

PROPOSED

RESOLUTION NO. 2018-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO PARENTAL LEAVE FOR BROWARD COUNTY EMPLOYEES; AMENDING SECTION 14.232 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE") TO PROVIDE FOR PAID PARENTAL LEAVE FOR THE CARE OF A NEWBORN CHILD, AN ADOPTED CHILD, A FOSTER CHILD, OR FOR THE GUARDIANSHIP OF A CHILD; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

(Cosponsored by Vice-Mayor Mark D. Bogen, Mayor Beam Furr, and Commissioners Nan H. Rich, Barbara Sharief, and Dale V.C. Holness)

WHEREAS, according to data compiled by the Organization for Economic Cooperation and Development (OECD), the United States is the only country among 41 nations surveyed that does not provide paid leave for new parents; and

WHEREAS, the OECD survey reports that the amount of paid parental leave required in any of the other 40 nations surveyed ranges from 87 weeks in Estonia to approximately two months in New Zealand; and

WHEREAS, applicable research, including a 2014 study by the Institute for Women's Policy Research, shows that, among other benefits, paid parental leave increases the likelihood that workers will return to work after childbirth, improves workplace morale, and helps foster gender equity in the workplace and at home; and

WHEREAS, research also shows that paid parental leave has a positive effect on workplace productivity and the economy as a whole; and

WHEREAS, the Family Medical Leave Act (FMLA) currently provides eligible employees up to 12 weeks of job-protected parental leave in a calendar year or during a

1 rolling 12-month period for the care of a newborn child, an adopted child, a foster child,
2 or for the guardianship of a child; and

3 WHEREAS, FMLA does not require that the referenced parental leave be paid
4 leave; and

5 WHEREAS, the County wishes to provide benefit-eligible employees with up to
6 180 hours of paid parental leave for the care of a newborn child, an adopted child, a foster
7 child, or for the guardianship of a child, NOW, THEREFORE,

8 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
9 BROWARD COUNTY, FLORIDA:

10 Section 1. Section 14.232 of the Broward County Administrative Code is hereby
11 repealed in its entirety, and a new Section 14.232 is hereby created to read as follows:

12 [Underlining omitted]

13 **14.232. Paid Parental Leave.**

14 (a) Purpose of Policy.

15 The purpose of this policy is to allow a Broward County employee who is a
16 biological parent, an adoptive parent, a foster parent, or a guardian to bond with and care
17 for a newborn child, an adopted child, a newly placed foster child, or a minor child for
18 whom the Broward County employee has been appointed as a guardian pursuant to court
19 order.

20 (b) Definitions.

21 (1) *Eligible Employee* means a parent, adoptive parent, legal guardian, a foster
22 parent, or County employee who is the spouse or registered domestic
23 partner of such person at the time of the Qualifying Event, who has worked
24 for the County in a benefit-eligible position for at least 12 months and who

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1 has worked at least 1,250 hours during the 12-month period preceding the
2 taking of any leave being provided herein.

3 (2) *Qualifying Event* means the birth of a biological child, the placement of a
4 child with the employee for adoption or foster care, or the appointment as
5 guardian of a minor child pursuant to court order. The Qualifying Event
6 must have occurred after the Effective Date of this Resolution.

7 (c) Leave Entitlement.

8 Eligible Employees shall receive a maximum of 180 hours of paid parental leave
9 for the purpose of caring for and bonding with the child or minor. The total amount of paid
10 parental leave granted for the Qualifying Event shall remain the same regardless of the
11 number of children or minors at issue in the Qualifying Event. In no event shall an Eligible
12 Employee receive more than 180 hours of paid parental leave in a rolling 12-month period,
13 regardless of whether more than one (1) Qualifying Event occurs within that rolling 12-
14 month period. To the extent an Eligible Employee does not use all paid parental leave
15 hours by the end of the rolling 12-month period or prior to separation from County
16 employment, any remaining leave shall be deemed abandoned and the Eligible Employee
17 shall not be entitled to payment for any unused leave. Employees covered by a collective
18 bargaining agreement shall be entitled to only those paid parental leave benefits
19 expressly provided for under the applicable collective bargaining agreement. Part time
20 Eligible Employees are entitled to a prorated benefit.

21 (d) Procedures.

22 Paid parental leave shall run concurrently with Family Medical Leave Act (FMLA).
23 Annual leave and sick leave shall continue to accrue during the period of paid parental
24 leave, and the employee's benefits and regular payroll deductions shall continue during

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1 the duration of paid parental leave. Paid parental leave hours shall not qualify toward any
2 cash-out policy. In addition, the following procedures shall govern:

- 3 (1) An Eligible Employee must submit a written Request for Parental Leave
4 Application and all required documentation at least 30 days prior to the
5 anticipated date of the leave. To the extent the 30-day notice is not
6 possible, the employee must submit the application and supporting
7 documentation as soon as practicable under the circumstances.
- 8 (2) Any notices or documentation required under this policy must be submitted
9 to the Eligible Employee's division or office director.
- 10 (3) In the event a medical emergency or other event renders an Eligible
11 Employee unable to complete the requisite form(s) or to provide the
12 requisite notice(s) or documentation, any form(s), notice(s), or
13 documentation required under this policy may be provided by the
14 employee's spouse, registered domestic partner, or other family member,
15 including, if necessary, by telephone.
- 16 (4) The paid parental leave will be paid on a biweekly basis according to the
17 County's regularly scheduled payroll calendar. If a holiday occurs during
18 paid parental leave, the employee shall receive holiday pay in lieu of paid
19 parental leave. Holiday pay shall not reduce the hours of paid parental
20 leave to which an Eligible Employee is entitled.
- 21 (5) Approved paid parental leave may be taken on a continuous basis or
22 intermittently and must be used within 12 months of the Qualifying Event in
23 accordance with applicable FMLA rules.

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1 (6) If more than one person qualifies as an Eligible Employee for the same
2 Qualifying Event, each such Eligible Employee shall be entitled to up to 180
3 hours of paid parental leave, or, in the event of part time Eligible Employees,
4 the applicable pro rata share.

5 (7) Except as provided in subsection (d)(9) below, any leave taken under this
6 policy will be counted toward the 12 weeks of available FMLA leave during
7 a rolling 12-month period. All other requirements and provisions of FMLA
8 shall apply. Nothing in this paragraph shall preclude an office, division, or
9 department from granting additional leave outside of FMLA, provided that
10 the operational needs of such office, division, or department so permit.

11 (8) Upon exhaustion of the 180 hours of paid parental leave, an Eligible
12 Employee may use annual leave, sick leave, job basis leave, or unpaid
13 leave, as applicable, for the remainder of the 12-week entitlement under
14 FMLA.

15 (9) If an otherwise Eligible Employee exhausts the 12-week entitlement under
16 FMLA prior to occurrence of the Qualifying Event, the Eligible Employee
17 shall nonetheless qualify for paid parental leave upon compliance with the
18 requirements of this section.

19 (9) Surrogate mothers and egg and sperm donors who do not otherwise fall
20 within the definition of Eligible Employee shall be excluded from coverage
21 under this policy.

22 Section 2. SEVERABILITY.

23 If any portion of this Resolution is determined by any Court to be invalid, the invalid
24 portion shall be stricken, and such striking shall not affect the validity of the remainder of

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