

PROPOSED AMENDMENT
FROM ASSEMBLYMEMBER KOLODI
RE: RESOLUTION NO. 24-21R
June 18, 2024

7.6 Family Leave

- (b) The Federal Family Medical Leave Act (FMLA) provides the following to eligible employees (an employee who has been employed for at least 12 months within the past 7 years and 1,250 hours in the preceding 12 months):
- (1) Up to twelve (12) work weeks off from work during a single 12-month period to care for the employee or a family member with a serious health condition (“family member” shall mean ~~a husband, wife, domestic partner, child, parent, or stepparent. “Child includes the employees’ biological, adopted, stepchild, foster child, or legal ward or a child whom the employee stands in loco parentis who is under 18 years of age or 18 years of age or older and incapable of self care because of a mental or physical disability)~~ those persons defined as family members according to the Family and Medical Leave Act of 1993, as amended);

- (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. For the purposes of this section, employees filing as a domestic partnership shall file a statement of affidavit with the manager; the affidavit will be based upon requirements indicated in the U.S. Office of Personnel Management definition of “domestic partner.” ~~“domestic partner” shall mean two people who live together long term and share a domestic life but are not married or joined by a civil union.~~
- (2) All employees that qualify for FMLA leave, as well as those employees with domestic partners who otherwise qualify for FMLA leave, can utilize Paid Family Leave as allowed in this section, ~~except~~ including those employees whose terms and conditions of employment with the Municipality are negotiated through a contract or agreement, if specified in the contract or agreement.

Attachment to Proposed Kolodi Amendment

For reference only.

U.S. Office of Personnel Management

What is the definition of a domestic partner?

A “domestic partner” is defined in OPM regulations (e.g. 5 C.F.R. § 875.213) as a person in a domestic partnership with an employee, annuitant, member of the uniformed services, or retired member of the uniformed services. The term “domestic partnership” is defined as a committed relationship between two adults, of the opposite sex or same sex, in which the partners—

- (1) are each other’s sole domestic partner and intend to remain so indefinitely;
- (2) maintain a common residence, and intend to continue to do so (or would maintain a common residence but for an assignment abroad or other employment-related, financial, or similar obstacle);
- (3) are at least 18 years of age and mentally competent to consent to a contract;
- (4) share responsibility for a significant measure of each other’s financial obligations;
- (5) are not married or joined in a civil union to anyone else;
- (6) are not a domestic partner of anyone else;
- (7) are not related in a way that would prohibit legal marriage in the U.S. jurisdiction in which the partnership was formed;
- (8) provide documentation demonstrating fulfillment of these requirements; and
- (9) certify that they understand that willful falsification of the documentation required to establish that an individual is in a domestic partnership may lead to disciplinary action and the recovery of the cost of benefits received related to such falsification and may constitute a criminal violation under 18 U.S.C. § 1001.