



## Legislation Details (With Text)

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**Title:** Actions pertaining to amending Sections 3-107 and 3-264 of the Fresno Municipal Code  
1. \*\*\*BILL NO. B-66 - (Intro. 11/9/2017) (For adoption) - Amending Section 3-107 of Chapter 3, Article 1 of the Fresno Municipal Code Relating to Sick Leave and Special Leave (Subject to Mayor's veto)  
2. \*\*\*BILL NO. B-67 - (Intro. 11/9/2017) (For adoption) - Amending Section 3-264 of Chapter 3, Article 2 of the Fresno Municipal Code Relating to Special Provisions for the Fireman Trainee Class (Subject to Mayor's veto)

**Sponsors:** Personnel Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. ORDINANCE No. \_\_\_\_\_ Amending Chapter 3, Article 1, Section 3-107 of the FMC rev.pdf, 2. ORDINANCE No. \_\_\_\_\_ Amending Chapter 3, Article 2, Section 3-264 of the FMC.pdf

Date	Ver.	Action By	Action	Result
12/7/2017	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**December 7, 2017**

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Personnel Services Department

**BY:** KEN PHILLIPS, Labor Relations Manager  
Personnel Services Department

## SUBJECT

Actions pertaining to amending Sections 3-107 and 3-264 of the Fresno Municipal Code

1. \*\*\*BILL NO. B-66 - (Intro. 11/9/2017) (For adoption) - Amending Section 3-107 of Chapter 3, Article 1 of the Fresno Municipal Code Relating to Sick Leave and Special Leave (Subject to Mayor's veto)
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## RECOMMENDATION

It is recommended Council approve the introduction of amendments to the Fresno Municipal Code (FMC), Chapter 3, Article 1, Section 3-107 Sick Leave and Special Leave, and to Chapter 3, Article 2, Section 3-264 Special Provisions Relating to Fireman Trainee Class.

## **EXECUTIVE SUMMARY**

California Assembly Bill (AB) 1522 and Senate Bill (SB) 579 enacted a number of changes that impact the provision and administration of Sick Leave for employees. In addition, FMC Section 3-107 contains references to a Charter Section that was deleted in 1993. Consequently, it is necessary to update FMC Section 3-107 regarding the provision and use of Sick Leave for City employees.

FMC Section 3-264 Special Provisions Relating to Fireman Trainee Class includes the outdated terminology “Fireman” which will be replaced with the gender-neutral terminology “Firefighter”. In addition, this section of the FMC includes a citation of another section in the FMC using the old numbering system. This will be remedied by updating the citation with the current numbering system.

## **BACKGROUND**

AB 1522 - The Healthy Workplace Healthy Family Act of 2014 necessitates changes to FMC Section 3-107 Sick Leave and Special Leave to reduce the length of time a person that must be employed before a person can begin using sick leave from six months to ninety days. Additionally, temporary employees now earn and can use sick leave under certain conditions.

SB 579 revised provisions of State Labor Code Section 233 which used to be known as “Kin Care” or “Family Sick Leave” to align with eligibility provisions in AB 1522. This expanded Labor Code Section 233 to include the employee, expanded definitions of family members to include parent and child, grandparents, grandchildren and siblings. Several bargaining units raised concerns, indicating that the inclusion of the employee in the definition reduces an employee’s ability to use sick leave to care for family members. To resolve this issue it is recommended that the definition of family in FMC Section 3-107 be expanded to match the definition of family in AB 1522 and Labor Code 233, and include parents, spouse, children, registered domestic partner, parents-in-law, grandparents, grandchildren, and siblings. As a result, an employee is able to use sick leave to care for a family member without increasing the amount of protected leave.

Currently, FMC Section 3-107 prohibits an employee who is on leave due to an industrial injury from using sick leave. This is appropriate when an employee is receiving temporary disability benefits. It is recommended that this Section of the FMC be revised to allow, but not require, an employee who exhausts temporary disability benefits and any disability payments from any source to use sick leave.

FMC Section 3-107 makes a number of references to deleted language in Charter Section 809. It is recommended that these references be deleted as well.

It is also recommended that FMC Section 3-264 Special Provisions Relating to Fireman Trainee Class be amended to change all references of “Fireman” to “Firefighter.” The change would also update a reference to FMC Section 2-1651.1 to Section 3-261 to reflect changes to the numbering system in the FMC.

The City Attorney’s Office has approved the FMC Amendments as to form. The meet and confer process has been satisfied.

## ENVIRONMENTAL FINDINGS

By the definition provided in the California Environmental Quality Act Guidelines Section 15378 this item does not qualify as a “project” and is therefore exempt from the California Environmental Quality Act requirements.

## LOCAL PREFERENCE

Local preference is not implicated because this item does not involve public contracting or bidding with the City of Fresno.

## FISCAL IMPACT

There is no fiscal impact resulting from the recommended changes to the FMC.

Attachments:

Ordinance No. \_\_\_\_\_ Amending Chapter 3, Article 1, Section 3-107 of the FMC

Ordinance No. \_\_\_\_\_ Amending Chapter 3, Article 2, Section 3-264 of the FMC