resources representative.
4. Leave entitlement hours are not available for use until employees have submitted the required leave application with a copy of the death certificate to their department Human Resources representative demonstrating leave eligibility and processing has been completed.
5. Failure to provide notice and documentation as required shall be grounds to deny the leave.

7.12.5 Leave Protections

- A. An employee must be reinstated to the position from which the employee took Paid Family Care Leave or to an equivalent position. The employee's right to restoration to the same or equivalent position is no greater than if the employee had been continuously working.
- B. The City shall maintain an employee's coverage under one of the City's group health plans while on Paid Family Care Leave at the level and under the conditions the coverage would have been provided if the employee had continued in employment continuously for the duration of such leave. If the employee fails to return from Paid Family Care Leave for any reason other than a continuation, recurrence, or onset of their qualifying family member's serious health condition or because of other circumstances beyond the employee's control, the employee may be required to reimburse the City for such coverage.

- C. An employee's absences that are medically certified as Paid Family Care Leave cannot be used as the basis, in whole or in part, for an adverse personnel action.

7.12.6 Return to Work

- A. An employee is required to return to work on the scheduled work day following the end of their Paid Family Care Leave.
- B. An employee who fails to return from leave taken under this Rule may be required to reimburse the City for the amount equal to the value of the leave taken.
- C. An employee who fails to return to work from leave on the date they are scheduled to return without prior written approval of additional leave under another leave rule or policy shall be treated as a voluntary quit or job abandonment, pursuant to Personnel Rule 6.1. The appointing authority shall provide the employee written notice via First Class Mail Return Receipt with Signature Required of the intended personnel action and the employee's opportunity to request a pre-separation meeting with the appointing authority to provide mitigating information. If the employee fails to respond in writing to the notice within five (5) business days of receipt of the notice, the personnel action will be deemed final and effective, as of the scheduled return-to-work date.