

ORDINANCE NO. 128 - 2022

AN ORDINANCE CREATING SECTION 21-37.3 OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT TO AUTHORIZE UP TO FOUR (4) WEEKS OF PAID PARENTAL LEAVE TO ELIGIBLE EMPLOYEES DUE TO BIRTH OF AN EMPLOYEE'S CHILD OR THE FINALIZATION OF ADOPTION OF A NEWLY ADOPTED CHILD BY AN EMPLOYEE, AND UP TO TWO (2) WEEKS OF PAID PARENTAL LEAVE FOR THE FOSTER CARE OF A NEWLY PLACED CHILD, EFFECTIVE UPON PASSAGE OF COUNCIL.

WHEREAS, the Lexington-Fayette Urban County Government ("LFUCG") desires to remain competitive by improving the benefits offered to employees in order to recruit talented individuals to work for LFUCG and in order to encourage existing employees to continue working for LFUCG; and

WHEREAS, the Family Medical Leave Act ("FMLA") provides job protection to eligible employees who request leave for qualifying family and medical reasons, but such protection does not address the loss of income experienced by many employees immediately following the birth of a child, the finalization of adoption of a child, or the receipt of a newly placed child for foster care purposes; and

WHEREAS, LFUCG recognizes that paid parental leave policies promote improved mental health on the part of new parents and reduce financial stress experienced by new parents; and

WHEREAS, LFUCG believes that offering paid parental leave promotes the recruitment and retention of LFUCG employees; avoids cost associated with replacing employees; improves workplace morale; increases productivity; increases female participation in the workplace; increases opportunities for father-child bonding; and promotes the health and well-being of individual employees and their families; and

WHEREAS, LFUCG desires to offer four (4) weeks of paid parental leave to eligible full-time or part-time employees, which may be taken concurrent with the leave afforded under the Family and Medical Leave Act to eligible employees.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 21-37.3 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows:

Sec. 21-37.3 - Paid Parental Leave.

(a) *Definitions.* The following definitions shall apply to this section:

(1) *Paid parental leave* means paid leave from an employee's job duties during a period of Family and Medical Leave (FML) due to a qualifying event under this section.

(2) *Family and Medical Leave (FML)* means leave provided to eligible employees for qualifying family and medical reasons and shall have the same meaning and be afforded under the same terms and conditions set forth under the Family and Medical Leave Act (FMLA).

(3) *Qualifying event* means the birth of an employee's child, the finalization of adoption of a newly adopted child of an employee, or the foster care or kinship placement of a newly placed child by an employee, provided that such birth, adoption, or foster care or kinship placement occurred on or after July 1, 2022.

(4) *Foster care placement* means a new, temporary living arrangement in the employee's home for a minor child provided through a state-certified foster care program, whereby a minor child in the legal or physical custody and care of the state is placed in the employee's home by or with the agreement of the state.

(5) *Kinship placement* means a new, temporary placement of a minor child with a relative or fictive kin by a court order.

(b) *Paid Parental Leave.* LFUCG employees shall be eligible to receive paid parental leave due to the birth of the employee's child, the finalization of adoption for a newly adopted child, or the foster care of a newly placed child, in accordance with the following provisions:

(1) To be eligible for paid 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.

(2) Employees shall have experienced a qualifying event as defined by this section and must be the parent of a newly born child, or have finalized the adoption of a child and reside in the same household as the adopted child, or have received a child by foster care or kinship placement.

(3) An eligible employee may utilize up to four (4) weeks of paid parental leave at 100% of the employee's base pay per birth or adoption event or up to two (2) weeks of paid parental leave at 100% of the employee's base pay upon placement of a child in

foster care or kinship placement. Paid parental leave will be based on the employee's normal rate of pay, not including premiums or overtime.

(4) Multiple births, adoptions, or foster care or kinship placements do not extend the amount of leave available.

(5) If both parents work for LFUCG, both parents are eligible for up to four (4) weeks of paid parental leave. Such leave may be taken either concurrently or consecutively.

(6) Paid parental leave must be utilized within six months following a qualifying event as defined by this ordinance. If the leave is not used by the employee before the end of the six month period, it shall not accumulate.

(7) Paid parental leave shall be taken for a consecutive period of up to four (4) weeks without interruption during the period of Family and Medical Leave (FML); in no event shall paid parental leave be used for intermittent absences. Paid parental leave will not reduce eligibility for other types of paid and unpaid leaves. An employee is eligible for this benefit no more than one time in a calendar year.

(c) *Requesting Paid Parental Leave.* In order to be eligible to receive paid parental leave, an employee must comply with the following:

(1) An eligible employee is required to submit a completed request for Family and Medical Leave to the Division of Human Resources, requesting Family and Medical Leave (FML) at least 30 days prior to the anticipated date of the leave. To the extent that 30-day notice is not possible, the employee shall submit a completed request for Family and Medical Leave as soon as possible.

(2) An eligible employee will be required to furnish the following documentation to support paid parental leave:

(a) In the case of a newly born child, the employee shall furnish appropriate medical documentation for the birth of the child. If applicable, the medical certification requirements for FML leave will control.

(b) In the case of a newly adopted child, the employee shall furnish appropriate adoption documentation.

(c) In the case of a newly placed child by foster care or kinship placement, the employee shall furnish appropriate foster care or kinship placement

documentation.

(3) A fraudulent request for paid parental leave shall be grounds for disciplinary action, up to and including termination of employment.

Section 2 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: November 17, 2022

Linda Gorton

MAYOR

ATTEST:

Allan

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: November 23, 2022-1t

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