

ORDINANCE NO. 25, 2022 SERIES

AN ORDINANCE ADOPTING A NEW SECTION 37.22 OF THE CITY OF FRANKFORT CODE OF ORDINANCES RELATED TO PAID PARENTAL LEAVE

WHEREAS, the City of Frankfort seeks to constantly improve and update benefits for City employees in order to recruit talented individuals to join the City and to encourage existing employees to continue working for the City; and

WHEREAS, the Family Medical Leave Act (FMLA), 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; and

WHEREAS, the City believes paid parental leave time can attract talented professionals, improve workplace morale, and improve employee retention;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY, that a new Section 37.22 of the City of Frankfort Code of Ordinances is hereby adopted, as follows:

**§37.22 PAID PARENTAL LEAVE.**

(A) Except as provided in Subsection B below, any person who is employed full-time for the City is entitled to paid parental leave as set forth in paragraphs (1) through (3) of this Subsection. Leave shall be calculated based on a total number of hours equivalent to the weeks of regularly scheduled work based on the employee's schedule on the first day of eligibility.

- (1) a total of six (6) weeks of paid parental leave during any rolling 12 month period for one or more of the following:
  - (a) the birth of a child of the employee and in order to care for such child;
  - (b) the placement of a child with the employee for adoption or foster care; or
  - (c) the placement of a child with the employee through surrogacy;
- (2) a total of two (2) weeks of paid parental leave during any rolling 12 month period for a court-ordered kinship placement of a child over age three (3) with the employee; and
- (3) a total of six (6) weeks of paid parental leave during any rolling 12 month period for a court-ordered kinship placement of a child under age three (3) with the employee.

(B) Full-time employees who are categorized as Tier I and Tier II with the Kentucky Public Pension Authority (KPPA) may choose to receive the paid parental leave benefit set forth in Subsection A above in lieu of sick leave service credit at the time of retirement as authorized by KPPA. This choice may be made at any time prior to retirement. If an employee chooses the paid parental leave benefit, it is a permanent decision. The employee may not later choose the KPPA service credit benefit. The employee shall not be entitled to the benefit they choose not to accept.

(B) Use of paid parental leave.

(1) Leave used by an eligible employee pursuant to this section will not be charged to any sick, annual, or other leave the employee may have accumulated. Leave taken under this section that also qualifies as leave under the FMLA shall run concurrently with leave taken under the FMLA.

(2) Any paid parental leave not taken during the rolling twelve (12) month period shall not carry over to any subsequent year or need for leave. An employee who is transferred or otherwise changed from the jurisdiction of one department to another during the twelve (12) month period shall be entitled to retain his or her paid parental leave in the employing department of the City.

(3) For spouses or domestic partners who are both employed by the City and each experience a qualifying need, each spouse or domestic partner shall be entitled to the applicable leave in Subsection A above, which may be taken concurrently, consecutively, or at different times.

(4) An eligible employee may take leave under this section intermittently or on a reduced leave schedule with the employer's approval and must conclude within 12 months after the birth or placement. The eligible employee shall provide his or her department head or immediate supervisor with prior notice of the need for leave to the extent practicable. Leave taken intermittently or on a reduced schedule under this section shall not result in a reduction of the total amount of leave to which an employee is entitled beyond the amount of leave actually taken.

In order for paid parental leave to be issued, completion and approval of the appropriate request forms is required. Intermittent leave may require multiple request forms.

(5) An employee taking leave under this section shall not begin new secondary employment during the leave period. Existing secondary employment may only continue during leave taken under this section if the department's standard operating procedures permit secondary employment while on FMLA leave.

(6) Any eligible employee who exercises his or her right to leave under this section shall, upon the expiration of that leave, be entitled to be restored to the position held by the eligible employee when the leave commenced, or to a position with equivalent seniority, status, employment benefits, pay and other terms and conditions of employment including fringe benefits that the eligible employee had been entitled to at the commencement of leave.

(7) The City shall maintain any health care benefits the eligible employee had prior to taking such leave for the duration of the leave as if the eligible employee had continued in employment continuously from the date he or she commenced the leave until the date the leave terminates; provided, however, that the eligible employee shall continue to pay the eligible employee's share of the cost of health benefits as required prior to the commencement of the leave.

(8) It shall be unlawful for the City or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise any right protected under this section. The City shall not take retaliatory personnel action or otherwise discriminate against a person because he or she exercised rights protected under this section. It shall be unlawful for the City to count paid parental leave under this section as an act that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action.

(9) The Human Resources Department shall establish procedures and policies implementing this section.

(10) This ordinance shall become effective December 20, 2022.

First Reading on the 12 day of December, 2022.

Final Adoption on the 19 day of December, 2022.

S/Layne Wilkerson  
T/Mayor

Attest:

S/Chermie Maxwell  
T/City Clerk

Summary: This ordinance creates a new Section 37.22 of the City of Frankfort Code of Ordinances regarding paid parental leave. The ordinance 1) establishes circumstances that qualify for paid parental leave for full-time City employees; 2) sets forth the process for Tier I and Tier II employees to choose between paid parental leave and KPPA sick leave service credit; and 3) establishes requirements for appropriate use of paid parental leave and related personnel actions.

S/Laura Milam Ross  
T/City Solicitor

Published by title and summary on December 28, 2022.