

LEGISLATIVE DIGEST

Retirement System Credit For Unpaid Parental Leave.

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by:

- **Adding Sections A8.523 through A8.523-7, to allow retirement system credit for eligible members who have taken unpaid parental leave while employed with the City and County;**
- **Amending Sections A8.509, A8.559-10, A8.585-10, A8.586-10, A8.587-7, A8.588-10, A8.595-10, A8.596-10, A8.597-10, and A8.598-10, relating to computation of service credit for a period of unpaid parental leave; and**
- **Amending Sections A8.509, A8.559-11, A8.585-11, A8.586-11, A8.587-8, A8.588-11, A8.595-11, A8.596-11, A8.597-11, and A8.598-11, relating to the source of funds for eligible members who elect to purchase service credit for a period of unpaid parental leave.**

Existing Law

Pursuant to the Charter Retirement System provisions, currently City employees are only permitted to obtain retirement service credit for periods of paid service or paid leave.

Charter Section A8.365 permits City employees to take paid parental leave for a period of up to twelve weeks, or if the employee is temporarily disabled by pregnancy, up to sixteen weeks, for leave to care for a child after birth or placement for adoption or foster care. Parental leave after this twelve or sixteen week period is unpaid unless the employee has remaining accrued paid leave. Charter Section A8.365 became effective on July 1, 2003.

The City's Civil Service Rules permit eligible City employees to take Family Care Leave following the birth of a child or the assumption of parenting or child rearing responsibilities. Family Care Leave may be granted for a period of up to one year at the discretion of the appointing officer of the department. Family Care Leave is unpaid, but it may be taken in addition to accrued compensatory time off, vacation time, floating holiday time or sick leave.

Amendments to Current Law

This amendment would permit eligible members to purchase service credit with the Retirement System for the time that they were on Unpaid Parental Leave prior to July 1, 2003, and while employed by the City. Provided, however, that employees are only eligible under this amendment if they returned to work for the City for at least six months immediately after the expiration of their Unpaid Parental Leave. An employee electing to purchase service credit under this Amendment must make any such election for a minimum period of two

months of Unpaid Parental Leave or all of his or her Unpaid Parental leave where such total period is less than two months. This election is limited to a maximum period of four months for each period of Unpaid Parental Leave. A member may only elect to purchase service credit for a period of Unpaid Parental Leave taken prior to July 1, 2003. An election pursuant to this Amendment must be made before the date the employee files the application to retire or the effective date of his or her retirement, whichever is later.

All costs to purchase the service shall be paid by the member. There shall be no cost to the City and County. The Retirement System shall determine the cost to purchase the service. No service credit will be allowed unless and until all such costs are received by the Retirement System.

This section shall not apply to Retirement System members or their successors in interest who retired or terminated prior to the effective date of this section.

Revisions From First Draft

The Second Draft of the Proposed Charter Amendment revised the First Draft in the following ways:

- 1) the First Draft only applied to eligible safety members of the police and fire departments, whereas the Second Draft applies to all eligible City employees;
- 2) the First Draft limited the amount of service credit a member could purchase for a period of Unpaid Parental Leave to twelve (12) months, whereas the Second Draft limits it to four (4) months;
- 3) the First Draft required employees to purchase a minimum of six (6) months of service credit for a period of Unpaid Parental Leave or all of his or her Unpaid Parental leave where such total period is less than six months, whereas the Second Draft requires employees to purchase a minimum of two (2) months of service credit for a period of Unpaid Parental Leave or all of his or her Unpaid Parental leave where such total period is less than two months; and
- 4) the First Draft permitted employees to purchase service credit for a period of Unpaid Parental Leave taken prior to the date the employee files the application to retire or the effective date of his or her retirement, whichever is later, whereas the Second Draft only permits employees to purchase service credit for a period of Unpaid Parental Leave taken prior to July 1, 2003.