

ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER V OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ENTITLED “HUMAN RESOURCES (PERSONNEL)” BY SPECIFICALLY AMENDING SECTION 5.3 TO CREATE A NEW SECTION ENTITLED “PAID PARENTAL LEAVE FOR CITY EMPLOYEES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Paid Parental Leave (PPL) is an employee benefit that has been adopted in several states, and many counties, and local municipalities throughout the United States. PPL would provide eligible employees with up to 12 weeks of PPL in connection with the birth of an employee’s son or daughter or the placement of a son or daughter with an employee for adoption or foster care; and

WHEREAS, the United States has historically lagged behind most of the developed—as well as developing—world with regard to family leave benefits and it was not until 1993 that the United States passed the Family and Medical Leave Act (FMLA), granting certain categories of women and men up to twelve weeks of unpaid job-protected leave; and

WHEREAS, currently, employees of the City, having worked at least 1,250 hours in the previous 12 months, also have job protection under the FMLA for up to 12 weeks following the birth, adoption, or fostering of a child; however, the leave is unpaid. Employees may use their accrued leave, if available, to substitute part or the entire 12-week unpaid period; and

WHEREAS, workers oftentimes face tension in balancing their roles as parents and workers, especially if there are adverse consequences for missing too much time from work due to the birth, adoption, or foster placement of a child, or if they cannot afford to go unpaid for an extended period of time; and

WHEREAS, PPL creates and maintains a work culture that supports employees in their effort to balance their work responsibilities with the demands of personal and family life; and

WHEREAS, while no federal laws require us to provide PPL, research findings suggest that it is a valuable benefit to employees as well as to their families. Furthermore, PPL is an attractive tool that is useful in recruitment and retention of talented workers and a number of local governments have adopted a policy relating to PPL; and

WHEREAS, the Mayor and City Commission of the City of North Miami Beach find it is in the best interest of the residents to provide a paid parental leave policy to City employees.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF NORTH MIAMI BEACH, FLORIDA:

SECTION 1. The foregoing “Whereas” clauses are incorporated herein.

SECTION 2. That Article V-Human Resources (Personnel); Section 5-3, Paid Parental Leave; is created to read as follows:

Sec. 5-3. - Paid parental leave.

(a) Purpose. The city recognizes that the period of time following the birth, adoption or foster placement of a child is a special time of family bonding and that paid leave and workplace flexibility increases productivity, helps recruit talented workers, lowers worker turnover and replacement costs, reduces absenteeism, and improves job satisfaction. Therefore, the city shall provide employees with paid parental leave.

(b) Definitions:

(1) *City employee* means any full-time employee

(2) *Parental leave* means leave with pay for the purpose of caring for a newborn, newly-adopted child, or newly-placed foster child or children.

(c) The City Manager will create and maintain a policy for the provision of twelve (12) weeks of paid parental leave to city employees.

Section 3. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Ordinance is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Ordinance.

Section 5. It is the intention of the City Commission of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word "Ordinance" may be changed to "Section," "Article," or other word as the codified may deem appropriate.

Section 6. This Ordinance shall become effective ten (10) days after adoption on second reading.

APPROVED on this first reading this **16th day of November, 2021.**

APPROVED AND ADOPTED on second reading this _____ day of _____, 2021.

ATTEST:

ANDRISE BERNARD, CMC
CITY CLERK

ANTHONY F. DEFILLIPO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION

HANS OTTINOT
INTERIM CITY ATTORNEY

Sponsored By: Vice Mayor Daniela Jean and Commissioner Fortuna Smukler