

NVCA Sample Diversity & Inclusion Policies – San Francisco Paid Parental Leave Policy¹

The details below are specific to San Francisco childcare policies and are intended for inclusion with your firm's Childcare Leave Policy, a sample of which is provided in the NVCA Sample Diversity & Inclusion Policies, located [here](#).

The Firm complies with the San Francisco Paid Parental Leave Ordinance (PPLO), which requires employers to supplement California Paid Family Leave (PFL) benefits, subject to specified limits, for up to six weeks when an eligible employee takes leave to bond with a new child. This is a wage-replacement benefit during an approved leave of absence for bonding purposes. This provision does not create a separate or new leave right but is available to an employee during a new child bonding leave pursuant to the Firm's Leave of Absence Policies

Eligibility

To be eligible, an employee must:

- have commenced employment with the Firm at least 180 days prior to the first payable day of his/her leave under the CA PFL program;
- work for the Firm at least 8 hours per week in San Francisco, and at least 40% of the employee's total weekly hours are within San Francisco; and
- be eligible to start a bonding leave and to receive PFL wage-replacement benefits under the California PFL law for the purpose of bonding with a new child.

Supplemental Compensation and Preconditions

The state PFL benefit pays up to a certain percentage of an employee's gross weekly wage, up to a statutory cap. Pursuant to the PPLO, the Firm will pay the employee "supplemental compensation" to replace the other portion of the gross weekly wage, up to the statutory cap and for a maximum of six weeks. In no case may the combined total of PFL benefits and supplemental compensation exceed 100% of an employee's gross weekly wage. The amount of supplemental compensation will be determined in accordance with the PPLO requirements.

[The Firm will apply up to two weeks of accrued and unused vacation against the supplemental compensation amount during the leave period. An employee shall also be required to use up to two weeks of accrued and unused vacation prior to the employee's initial receipt of CA PFL benefits.]

An eligible employee who has applied for California PFL benefits must satisfy all three of the following preconditions in order to receive supplemental compensation:

¹ The San Francisco Board of Supervisors passed the Paid Parental Leave Ordinance (PPLO) in April 2016. The ordinance requires employers to provide supplemental compensation to employees who are receiving California Paid Family Leave for purposes of bonding with a new child through birth, adoption, or foster care placement. During the leave period, covered employers are required to provide supplemental compensation so that the PFL compensation plus the supplemental compensation equals 100 percent of your gross weekly wage. Employers with 50 or more employees must comply with the ordinance by January 1, 2017; employers with 35 or more employees by July 1, 2017; and employers with 20 or more employees by January 1, 2018.

1. Submit the San Francisco Paid Parental Leave Form to the Firm, within a reasonable period of time after receiving the EDD Notice of Computation. The Paid Parental Leave Form is available from Human Resources.
2. Agree, by signing in Section 3 of the Paid Parental Leave Form, to reimburse the Firm for the full amount of supplemental compensation paid that if s/he voluntarily leaves the Firm's employment within 90 days of returning from the leave. The Firm hereby notifies employees that it will require such reimbursement.
3. Comply with Option 1 or Option 2 (or both) under the PPLO, as follows:
 - Option 1: Provide the Firm with a copy of the Notice of Computation from the EDD as soon as it is received, and submit a copy of the EDD Notice of Payment when the employee receives the first CA PFL payment from the EDD.
 - Option 2: Provide the EDD permission to share the employee's PFL weekly benefit amount by checking the appropriate box on the EDD's PFL claim form; check the appropriate box on the Paid Parental Leave Form indicating that the employee is selecting Option 2; and notify the Firm upon receipt of the first CA PFL payment from the EDD. The Firm will contact the EDD to obtain the employee's weekly benefit amount – but note that depending upon the EDD's response time, there could be a delay in obtaining this information, which will result in a delay in payment of the supplemental compensation. For this reason, the Firm encourages employees to utilize Option 1.

Once all preconditions are satisfied, the Firm will make a good faith effort to make the first supplemental compensation payment on the payday for the next full pay period following the employee's satisfaction of the preconditions. Thereafter, the Firm will make a good faith effort to make subsequent payments in accordance with the regular payroll schedule, and supplemental compensation will be paid in full no later than 30 days after the last day of the employee's CA PFL period. Note that for employees who satisfy the preconditions after their PFL period has already ended, the Firm will pay the total supplemental compensation no later than 30 days after the employee has satisfied the preconditions.

If the employee receives CA PFL benefits intermittently, as permitted by the CA PFL program, to be eligible for supplemental compensation during a particular increment of leave, the employee must have commenced employment with the Firm at least 180 days prior to the start of that particular increment of intermittent leave. In this case, the supplemental compensation amount will be based on the employee's wages immediately preceding the first increment of the leave period, even if the employee's wages increase over the course of the entire intermittent CA PFL period. If the employee's wages decrease over the CA PFL period, the Firm may recalculate the supplemental compensation amount.

The Firm prohibits retaliation against any person for exercising rights to supplemental compensation pursuant to the PPLO.

For more details, regarding supplemental compensation, please consult Human Resources.