



**South Salt Lake City Council
Work Meeting**

Public notice is hereby given that the **South Salt Lake City Council** will hold a Work Meeting on **Wednesday, August 8, 2018** in the City Council Chambers, 220 East Morris Avenue, Suite 200, commencing at **5:30 p.m.**, or as soon thereafter as possible.

CITY COUNCIL

BEN PENDER
COREY THOMAS
SHARLA BYNUM
PORTIA MILA
SHANE SIWIK
MARK KINDRED
RAY DEWOLFE

Conducting: Ben Pender, Council Chair

MATTERS FOR DISCUSSION:

- | | | |
|----|--|--------------|
| 1. | Equal Pay HR Policy | Mark Kindred |
| 2. | Parental Leave Pay HR Policy | Mark Kindred |
| 3. | Elected Officials Salary
Compensation | Mark Kindred |

Adjourn

Posted August 3, 2018

Those needing auxiliary communicative aids or other services for this meeting should contact Craig Burton at 801-483-6027, giving at least 24 hours' notice.

**CHERIE WOOD
MAYOR**

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TTY: 711

CITY OF SOUTH SALT LAKE
CITY COUNCIL WORK MEETING

COUNCIL MEETING

Wednesday August 8, 2018
5:30 p.m.

CITY OFFICES

220 East Morris Avenue #200
South Salt Lake, Utah 84115

PRESIDING
CONDUCTING

Council Chair Ben Pender
Council Chair Ben Pender

COUNCIL MEMBERS PRESENT:

Sharla Beverly, Ray deWolfe, Mark Kindred, Portia Mila,
Ben Pender, Shane Siwik and Corey Thomas

Council Member Mila participated by telephone at 5:50 p.m.

STAFF PRESENT:

Mayor Cherie Wood
Ariel Andrus, Deputy City Recorder
BJ Allen, IT

Matters for Discussion

- 1. Equal Pay HR Policy.** Council Member Kindred said that Salt Lake City Mayor signed a Gender Pay Equality Policy and he would like to adopt something like this in South Salt Lake. A copy is attached to these minutes and incorporated by this reference. City Council Attorney, Doug Ahlstrom, wrote up an ordinance regarding this.

Mayor Wood expressed concern about express State law preemption.

Council Member Kindred asked if Mayor Wood would adopt a similar policy in the employee manual

Mayor Wood said yes.

Council Chair Pender wonders if it necessary to have an ordinance for this equal pay.

The Council agreed that the issue is with asking for past salary for new hires and the City doesn't require that information right now.

Council Member Kindred recommended once a policy change was put in place the Council can pass a resolution to reinforce this change.

- 2. **Parental Leave Pay HR Policy.** Council Member Kindred said that a few other municipalities have passed a parental leave policy and this is something he would like to see in South Salt Lake. He is proposing that the City offer two weeks paid time off that is separate from PTO or sick leave after having a child.


Mayor Wood would like to have further conversations about this that include input from Human Resources and Finance.

This item was moved to a future work meeting for further discussion.


- 3. **Elected Officials Salary Compensation.** Council Member Kindred would like the Council to look at a new policy for elected official’s salary compensation going forward. Provo City has an elected official’s compensation commission. In an election year the commission is tasked with reviewing the results of a salary survey and then they make a recommendation to the Council on the salary for the Mayor and the Council that year. He thinks this is something South Salt Lake should look into. Another topic that needs to be discussed is cost of living wage increases.

This item was moved to a future work meeting for further discussion.

The meeting adjourned at 6:16 p.m.



 Ben Pender, Council Chair -vice
 Shane Siwik



 Craig D. Burton, City Recorder -deputy
 Ariel Andrews



MEMORANDUM

DATE: February 14, 2018
TO: Mayor Jackie Biskupski
FROM: Julio Garcia, Director, Department of Human Resources
RE: HR Policies

Attached are two HR policies that are ready for your review and approval. Per our previous conversations we are modifying our existing recruitment and selection policy to remove the requirement that all positions require pre-employment drug screening and that instead, the requirement apply only to positions designated as safety-sensitive or other positions identified by the Human Resources Department due to department-specific needs and/or requirements.

In addition, we have one new policy that is aimed at addressing gender pay equity in Salt Lake City Corporation. Both of these policies have been reviewed and edited by the city's policy steering committee. All three unions have been provided their 30-day comment period. And your input has been added as well.

With your approval the policies will have an effective date of March 1, 2018. Once you sign off on the policies I will forward the original copies to the city recorder for recording as well as electronic copies of each policy for posting by the codifier.

Thank you for your support of these important human resource initiatives. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Julio Garcia".

Julio Garcia
Director, Department of Human Resources



HUMAN RESOURCES		
Employment Policies		
Policy #	Policy Name	Date Approved
3.01.01	Recruitment & Selection (<i>revised policy</i>)	March 1, 2018
3.01.10	Gender Pay Equity (<i>new policy</i>)	March 1, 2018

EFFECTIVE DATE (Date signed by Mayor):

Handwritten signature of Jacqueline Biskupski in cursive script.

Mayor

2-20-18

Date



Policy Purpose

Because employees should be paid based on their years of relevant experience and / or education and because women have historically been paid at rates significantly less than men, the city is committed to offering wages not based on what prospective employees *currently* earn, but rather based on consideration of internal rates of pay of employees who are performing the same work and external market data. Salt Lake City Corporation’s goal is to eliminate systemic bias and discrimination that adds to the under-valuation of work performed by women and to ensure that women are treated equally in terms of compensation for work performed.

- I. General
 - a. In accordance with applicable law, Salt Lake City Corporation prohibits discrimination based on a person’s race, color, national origin, sex, including pregnancy, gender identity, religion, age, disability, genetic information, sexual orientation, gender identity, or any other legally protected class.
 - b. Pay decisions, which include but are not limited to, new hire pay determinations, promotional pay offers, merit pay increases, or any other pay adjustments, cannot be based on a person’s gender.
 - c. Salt Lake City Corporation’s pay practices are intended to provide equal pay for equal work, without regard to gender.
- II. Interview Practices
 - a. Individuals participating in a city hiring process (including, but not limited to, hiring managers, members of interview panels, and employees of the Human Resources Department) are prohibited from asking an applicant about their current salary or past salary history. If an applicant voluntarily discloses current or past salary information, the city will not rely on such information as the basis for any salary offer it may make.
- III. Workplace Expectations
 - a. Gender pay equity among employees in all jobs will be evaluated on a regular basis through an HR audit.

Current References: 3.02.01 Compensation & Pay Practices
Responsible Agency: Department of Human Resources
Initial Effective Date: 1st date of March, 2018



MAYOR'S OFFICE
JACKIE BISKUPSKI

PRESS RELEASE

FOR IMMEDIATE RELEASE

March 1, 2018

Contact: Matthew Rojas
385-228-2365 – matthew.rojas@slcgov.com

Mayor Biskupski signs Gender Pay Equity policy on first day of Women's History Month

Today, surrounded by women directors of Salt Lake City departments and agencies, Mayor Jackie Biskupski signed a new City policy which aims to eliminate systemic bias and discrimination that adds to the under valuation of work performed by women.

The City's Gender Pay Equity policy reinforces Salt Lake City's commitment to equity and diversity, prohibits certain activities which have historically led to gender pay imbalance, and requires Human Resources to conduct regular audits on gender pay equity. Specifically, the policy prohibits individuals participating in City hiring processes from asking an applicant about their current or past salary history.

"Inquiring about an individual's past salary has historically been a cause of gender pay inequity," said Julio Garcia, Salt Lake City's Human Resources Director. "Because women have historically been paid less than men, basing salary decisions on this information, rather than on a similar pay for similar work philosophy, perpetuates a cycle of gender pay inequity."

A 2017 report by the National Partnership for Women and Families, from data collected by the 2015 U.S. Census American Community Survey, found that Utah women are paid on average 71 cents for every dollar paid to men, amounting to an annual wage gap of \$14,681 annually. The study also concluded this wage gap is found in every area of the State and across industry, occupation, and education level.

"The gender pay gap is costing women, children, and families billions of dollars each year, making it harder for people to pay for education, healthcare, housing, and to save for the future," said Mayor Jackie Biskupski. "Gender pay equity is a family values issue, and as Utah's Capital City, Salt Lake City has a responsibility to show others in the State how promoting equity, fairness, and diversity benefits our community."

Last month, the Senate Business and Labor Committee ended discussion of a bill sponsored by Sen. Luz Escamilla which would have studied pay imbalance between men and women at the State level. A bill on paid family leave for state employees also stalled this year. Last year, Mayor Biskupski also instituted a family leave policy, providing City employees regardless of gender or length of service, with six weeks of paid leave. Since that time more than 94 employees have utilized the benefit, including 82 new fathers, many of them with the City's Police and Fire departments.

The new policy was made effective on March 1, the first day of Women's History Month. It was championed by City Council Chair Erin Mendenhall who also participated in the ceremonial signing.

"The time is right to press even harder for gender equal pay," said Erin Mendenhall, City Council Chair. "The list of excuses is long; behaviors entrenched. But no longer do we wait for simple parity on all fronts. Equal pay for equal work, it is that simple."

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FMLA and Parental Leave Frequently Asked Questions

Parental Leave

Q 1. What does Salt Lake County Parental Leave include?

Parental Leave includes six weeks (240 hours) of consecutive, paid leave for work absence due to the birth or adoption of a child.

Q 2. Is there any additional leave available for birth mothers?

Yes, birth mothers eligible under the Family Medical Leave Act (FMLA) are entitled to an additional six weeks (240 hours) of consecutive paid leave immediately after the birth to recover from the physical and medical effects of pregnancy and childbirth. Birth mothers are eligible for a total of 12 weeks paid leave.

Q 3. Who can use Parental Leave?

All employees who are approved for FMLA leave due to the birth or adoption of a child.

Q 4. When should an employee request to use Parental Leave?

Employees must report the ending birth or adoption of a child to their supervisor as soon as possible for their individual circumstances.

Q 5. What is the timeframe in which an employee can take Parental Leave?

Parental Leave must begin within six months of the birth or adoption of the child, and must be used consecutively. Birth mothers are entitled to an additional six weeks of consecutive paid leave immediately after the birth to recover from the physical and medical effects of pregnancy and childbirth.

Q 6. What is the effective date for the new Parental Leave policy?

May 1, 2017. The Council approved this policy change on August 1, 2017, with a three month retroactive date of May 1, 2017. Parental Leave will be applied retroactively for births or adoptions that occurred on or after May 1, 2017.

Q 7. What if an employee has taken leave due to the birth or adoption of a child on or after May 1, 2017?

Any vacation, sick or comp time used for this leave will be reimbursed. Payroll coordinators will work with Mayor's Finance to retroactively apply Parental Leave in these situations.

Q 8. If an employee had their baby prior to May 1, 2017, but was on leave for the birth and bonding with the child after May first, are they eligible for Parental Leave?

No, in order to be eligible for Parental Leave an employee has to have had their baby on or after May 1, 2017.

Q 9. I understand that Parental Leave has to be taken consecutively. If an employee took leave for the birth or adoption of a child between May 1, 2017 and August 1, 2017, do they still qualify for the Parental Leave?

Yes, as long as employees had their baby on or after May 1, 2017 and qualify for FMLA leave, they are entitled to the full Parental Leave benefit.

The leave taken prior to August 1, 2017 will be designated as FMLA leave and any sick or vacation time taken will be reimbursed and counted as Parental Leave.

They will then be eligible for any remaining leave, which will need to be taken consecutively.

Q 10. If an employee who works part-time or three quarter time qualifies for FMLA leave how much Parental Leave can they receive?

Employees who work less than 40 hours per week, will have their Parental Leave pro-rated accordingly.

Q 11. Are time-limited employees eligible for Parental Leave?

Time-limited employees who qualify for FMLA leave also qualify for Parental leave.

Q 12. What documentation do employees have to provide to verify the birth or adoption of a child?

Birth: As employees are expected to request Parental Leave as soon as feasible, they may submit either a note from a doctor verifying the pregnancy and due date or they may use the existing medical certification form.

Adoption: a signed letter on letterhead by the adoption agency or relevant court authority, verifying the adoption of a child.

Q 13. Can employees take Parental Leave intermittently?

No, employees must take all Parental Leave consecutively.

Q 14. Can an agency deny Parental Leave to employees if the employee's absence would create an undue hardship to the agency?

No, as long as an employee qualifies for FMLA leave, they can receive the Parental Leave benefit.

Q 15. Can birth mothers receive short term disability benefit, while receiving Parental Leave?

Yes, employees who qualify for short term disability may receive those payments while receiving paid Parental Leave.

Q 16. If an employee's child is still born, how much Parental Leave can the employee receive?

Birth mothers can receive six weeks of paid Parental leave to recover from the physical and medical effects of pregnancy and childbirth.

All other parents, such as fathers, do not receive any paid Parental Leave when a child is still born.

Q 17. If an employee miscarries in the last weeks before the due date, does the employee receive Parental Leave to recuperate?

No, the employee would not be eligible for Parental Leave but can request FMLA leave.

Q 18. If a birth mother is put on bedrest prior to the birth of the baby, what kind of leave can she use while on bedrest?

Birth mothers can only start receiving Parental Leave once the child is born. If they need to be on bedrest prior to the birth of the child, they can apply for FMLA leave and use it concurrently with the accruals, as specified in the County's FMLA policy. Once the child is born they can take the remaining FMLA leave and Parental Leave.

Q 19. In cases of adoption, when can an employee start taking Parental Leave?

An employee may start taking Parental Leave once the adoption is finalized, or if needed earlier to address adoption related matters, such as traveling to pick up the child.

Q 20. If an employee acts as a surrogate birth mother for a child, is she entitled to Parental Leave?

Yes, she may receive six weeks "immediately after the birth of the child to recover from the physical and medical effects of pregnancy and childbirth."

FMLA Policy Changes

Q 21. If an employee requested and was approved for FMLA prior to August 1, 2017, do they still need to take their paid leave concurrently with their FMLA leave and do they need to exhaust their paid leave prior to taking unpaid FMLA leave?

No, all FMLA leave requests made prior to the new policy going into effect, should be maintained as valid agreements based on policy at that time. All new FMLA leave requests must comply with the new HR Policy 4-600, as approved on August 1, 2017.

Q 22. If an employee is on FMLA leave and has been approved for Short Term Disability, do they still need to exhaust their leave accruals?

No, employees who are on STDi or workman's comp, may, but are not required to take their accruals concurrently.

Q 23. If an employee has been approved for Short Term Disability, does that mean they are excused to be off of work?

Short Term Disability is an insurance benefit that replaces part of an employee's wages while they are unable to work. An employee still needs to seek approval for any time off. For example, they can apply for FMLA leave, which will protect their job (if they qualify).

Q 24. What if an employee does not complete FMLA paperwork?

If it is known that an employee is taking leave for a FMLA qualify reason, we will designate it as FMLA leave, regardless of whether the employee has requested FMLA leave or not.

SLCo HR Policy 4-600 (II)(3)(d) states: "To the degree that the underlying condition for which the employee is receiving workers' compensation, short term disability, long term disability or using paid leave is a serious health condition, the County shall designate the employee's FMLA leave to run concurrently."

Q 25. If an employee exhausts their FMLA leave and all their accruals, what options do they have?

Employees who exhaust their FMLA leave and their accruals, may request leave without pay or a reasonable accommodation under the American's with Disabilities Act (ADA).

Additional Questions

Q 26. Whom do I contact if I have additional questions about FMLA and/or Parental Leave?

If you have additional questions about the County's FMLA policy or the new Parental Leave benefit, please contact an Employee Relations team member at 385-468-0570.

HR POLICY AMENDMENTS

AUGUST 1ST, 2017

4-600 FAMILY MEDICAL LEAVE



HR Policy 4-200:

Leave Practices-Addition of Parental Leave

Company/Organization	Leave	Timing	Comments
Netflix	Unlimited leave	Current	
Coca-Cola	6 Weeks Paid Leave	1/1/2017	Benefits complement the six to eight weeks of paid leave the company currently provides to birth mothers through short-term disability
Microsoft	20 weeks for birth mothers and 12 weeks for all parents of new children	Current	
Accenture	16 Paid Weeks	Current	
Hilton	New parents will get two weeks of paid leave, with new birth mothers receiving a total of 10 paid weeks of leave	Current	
Johnson & Johnson	8 Weeks Paid Leave	Current	
US Navy	18 Weeks of maternity leave	Current	
City of San Francisco	6 Weeks Paid Leave	1/1/2017	
New York State	12 weeks partially paid time off	1/1/2018	
Salt Lake City	6 weeks of paid Parental leave	Current	
Salt Lake County	Unpaid FMLA	Current	

HR Policy 4–200: Leave Practices–Addition of Parental Leave

An individual on paid leave is more likely to come back to work as opposed to someone not on paid leave.

Cost

- The cost of paying salaried employees is already accounted for in payroll; therefore, the cost remains the same whether a salaried employee is on the job or on paid leave.
- Agencies and departments could experience some additional costs based on lost productivity of the employee on leave.

HR Policy 4–200: Leave Practices–Addition of Parental Leave

Parental Leave Details

- Parental Leave may be used for an employee's absence from work due to the birth or adoption of a child.
- Employees approved for FMLA leave are also eligible for six weeks (240 hours) of consecutive paid Parental Leave.
- Birth mothers eligible for FMLA are entitled to an additional six weeks (240 hours) of consecutive paid leave immediately after the birth to recover from the physical and medical effects of pregnancy and childbirth and/or bonding with their child.

HR Policy 4–200: Leave Practices–Addition of Parental Leave

Parental Leave

- Employees will report the pending birth or adoption of a child to their supervisor as soon as practicable.
- Parental Leave requests shall require documentation verifying the birth or adoption.
- Proposed that parental leave be applied retroactively back to **May 1st, 2017** (3 months).

HR Policy 4–600: Family Medical Leave

Purpose/Policy of Revising

- SLCo's practice of administering FMLA has not been consistent with the DOL's federal guidelines.
- SLCo has an obligation to designate leave as FMLA-qualifying as soon as the absence becomes an FMLA-qualifying event.
- As soon as the leave of absence qualifies as FMLA leave, it should be designated as such — regardless of whether the employee wants FMLA to apply.
- When the County allows employees or managers to pick and choose when they designate FMLA, this leaves the employee vulnerable, the County open for liability, and increases the potential for abuse.

HR Policy 4-600: Family Medical Leave

Details:

- FMLA will now run concurrently with other leave-worker's compensation, STDi, LTD, parental leave and sick and paid leave when it is a certified medical condition.
- Paid leave shall be exhausted in the following order:
 - 1) parental leave
 - 2) personal preference day
 - 3) administrative leave
 - 4) compensatory time
 - 5) sick leave
 - 6) vacation

HR Policy 4-600: Family Medical Leave

Best Practice

Formal survey of about 25 private/public entities asked if their organization runs concurrently FMLA with other leave:

- All organizations surveyed run FMLA concurrently with other paid leave except for one organization.
- Surveyed participants included education, energy, finance, government, health, transportation, food and recreation.

Questions