

ORDINANCE NO. _____, SERIES 2021

AN ORDINANCE CREATING A NEW SECTION OF CHAPTER 35 OF THE LOUISVILLE METRO CODE OF ORDINANCES REQUIRING THE IMPLEMENTATION OF PAID PARENTAL LEAVE.

**SPONSORED BY: COUNCIL MEMBERS DORSEY, GEORGE, GREEN,
AND CHAMBERS ARMSTRONG**

WHEREAS, Louisville/Jefferson County seeks to constantly improve and update benefits for Louisville Metro Government employees in order to recruit talented people who are successful in their fields to join the Louisville Metro Government and to encourage existing employees to continue working for the city;

WHEREAS, the Family Medical Leave Act while providing job protection in a paid or unpaid status, does not address the lack of income experienced by many employees during periods of necessary leave;

WHEREAS, the purpose of paid parental leave is to allow up to twelve (12) weeks of paid leave to employees who have worked for Louisville Metro Government for at least twelve (12) months; and the paid parental leave will be in addition to an employee's accrued annual and sick leave;

WHEREAS, paid parental leave attracts young professionals;

WHEREAS, paid parental leave improves workplace morale and increases productivity;

WHEREAS, paid maternal leave can increase female labor force participation by making it easier for women to stay in the workforce after giving birth, contributing to economic growth; paid maternal leave also increases employee retention, saving employers significant costs associated with replacing employees;

WHEREAS, parents supported by work benefits, such as paid parental leave, are less likely to rely on public assistance benefits;

WHEREAS, in twenty-first century America, many private and public companies and institutions allow their employees to take significant time off when they have children; many of these companies and institutions offer the same amount of time off for both male and female employees in recognition of the shared duties of parenting a newborn or newly adopted child;

WHEREAS, family leave also has significant benefits for the health of individual family members and for the well-being of the family overall;

WHEREAS, paid maternity leave positively affects breastfeeding rates, infant mortality, vaccination rates, maternal health, and paternal caregiving.

WHEREAS, paid paternal leave results in increased father-infant bonding, more equitable division of household labor, increased child-engagement and improved health and development outcomes for children;

WHEREAS, according to the Organization for Economic Cooperation and Development, of 41 countries examined, only the United States does not mandate paid leave for new parents;

WHEREAS, an increasing number of U.S. states and cities are implementing their own paid parental leave policies;

WHEREAS, Louisville Metro Government has a compelling and important interest in providing paid parental leave due to the overwhelming economic and health benefits it provides to the city and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: New sections of Chapter 35 are added to the Louisville Metro Code

of Ordinances to read as follows:

CHAPTER 35: PERSONNEL POLICIES

§ 35.014 PAID PARENTAL LEAVE

All regular and appointed Louisville Metro Government (“Metro”) employees shall be granted paid parental leave due to the birth of the employee’s child or the placement within the employee’s home of an adopted child in accordance with the following provisions:

- (A) To be eligible for parental leave, employees must be full-time or part-time employees who have been employed for at least twelve (12) months by the date the leave is to commence and have worked at least 1,250 hours during the twelve (12) month period immediately preceding the beginning of the leave.
- (B) Employees must be the biological parent of a newly born child, fostering a child while pending the child’s adoption, or the legal guardian/adoptive parent of an adopted child and reside in the same household as the adopted child.
- (C) An eligible employee will receive up to twelve (12) continuous weeks of pay at 100% of the employee’s base pay per birth or adoption event.
- (D) Multiple births or adoptions do not increase the length of leave granted for the birth or adoption event.
- (E) Leave will be based on the employee’s certified normal rate of pay, not including premiums or overtime.
- (F) If both parents work for Metro, both parents are eligible for parental leave, and such leave may be taken either concurrently or consecutively.
- (G) Parental leave under the policy shall be continuous, run concurrently with, and be limited to the available balance of the Family and Medical Leave Act (FMLA) leave, and must be utilized within six (6) months following the birth or adoption of a child. Paid parental leave will not reduce eligibility for other types of paid and unpaid leaves such as sick leave, vacation, personal leave, holiday, and short-term disability. An employee may be eligible for this benefit no more than one time in a twelve (12) month period.
- (H) An eligible employee must submit a completed Employee Request for Family and Medical Leave Form, requesting FML leave to the Human Resources Benefits Office at least thirty (30) days prior to the anticipated date of the leave. To the extent the thirty (30) day notice is not possible, the employee must submit a completed Employee Request for Family and Medical Leave Form to the Human Resources Benefits Office as soon as possible.

- (I) An eligible employee will be required to furnish appropriate medical documentation for the birth of a child. If applicable, the medical certification requirements for FMLA leave will govern. The medical documentation must be completed and signed by the individual's health care provider.
- (J) An eligible employee will be required to furnish appropriate adoption documentation, such as a letter from an adoption agency, or from the attorney in cases of private adoptions.
- (K) Sperm donors are excluded from coverage under this policy. Surrogate mothers and biological parents who elect to place their newborn child/children for adoption are covered under this policy for as long as the newly born child resides in their household. Stepparent adoptions are excluded from coverage under this policy.
- (L) A fraudulent request for paid parental leave shall be grounds for serious disciplinary action, up to and including termination of employment.
- (M) During any leave taken under the provisions of this Ordinance, the employer shall maintain any health care benefits the covered individual had prior to taking such leave for the duration of the leave as if the covered individual had continued in employment continuously from the date they commenced the leave until the date the leave benefits terminate; provided, however, that the covered individual shall continue to pay the covered individual's share of the cost of health benefits as required prior to the commencement of the leave.
- (N) The policy described herein shall be fully implemented by July 1, 2021.

SECTION II: This Ordinance shall take effect upon its passage and approval.

 Sonya Harward
 Metro Council Clerk

 David James
 President of the Council

 Greg Fischer
 Mayor

 Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
 Jefferson County Attorney

BY: _____
O-593-20 V.1 Paid Parental Leave Ordinance