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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(27)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: May 17, 2016

FROM: Abigail Price-Williams County Attorney

SUBJECT: Resolution approving amendments to Miami-Dade County Leave Manual to include provisions for paid parental leave for County employees

Resolution No. R-434-16

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata, and Co-Sponsors Commissioner Daniella Levine Cava and Commissioner Sally A. Heyman.

Abigail Price-Williams
County Attorney

APW/lmp

Memorandum

MIAMI-DADE COUNTY

Date: May 17, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Amending the Miami-Dade County Leave Manual

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Recommendation
It is recommended that the Board of County Commissioners (Board) approve the attached amendments to the Miami-Dade County Leave Manual.

Scope
The Miami-Dade County Leave Manual regulates paid and unpaid leave for all County employees in accordance with 2-42(19) of the County Code.

Fiscal Impact
The attached amendments to the Miami-Dade County Leave Manual will facilitate the enactment of Board and Mayoral decisions to establish paid parental leave for eligible County employees.

Track Record/Monitoring
The Miami-Dade County Leave Manual is managed by Arleene Cuellar, Human Resources Department Director.

Background
On Tuesday, February 2, 2016, the Miami-Dade County Board of County Commissioners adopted Ordinance No. 16-20, sponsored by Commissioner Juan C. Zapata, establishing paid parental leave for Miami-Dade County employees. If approved, paid parental leave will be available to all parents regardless of gender, and will make it easier for the County to attract and retain employees while mitigating gender wage disparities. Parental leave shall be provided for up to six (6) weeks, and can be taken at any time during the first year after the birth, adoption or foster care placement. During the leave, an employee shall be compensated with a portion of the annual salary while having the option to use accrued leave to receive compensation of 100 percent of base pay for the entire period.

The benefits of paid parental leave extend beyond positive financial outcomes for County employees and include broader, non-monetary benefits to the entire community. Through this ordinance, Miami-Dade County joins a small yet growing group of municipalities across the Country that are working to ensure that no one ever has to decide between caring for their children or losing their income.

The attached resolution and amendments to the Leave Manual will allow any Board action regarding collective-bargaining agreements to be automatically incorporated into the Leave Manual, further streamlining the legislative process.

Attachments

Edward Marquez
Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(27)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Statement of social equity required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 11(A)(27)

5-17-16

RESOLUTION NO. R-434-16

RESOLUTION APPROVING AMENDMENTS TO MIAMI-DADE COUNTY LEAVE MANUAL TO INCLUDE PROVISIONS FOR PAID PARENTAL LEAVE FOR COUNTY EMPLOYEES

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the attached amendments to the Miami-Dade County Leave Manual to include provisions for paid parental leave for County employees, as set forth in the attached section and made a part hereof.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata, and the Co-Sponsors are Commissioner Daniella Levine Cava and Commissioner Sally A. Heyman. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman **aye**

Esteban L. Bovo, Jr., Vice Chairman **aye**

Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**absent**	Barbara J. Jordan	**aye**
Dennis C. Moss	**absent**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of May, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Marlon D. Moffett

		No. 30.01.00
SUBJECT PAID PARENTAL LEAVE: GENERAL	LEAVE CODE PF	DATE ISSUED 02/15/2016

Paid Parental leave provides leave with pay for the purpose of caring for a newborn, newly-adopted child, or newly-placed foster child or children.

		No. 30.02.00
SUBJECT PAID PARENTAL LEAVE: ELIGIBILITY	LEAVE CODE PF	DATE ISSUED 02/15/2016

30.02.01 All exempt/non-bargaining employees are eligible for paid parental leave and all other employees covered by collective bargaining agreements whose agreement explicitly provide for this benefit for the employee.

		No. 30.03.00
SUBJECT PAID PARENTAL LEAVE: WAITING PERIOD	LEAVE CODE PF	DATE ISSUED 02/15/2016

Employees may be granted paid parental leave if they have worked for Miami-Dade County for a minimum of one year.

Paid parental leave shall be up to six weeks long, and may be taken by day or week during the first year after the birth, adoption, or foster care intake of the child or children. The leave period is fixed regardless of the number of children born, adopted by the employee, or placed in the employee's home through foster care.

30.04.01 During the leave period, the employee shall be paid 100 percent of his or her base wages for the first two weeks, 75 percent of his or her base wages for the following two weeks, and 50 percent of base wages for the remaining two weeks.

Employees shall be eligible to use any accrued leave in order to receive compensation up to 100 percent of base pay during the weeks reimbursed at the rates of 75 percent and 50 percent.

This leave shall occur concurrently with, count against, and not be added to periods of unpaid or job protected leave for which the employee may also be eligible, including the federally-mandated 12 weeks of Family Medical Leave Act (FMLA) leave, and/or any other unpaid leave offered by the County due to childbirth or adoption, included under Chapter 11A, Article V of this Code (Family Leave).

If both parents work for the County, each is entitled to a six-week leave period, and they may take their parental leave period concurrently, subsequently, or in any other combination they wish if the leave is taken:

a) For birth of a son or daughter or to care for the child after birth;

b) For placement of a son or daughter for adoption or foster care.

30.05.01 Required Notice

Employees seeking paid parental leave must provide their respective department director, through the Department Personnel Representative, at least thirty (30) days advanced notice before the leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care.

30.05.02 If thirty (30) days' notice is not practicable, notice must be given as soon as practicable.

30.05.03 An employee shall provide at least verbal notice to sufficiently make the department director aware that the employee needs paid parental leave and the anticipated timing and duration of the leave.

30.05.04 When medical emergencies are involved, notice may be given in person or by telephone, and may be given by the employee's spouse or other family member if the employee is unable to do so due to a serious health condition. Written notice cannot be required in the case of a medical emergency.

30.05.05 Employees seeking paid parental leave should complete the Request For FMLA form and Certification of Health form and submit it to their Department Personnel Representative , stating the reason for the request, and the beginning and ending dates of the requested leave. However, failure by an employee to provide this written notice shall not result in the department director denying the time off if the employee gives timely verbal or other notice.

30.05.06 Designation Notice

Once it has been determined that paid parental leave will be granted, the Department Personnel Representative must notify the employee in writing within five (5) business days absent extenuating circumstance, as to whether or not the leave will be designated as paid parental leave, and provide the employee with notice detailing the specific expectations of the employer and explaining any consequences of a failure to meet these obligations.

		No. 30.06.00
SUBJECT PAID PARENTAL LEAVE: BENEFITS PERIOD	LEAVE CODE PF	DATE ISSUED 02/15/2016

30.06.01 Employees meeting all conditions required by paid parental leave, including notice and certification requirements in section 30.05.00 shall be entitled to up to six (6) weeks of paid leave at:

- 100 percent of base wages for the first two (2) weeks,
- 75 percent of base wages for the following two (2) weeks, and
- 50 percent of base wages for the remaining two (2) weeks

30.06.02 Paid Parental Leave may be taken by day or week anytime during the first year after the birth, adoption, or foster care intake of the child or children. The leave period is fixed regardless of the number of children born, adopted by the employee, or placed in the employee's home through foster care.

		No. 30.07.00
SUBJECT PAID PARENTAL LEAVE: BENEFITS AMOUNT	LEAVE CODE PF	DATE ISSUED 02/15/2016

30.07.01 The number of paid parental leave period employees may take is unlimited over the duration of their employment with the County, but employees are only eligible for one six-week paid leave per birth or adoption.

30.07.02 If both parents work for the County, each is entitled to a six-week leave period, and they may take their parental leave period concurrently, subsequently, or in any other combination they wish.

FMLA - RELATED FORMS

The following forms are available on the Human Resources website:

- Employee Request for Paid Parental Leave - Employees complete this form to request Paid Parental Leave.
- Certification by Health Care Provider for Employee's Serious Health Condition – The employee's health care provider must complete this form to certify the employee's serious health condition. It is the employee's responsibility to return this completed form to the Department Personnel Representative within the required time frame.
- Applicable Documentation for newly adopted, or newly-placed foster child or children.
- Designation Notice – This form advises the employee whether the leave was approved under Paid Parental Leave and/or if the employee needs to submit any additional information before the leave can be approved.