

MEMORANDUM

Agenda Item No. 5(B)

TO:	Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners	DATE:	(Public Hearing: 11-6-24) October 16, 2024
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Ordinance relating to paid parental leave for Miami-Dade County employees; amending article X of chapter 11A of the Code to expand the County's paid parental leave program; approving conforming changes to the Miami-Dade County leave manual

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: November 6, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(B)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____) 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. 5(B)
11-6-24

ORDINANCE NO. _____

ORDINANCE RELATING TO PAID PARENTAL LEAVE FOR MIAMI-DADE COUNTY EMPLOYEES; AMENDING ARTICLE X OF CHAPTER 11A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO EXPAND THE COUNTY'S PAID PARENTAL LEAVE PROGRAM; APPROVING CONFORMING CHANGES TO THE MIAMI-DADE COUNTY LEAVE MANUAL; 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, providing paid parental leave to County employees allows them to continue to earn a portion of their pay while they take time away from work to care for a newborn, newly-adopted, or newly-placed foster child; and

WHEREAS, to that end, this Board, on February 2, 2016, adopted Ordinance No. 16-20, which created and implemented paid parental leave for all County employees who have worked for Miami-Dade County for a minimum of one year; and

WHEREAS, the County's current paid parental leave program is up to six weeks long and, during the leave period, an employee is paid 100 percent of his or her base wages for the first two weeks, 75 percent for the following two weeks, and 50 percent for the remaining two weeks; and

WHEREAS, County employees participating in the paid parental leave program are also able to use accumulated leave time 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; and

WHEREAS, the County's paid parental leave program has not been amended since its original passage in 2016; and

WHEREAS, this Board is committed to improving the quality of life of its employees and their families, and believes that expanding its paid parental leave program helps to achieve this goal,

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

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

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

Sec. 11A-80. – Declaration of policy.

- (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]]~~ >>twelve<< 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

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

for the first ~~[[two]]~~ >>six<< weeks ~~[[, 75 percent of his or her base wages for the following two weeks,]]~~ and 50 percent of base wages for the remaining ~~[[two]]~~ >>six<< 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 rate~~[[s]]~~ 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]]~~ >>twelve<<-week paid leave per birth or adoption.
- (4) If both parents work for the County, each is entitled to a ~~[[six]]~~ >>twelve<<-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.

Section 5. This Board approves any required conforming changes to the Miami-Dade County Leave Manual necessary to effectuate the intent and implementation of this ordinance.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

MAG for GBK

Prepared by:



Javier Zapata

Prime Sponsor: Chairman Oliver G. Gilbert, III