

MEMORANDUM

Amended
Agenda Item No. 7(K)

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


DATE: February 2, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance creating
Article X of Chapter 11A
of the Code establishing
paid parental leave for
Miami-Dade County

Ordinance No. 16-20

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata and Co-Sponsors Vice Chairman Esteban L. Bovo, Jr., Commissioner Daniella Levine Cava, Commissioner Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Chairman Jean Monestime and Commissioner Dennis C. Moss.



Abigail Price-Williams
County Attorney

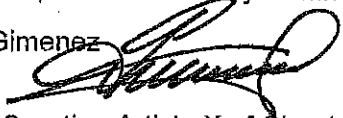
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Memorandum



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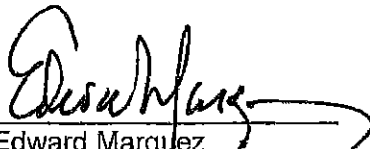
From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Creating Article X of Chapter 11A of the Code Establishing Paid Parental Leave

The proposed ordinance creates Article X of Chapter 11A of the County Code establishing paid parental leave for all County and Public Health Trust (PHT) employees for the purpose of caring for a newborn, newly-adopted child, or newly-placed foster child or children. Up to six weeks of leave would be provided, taken at any time during the first year after the event, with a portion of the annual salary compensated and the employee having the option to use accrued leave to ensure compensation of 100 percent of base pay for the entire period.

It is difficult to determine if the implementation of this policy will lead to a marked change in behavior. Many employees currently take leave following a birth, adoption, or foster placement. This leave is part of the historical leave usage that is taken into account as part of the annual budget development process. All County and PHT employees are budgeted for 2,080 hours for employees with a 40 work week and 2,496 hours for employees with a 48 hour work week. In other words, whether the employee works or utilizes accrued leave, the funding to pay that employee's salary is included in the budget. In addition, there are certain County operations, such as Transit, Police, Fire, and PHT services, that must budget a relief factor (additional positions which vary by service) to take into account both anticipated and unanticipated leave usage that occur during the year to ensure County services are not interrupted. In some instances, unanticipated leave may require backfill with overtime if the relief factor is not sufficient and work cannot be distributed among existing staff.

Without knowing if a significant number of people who do not currently take leave for such events would now be utilizing this policy, the only element that we can be sure of is that employees who take advantage of the new policy would have more accrued leave available in the future (having not had to charge it for this period) and could potentially have higher separation payments in the future. We cannot say for sure whether costs will increase in the fiscal period following implementation or even in the near future. Therefore, while allowing employees to benefit from paid parental leave may have a fiscal impact to the County and PHT, it is difficult to determine such impact at this time.


Edward Marquez
Deputy Mayor

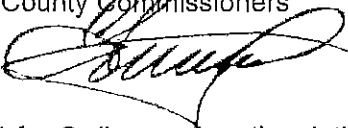
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Memorandum



Date: February 2, 2016

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

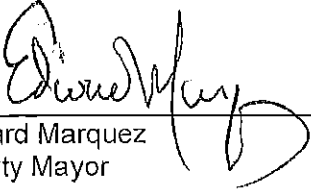
From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance creating Article X of Chapter 11A of the Code establishing paid parental leave for Miami-Dade County and Public Health Trust employees

The proposed Ordinance creates Article X of Chapter 11A of the County Code establishing paid parental leave for Miami-Dade County and Public Health Trust employees for the purpose of caring for his or her newborn, newly-adopted, or newly-placed foster child or children.

Establishing paid parental leave for County and PHT employees will specifically benefit eligible employees by providing them with 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 weeks.

The benefits of paid parental leave extend beyond positive financial outcomes for County and PHT employees and include broader, non-monetary benefits to the entire community. Paid parental leave can increase female labor force participation, making it easier for women to stay in the workforce after giving birth, which contributes to economic growth, and can encourage men to take leave to serve as caregivers, which has a number of positive effects for families. Providing paid parental leave can also improve the health and well-being of both the parent and the child, which provides significant public health benefits.


Edward Marquez
Deputy Mayor

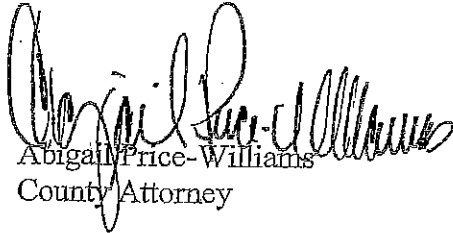


MEMORANDUM

(Revised)

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

DATE: February 2, 2016

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Amended
Agenda Item No. 7(K)

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 _____

Amended
Agenda Item No. 7(K)
2-2-16

ORDINANCE NO. 16-20

ORDINANCE CREATING ARTICLE X OF CHAPTER 11A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ESTABLISHING PAID PARENTAL LEAVE FOR MIAMI-DADE COUNTY EMPLOYEES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, strong paid family and medical leave policies can help working families take time off for caregiving responsibilities, as well as their own medical needs, without putting their economic security at risk; and

WHEREAS, unpaid leave under the federal Family and Medical Leave Act (FMLA) provides important job protections, and is available to County employees, but many cannot afford to take it; and

WHEREAS, providing paid parental leave to County employees would allow them to continue to earn a portion of their pay while they take time away from work to care for a newborn, newly-adopted child or newly-placed foster child; and

WHEREAS, paid parental leave can increase female labor force participation by making it easier for women to stay in the workforce after giving birth, which contributes to economic growth, and can encourage men to take leave to serve as caregivers, which has a number of positive effects for families; and

WHEREAS, paid parental leave has been shown to improve the health and development outcomes of children, including increased birthweight, decreased premature births and decreased infant mortality; and

WHEREAS, paid parental leave helps employers recruit talent, increase worker retention and reduce turnover, saving employers significant costs associated with replacing employees, while also increasing employee engagement, boosting employee morale, and ensuring a diverse and inclusive workforce; and

WHEREAS, the United States lags behind many other countries in providing government-supported time off for new parents, and on January 15, 2015, the White House issued a presidential memorandum ensuring that federal workers may receive up to six weeks of paid parental leave; and

WHEREAS, some municipalities throughout the United States have recently implemented paid parental leave programs to bridge gaps where there has been no action on the state or federal levels; and

WHEREAS, the Board of County Commissioners is committed to improving workplace opportunities by providing up to six weeks of paid parental leave for County employees,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section Article X of Chapter 11A the Code of Miami-Dade County, Florida, is hereby created to read as follows:

ARTICLE X. - PAID PARENTAL LEAVE FOR MIAMI-DADE COUNTY EMPLOYEES.

Sec. 11A-80.

- (1) Miami-Dade County shall implement paid parental leave for all of its exempt female and male employees and all other employees covered by collective bargaining agreements whose agreements explicitly provide for this benefit for the employee, for the purpose of caring for his or her newborn, newly-adopted, or newly-placed foster child or children. This leave shall apply equally to parents regardless of gender, as well as to

same-sex couples, in the event of a natural birth by any method, adoption, surrogacy, stillbirths, or foster care placement in the employee's home. Employees who have worked for Miami-Dade County for a minimum of one year are eligible for the full duration of paid parental leave.

- (2) The paid parental leave shall be up to six weeks long, and 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. 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 and Medical Leave Act (FMLA) leave, and/or any other unpaid leave offered by the County due to childbirth or adoption, including under Chapter 11A, Article V of this Code (Family Leave).
- (3) The number of paid parental leave periods 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.
- (4) If both parents work for the County, each is entitled to a six-week leave period as described in subsection (2) of this Section, and they may take their parental leave period concurrently, subsequently, or in any other combination they wish.
- (5) The Director of Human Resources for Miami-Dade County shall have full authority to issue policies relative to paid parental leave benefits offered pursuant to this Ordinance for any purpose, including, but not limited to, notification requirements for employees requesting leave, employee eligibility, and documentation requirements for births, adoptions and foster care placements.
- (6) The Miami-Dade County employee leave manual shall include provisions consistent with the requirements of this Article for paid parental leave.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: February 2, 2016

Approved by County Attorney as
to form and legal sufficiency:




Prepared by:

Marlon D. Moffett

Prime Sponsor: Commissioner Juan C. Zapata
Co-Sponsors: Vice Chairman Esteban L. Bovo, Jr.
Commissioner Daniella Levine Cava
Commissioner Audrey M. Edmonson
Commissioner Sally A. Heyman
Commissioner Barbara J. Jordan
Chairman Jean Monestime
Commissioner Dennis C. Moss