

LEGISLATIVE DIGEST

(Duplicated in Committee, 9/10/2021)

[Administrative Code - Policies Authorizing Parental Leave and Teleconferencing During Leave by Members of the Board of Supervisors and City Boards and Commissions]

Ordinance amending the Administrative Code to: authorize the Board of Supervisors to adopt a parental leave policy for its members, which policy shall, among other things, authorize members to participate in public meetings by teleconferencing to the extent permitted by State law when the member is not able to attend in person due to pregnancy, childbirth, or a related condition, and which may authorize members to participate in public meetings by teleconferencing to the extent permitted by State law when the member is absent to care for the member's child after birth of the child or after placement of the child with the member for adoption or foster care; and, adopt a parental leave policy for other City boards and commissions, including authorization to participate in public meetings by teleconferencing under the same conditions.

Existing Law

Parental Leave. Current City law does not address parental leave policies for members of the Board of Supervisors and other City boards and commissions.

Teleconferencing. The Charter requires members of the Board of Supervisors and other City boards and commissions to be physically present at a meeting in order to be counted towards a quorum and able to conduct business. The Charter generally does not allow participation in public meetings by teleconferencing.

But the Charter includes a limited exception for teleconferencing authorized as part of a qualifying parental leave policy. Charter Section 2.104 provides, in relevant part, that members of the Board may legally participate in a meeting by teleconferencing or other electronic means as authorized by the Brown Act (Cal. Govt. Code § 54953(b)) "after the Board of Supervisors has adopted an ordinance . . . allowing such participation" as part of a parental leave policy. Charter Section 4.104 provides similar authorization for members of other City boards and commissions.

Amendments to Current Law

The proposal is an ordinance that would amend the Administrative Code to address parental leave policies for members of the Board of Supervisors and other City boards and commissions, and allow those members to participate in public meetings by teleconferencing while on parental leave.

The Board of Supervisors. The ordinance would authorize the Board of Supervisors to adopt a parental leave policy for its members. Board members would be eligible to take parental leave when a member:

- Was physically unable to fulfill the member's duties, including attending Board meetings in person, due to the member's pregnancy, childbirth, or related condition, as certified by a health care provider, or
- Was absent to care for the member's child after birth of the child, or after placement of the child with the member or the member's immediate family for adoption or foster care.

Members eligible for parental leave due to medical conditions related to pregnancy or childbirth would be allowed to take parental leave for 32 weeks or until the member no longer met the eligibility requirement, whichever came first. Members eligible due to child care responsibilities following birth or placement for adoption would be allowed to take parental leave for 16 weeks or until the member no longer met the eligibility requirements, above, whichever came first.

Members on parental leave would be excused from attending and participating in meetings of the Board or its committees, whether in-person or by teleconferencing, while on parental leave. And members would be allowed to attend and participate in meetings of the Board or its committees by teleconferencing while on parental leave.

Members participating in meetings by teleconferencing would still have to comply with all otherwise applicable State and City laws regarding public meetings and public records. (Some of those requirements are listed in the "Background Information" section of this digest, below.)

Other City Boards and Commissions. The ordinance would establish a parental leave policy for City boards and commissions. Commission members would be eligible to take parental leave when a member:

- Was physically unable to fulfill the member's duties, including attending Commission meetings in person, due to the member's pregnancy, childbirth, or related condition, as certified by a health care provider, or
- Was absent to care for the member's child after birth of the child, or after placement of the child with the member or the member's immediate family for adoption or foster care.

Members eligible for parental leave due to medical conditions related to pregnancy or childbirth would be allowed to take parental leave for 32 weeks or until the member no longer met the eligibility requirement, whichever came first. Members eligible due to child care responsibilities following birth or placement for adoption would be allowed to take parental leave for 16 weeks or until the member no longer met the eligibility requirements, above, whichever came first.

Members on parental leave would be excused from attending and participating in meetings of the Commission or its committees, whether in-person or by teleconferencing, while on parental leave. And members would be allowed to attend and participate in meetings of the Commission or its committees by teleconferencing while on parental leave.

Members participating in meetings by teleconferencing would still have to comply with all otherwise applicable State and City laws regarding public meetings and public records.

The ordinance would make it City policy that a member should not be removed from a Commission for having sought or taken parental leave, and that seeking or taking parental leave should not be considered good cause for removing a member. Absences occurring while a member is on parental leave would not be considered for purposes of any ordinance providing that a member of a Commission shall be deemed to have constructively resigned after missing a specified number of meetings.

Background Information

The Brown Act, California's public meetings law, places limits on the ability of public bodies to meet by teleconferencing: each teleconference location must be identified on the agenda; the agenda must be posted at each location; each location must be accessible to the general public and to disabled persons; members of the public must have an opportunity to address the rest of the body directly from each teleconference location; and during the teleconference at least a quorum of the body must participate from within the geographic boundaries of the City. (Cal. Govt. Code §§ 54953(b)(3), 54961.) If the proposed ordinance is adopted, these requirements would continue to apply.

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The ordinance was amended in committee to increase the length of time that a member of the Board of Supervisors or another board or commission could take parental leave when the member was physically unable to fulfill the member's duties, due to the pregnancy, childbirth, or related condition, from 16 weeks, as originally proposed, to 32 weeks.