

## RESOLUTION NO. 79

### ADOPTING A POLICY OF PAID FAMILY LEAVE FOR EMPLOYEES OF ALBANY COUNTY

Introduced: 1/9/16

By Ms. McLean Lane, Messrs. Bullock, Clenahan, Ms. Cunningham, Messrs. Dawson, Fein, Andrew Joyce, Ray Joyce, Higgins, Ms. Lekakis, Messrs. Mayo, O'Brien, Reinhardt, Domalewicz, Burgdorf, Drake, Mauriello and Mendick:

WHEREAS, the Federal Family and Medical Leave Act guarantees 12 weeks of unpaid leave to many workers to care for a sick relative or care for a newly born or adopted child. Despite this benefit, most people cannot afford to take unpaid time off from work to care for a child or sick family member. Paid family and medical leave benefits would allow all workers to remain in the workforce and still receive some income while taking leave to care for their family, and

WHEREAS, allowing new parents time away from work to care for a newly bond or adopted child enhances the health and positive development of the child and is associated with increases in the duration of breastfeeding and reductions in infant deaths and behavioral issues, and

WHEREAS, out of 185 countries tracked by the International Labour Organization, Papua New Guinea and the United States alone fail to provide paid family and medical leave, and

WHEREAS, the States of California, New Jersey and Rhode Island have already modernized their state disability insurance programs to provide paid family and medical leave, and

WHEREAS, The State of New York has yet to enact a policy of paid family leave for workers and

WHEREAS, Providing workers with paid time off to care for a newborn or adopted child or ill family member will ensure a healthier and more productive workforce in Albany County, and

WHEREAS, enactment of this policy will have a positive economic effect on employees and Albany County by increasing labor-force participation, employee retention, increasing lifetime earnings and retirement security among workers, especially women. In addition, employee morale would increase as well as better recruitment opportunities for positions with the county workforce, and

WHEREAS, The Legislature also finds that it is imperative to provide employees with meaningful protections against retaliation for using paid family and medical leave time and recognizes that prohibitions against retaliation and the imposition of penalties, including financial compensation to employees, for the denial of or retaliation for taking family sick time, are critical, and

WHEREAS, Albany County is one of the largest employers in Albany County, now, therefore be it

RESOLVED, That Albany County enact a policy of paid family and medical leave for its employees. Such policy shall allow for county employees to take up to 40 work days of consecutive paid leave after the birth, adoption or placement of foster care of a child, and to care for a sick child or family member, and be it further,

RESOLVED, that eligible employees must have been employed by the County for at least one year and must have worked at least 1,250 hours during the twelve month period immediately preceding the commencement of the paid family and medical leave, and be it further,

RESOLVED, that paid family and medical leave shall run concurrent with the qualifying Family Medical Leave Act absence, and be it further,

RESOLVED, the 40 consecutive paid family and medical leave days must be utilized prior to the use of, or any other accruals or unpaid absences during the Family Medical Leave, and be it further

RESOLVED, in the event that both parents are Albany County employees, only one parent may qualify for Paid Family and Medical Leave upon the return to work of the first employee from family and medical leave, and be it further

RESOLVED, that no portion of the paid family and medical leave shall be transferable, cashable, or eligible to be saved for use at another time, and be it further,

RESOLVED, that eligibility for the paid family and medical leave expires at the end of the twelve month period beginning on the date of birth or placement or care for a sick or infirmed family member, and it further,

RESOLVED, Any eligible employee who takes leave under this section shall be entitled, on return from such leave, to be restored by the county to the position of employment held by the employee when the leave commenced, or to be restored to a comparable position with comparable employment benefits, pay and other

terms and conditions of employment. The taking of leave for the purpose of family care shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. Nothing in this policy shall be construed to entitle any restored employee to the accrual of any seniority or employment benefits during any period of leave, or any right, benefit or position to which the employee would have been entitled had the employee not taken the leave, and be it further,

RESOLVED, that the County Attorney, in conjunction with the Department of Human Resources shall promulgate any and all rules and regulations necessary to further implement this policy of Paid Family and Medical Leave, including the promulgation of regulations and guidelines as may be necessary within the parameters established in this resolution and be it further,

RESOLVED, that such policy shall take effect no later than six months following enactment of this legislation and be it further,

RESOLVED, That the Clerk of the Albany County Legislature is directed to forward certified copies of this resolution to the appropriate Albany County Officials.

*Referred to Personnel and Audit and Finance Committees. 2/9/16*

