

**ORDINANCE NO. 16, 2023 SERIES**

**AN ORDINANCE AMENDING SECTION 37.22 OF THE CITY OF FRANKFORT CODE OF ORDINANCES RELATED TO PAID PARENTAL LEAVE**

WHEREAS, in 2022, the City of Frankfort adopted an ordinance granting paid parental leave to full-time City employees; and

WHEREAS, the Board of Commissioners now desires to modify the requirements related to paid parental leave eligibility;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY, that Section 37.22 of the City of Frankfort Code of Ordinances is hereby amended 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 and has successfully completed their trial period 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.

(C) 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) If an employee separates service for any reason other than retirement within 12 months of receiving paid parental leave, the amount of paid parental leave issued will be deducted from the employee's leave payout at time of employment termination.

(9) 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 24 day of July, 2023

Final adoption on the 28 day of August, 2023

S/Layne Wilkerson  
T/Mayor

Attest:

S/Chermie Maxwell  
T/City Clerk

Summary: This ordinance amends Section 37.22 of the City of Frankfort Code of Ordinances regarding paid parental leave to grant the leave only to those full-time employees who have successfully completed the trial period, and to provide that if an employee separates service for any reason other than retirement within 12 months of receiving leave, the amount of leave issued will be deducted from the employee's leave payout at time of termination.

S/Laura Milam Ross  
T/City Attorney

Published by title and summary on September 10, 2023.