

Proposed by: Assemblymember Burnham  
Attorney Review: 09/21/2021

Vote: 6 Aye 0 Nay 0 Absent

## MUNICIPALITY OF SKAGWAY, ALASKA RESOLUTION NO. 21-31R

### A RESOLUTION OF THE MUNICIPALITY OF SKAGWAY, ALASKA, AMENDING THE MUNICIPALITY OF SKAGWAY PERSONNEL POLICY TO PROVIDE FOR PAID FAMILY LEAVE BENEFITS.

**WHEREAS**, the Municipality does not currently provide paid family leave to employees utilizing Family Medical Leave Act (FMLA) and Alaska Family Medical Leave Act (AFLA) benefits, which are designed to help employees balance the demands of their jobs and the needs of their families; and

**WHEREAS**, under FMLA a borough employee may take up to 12 weeks off to care for a family member with a serious health condition or to bond with a newborn, adopted or foster child, using accrued sick and vacation leave or unpaid leave; and

**WHEREAS**, under AFLA a borough employee may take up to 18 weeks off to care for a family member with a serious health condition or to bond with a newborn, adopted or foster child, using accrued sick and vacation leave or unpaid leave; and

**WHEREAS**, FMLA and AFLA leave is job-protected leave – in most cases, an employee is restored to the same position as before taking the leave; and

**WHEREAS**, providing paid family leave would eliminate having to choose between caring for a family member and ensuring one has enough money to cover basic daily living expenses; and

**WHEREAS**, providing paid family leave benefits all employees;

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Assembly of the Municipality of Skagway that the Municipality of Skagway Personnel Policy is hereby amended as detailed in Exhibit A and approved.

**PASSED AND APPROVED** by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 7<sup>th</sup> day of October, 2021.

  
Andrew Cremata, Mayor

ATTEST:

  
Emily A. Deach  
Municipal Clerk

(SEAL)



## EXHIBIT A

### 7.6 Family Leave

- (a) The Municipality of Skagway is a covered employer under the Family and Medical Leave Act (FMLA) and the Alaska Family Leave Act (AFLA). FMLA and AFLA are designed to help employees balance the demands of their jobs and the needs of their families.
- (b) The Federal Family Medical Leave Act (FMLA) provides the following:
  - (1) Up to twelve (12) work weeks off from work to care for the employee or a family member with a serious health condition;
  - (2) Up to twelve (12) work weeks off from work to bond with a newborn, adopted or foster child;
  - (3) The Municipality is obligated to maintain the employee's health insurance for the duration of the leave;
  - (4) FMLA leave is job-protected leave; in most cases, an employee is restored to the same position he or she occupied prior to taking the leave.
- (c) The Alaska Family Medical Leave Act (AFLA) provides the following:
  - (1) Up to eighteen (18) work weeks off from work to care for the employee or a family member with a serious health condition;
  - (2) Up to eighteen (18) work weeks off from work to bond with a newborn or adopted child;
  - (3) AFLA leave is job-protected leave; in most cases, an employee is restored to the same position he or she occupied prior to taking the leave.
- (d) Family Leave Benefits provide the following:**
  - (1) Paid Family Leave is available to mothers and fathers for the birth of the employee's child or the placement of a child with the employee for adoption or foster care; or for the care of an employee or an employee's family member with a serious health condition; without regard to the marital status or sexual orientation of the employee. For the purposes of this section, "family member" shall mean a husband, wife, domestic partner, child, or parent.**
  - (2) All employees that qualify for FMLA leave can utilize Paid Family Leave as allowed in this section, except those employees whose terms and conditions of employment with the Municipality are negotiated through a contract or agreement.**
  - (3) The Paid Family Leave Benefit is up to 10 working days for a maximum of 80 hours (two weeks) for employees scheduled to work 40 hours per work week. If both parents of a child covered under this policy are municipal employees, or if two employees will utilize family leave for the same family member, each employee may utilize this benefit up to a total of 80 hours.**
  - (4) Paid Family Leave must be taken within the FMLA period associated with the date of the birth or placement of a child for adoption or foster care, or within the FMLA period associated with the dates of the serious health condition.**
  - (5) Employees are not entitled to take Paid Family Leave intermittently.**
  - (6) Accrued sick leave and vacation leave must be fully used by the employee prior to utilizing the Paid Family Leave benefit.**

## EXHIBIT A

- (7) Employees must have been employed for twelve months as of the first day of utilization of the Family Leave benefit to be eligible for the Paid Family Leave benefit. This 12-month period does not include probationary periods.
- (8) Employees must have worked at least 1,250 hours in the preceding twelve months before the first day of the utilization of the Family Leave benefit to be eligible for the Paid Family Leave benefit. This 12-month period does not include probationary periods.
- (9) The Paid Family Leave benefit may only be utilized once every two calendar years.
- (10) Paid Family Leave benefits must be approved by the department director and the borough manager prior to being utilized.
- (de) Employees whose ~~family-FMLA and/or AFLA~~ leave exceeds Paid Family Leave and/or accrued sick and vacation leave may ~~use earned vacation leave or~~ take leave without pay.
- (ef) The employee must notify the Borough Manager in writing of his/her intention to return to work (including estimated date of return) prior to the commencement of his/her family leave. An employee who states his/her intention to return to work shall have his/her position held open until the date specified in his/her statement of intention. The Borough Manager must notify the employee in writing within five (5) days of an employee's request for family medical leave of the provisions of the Federal Medical Leave Act and the Alaska Family Medical Leave Act.
- (fg) During the compensated Family Leave, sick leave and periods of family leave, vacation leave and seniority shall accrue. In addition, during compensated sick leave, periods of family leave and periods of leave without pay, health and other insurance benefits will continue without interruption.