

RESOLUTION NO. 73

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

Introduced: 2/9/15

By Messrs. Higgins, Bullock, Mss. McLean Lane, Kinsch and Mr. Dawson:

WHEREAS, The Federal Family and Medical Leave Act guarantees 12 weeks of unpaid leave to many workers to care for a sick relative or bond with a new child. Despite this entitlement, most people cannot afford to take unpaid time off from work. Paid family 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 from work to bond with a newly born or adopted child is a great positive for the entire family in general and a child's development specifically, and

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

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

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

WHEREAS, Providing workers with time off to attend to their own health and the health of their family members will ensure a healthier and more productive workforce in Albany County, and

WHEREAS, Enactment of this policy will have a positive effect on the public health of Albany County Employees by increasing employee morale and better recruitment of candidates 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 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 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 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 or adoption of a child, 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 parenting leave, and, be it further

RESOLVED, That paid parenting leave shall run concurrent with the qualifying Family Medical Leave Act absence, and, be it further

RESOLVED, The 40 consecutive paid parenting 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 Parenting Leave upon the return to work of the first employee from parenting leave, and, be it further

RESOLVED, That no portion of the paid parenting 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 parenting leave expires at the end of the twelve month period beginning on the date of birth or placement, and, be 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 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 Committee. 2/10/15