

PROPOSED

RESOLUTION NO. 2021-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE PAID PARENTAL LEAVE POLICY; AMENDING SECTION 14.232 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Barbara Sharief, and Cosponsored by Mayor Steve Geller, Vice-Mayor Michael Udine, Senator Nan H. Rich, Commissioner Mark D. Bogen, Commissioner Lamar P. Fisher, Commissioner Beam Furr, Commissioner Tim Ryan, and Commissioner Dale V.C. Holness)

WHEREAS, the Broward County paid parental leave policy provides eligible employees up to 180 hours of paid parental leave for the following qualifying events: the birth of a biological child; the placement of a child with the employee for adoption or foster care; or the appointment as guardian of a minor child pursuant to court order;

WHEREAS, to qualify for paid parental leave, the employee must have worked in a benefit-eligible position for at least twelve (12) months and worked at least 1,250 hours during the twelve (12) month period preceding the qualifying event; and

WHEREAS, the Board of County Commissioners finds it appropriate to modify the paid parental leave policy, NOW, THEREFORE,

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

Section 1. Section 14.232 of the Broward County Administrative Code is hereby amended to read as follows:

14.232. Paid Parental Leave.

1 . . .

2 (b) Definitions.

3 (1) *Eligible Employee* means a parent, stepparent, adoptive parent, legal
4 guardian, a foster parent, or County employee who is the spouse or
5 registered domestic partner of such person at the time of the Qualifying
6 Event, who has worked for the County in a benefit-eligible position for at
7 least 12 months and who has worked at least 1,250 hours during the
8 12 month period preceding the taking of any leave being provided herein.

9 . . .

10 (c) Leave Entitlement. Eligible Employees shall receive a maximum of
11 ~~180~~ 240 hours of paid parental leave for the purpose of caring for and bonding with the
12 child or minor. The total amount of paid parental leave granted for the Qualifying Event
13 shall remain the same regardless of the number of children or minors at issue in the
14 Qualifying Event. An eligible employee who is the biological birth mother shall receive an
15 additional two (2) weeks of paid parental leave if it is deemed medically necessary for the
16 biological birth mother to recover, as documented by medical certification from the
17 applicable health care provider. In no event shall an Eligible Employee receive more than
18 ~~180~~ 240 hours of paid parental leave (plus an additional two (2) weeks, if medically
19 required for a birthing mother as provided herein) in a rolling 12-month period, regardless
20 of whether more than one (1) Qualifying Event occurs within that rolling 12-month period.
21 To the extent an Eligible Employee does not use all paid parental leave hours by the end
22 of the rolling 12-month period or prior to separation from County employment, any
23 remaining leave shall be deemed abandoned and the Eligible Employee shall not be
24 entitled to payment for any unused leave. Employees covered by a collective bargaining

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1 agreement shall be entitled to only those paid parental leave benefits expressly provided
2 for under the applicable collective bargaining agreement. Part-time Eligible Employees
3 are entitled to a prorated benefit.

4 (d) Procedures. Paid parental leave shall run concurrently with the Family
5 Medical Leave Act (FMLA). Annual leave and sick leave shall continue to accrue during
6 the period of paid parental leave, and the employee's benefits and regular payroll
7 deductions shall continue during the duration of paid parental leave. Paid parental leave
8 hours shall not qualify toward any cash-out policy. In addition, the following procedures
9 shall govern:

10 . . .

11 (10) Surrogate mothers and egg and sperm donors who do not otherwise fall
12 within the definition of Eligible Employee shall be excluded from coverage
13 under this policy.

14 (11) Any employee who voluntarily terminates employment with the County with
15 an effective termination date within the six (6) months immediately following
16 the last day of a period of paid parental leave shall be required to reimburse
17 the County in an amount equivalent to the value of the paid parental leave
18 taken based upon the employee's rate of pay during the period of paid
19 parental leave. The amount due shall be, at the County's option, deducted
20 from the employee's remaining paycheck(s), reimbursed directly by the
21 employee, or a combination thereof.

22 Section 2. Severability.

23 If any portion of this Administrative Code Resolution is determined by any court to
24 be invalid, the invalid portion will be stricken, and such striking will not affect the validity

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1 of the remainder of this Resolution. If any court determines that this Resolution, in whole
2 or in part, cannot be legally applied to any individual, group, entity, property, or
3 circumstance, such determination will not affect the applicability of this Resolution to any
4 other individual, group, entity, property, or circumstance.

5 Section 3. Inclusion in the Broward County Administrative Code.

6 It is the intention of the Board of County Commissioners that the provisions of this
7 Administrative Code Resolution become part of the Broward County Administrative Code
8 as of the effective date. The sections of this Administrative Code Resolution may be
9 renumbered or relettered and the word "resolution" may be changed to "section, " "article,"
10 or such other appropriate word or phrase to the extent necessary in order to accomplish
11 such intention.

12 Section 4. Effective Date.

13 This Administrative Code Resolution is effective upon adoption.

14 ADOPTED this day of , 2021.

15 **PROPOSED**

16 Approved as to form and legal sufficiency:
17 Andrew J. Meyers, County Attorney

18 By /s/ Adam Katzman 01/14/2021
19 Adam Katzman (date)
20 Senior Assistant County Attorney

21 By /s/ René D. Harrod 01/14/2021
22 René D. Harrod (date)
23 Deputy County Attorney

24 RDH/mb
Paid Parental Leave
01/14/2021
#546305

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