

# COUNCIL CHAMBER

City of Berea, Ohio

Ordinance No. 2021-10

By Jim Maxwell Sponsored By Mayor Cyril M. Kleem  
Councilwoman Yim Smith

## AN ORDINANCE

### ENACTING NEW SECTION 183.22, PAID PARENTAL LEAVE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA TO PROVIDE PAID PARENTAL LEAVE BENEFITS FOR FULL-TIME AND PART-TIME EMPLOYEES OF THE CITY OF BEREA.

**WHEREAS**, the City of Berea is committed to a workplace culture that helps both our full-time and part-time employees meet the demands of family and employment responsibilities; and

**WHEREAS**, the Family and Medical Leave Act of 1993 provides twelve (12) weeks of unpaid leave for the birth of a child or to care of an adoptive or foster child; and

**WHEREAS**, the Family and Medical Leave Act does not apply to employees working fewer than 1250 hours in the previous year; and

**WHEREAS**, the City desires to make Paid Parental Leave available to both full-time and part-time employees, while excluding temporary or seasonal employees; and

**WHEREAS**, studies have shown that only 45% of those employees eligible for Family and Medical Leave use it because they cannot afford to go without a paycheck; and

**WHEREAS**, the unpaid leave provided by the Family and Medical Leave Act of 1993 disproportionately benefits highly compensated employees and penalizes many of those parents most in need of paid leave; and

**WHEREAS**, there is overwhelming evidence that the period of time after the birth of a child or the time surrounding the adoption or fostering of a child is critical to the process of family bonding and emotional development of the child; and

**WHEREAS**, evidence from the fields of neurobiology and developmental psychology have confirmed that the development of a child depends largely on their ability to build a healthy attachment to a primary caregiver, usually a biological parent, adoptive parent or foster parent; and

**WHEREAS**, in the case of birth parents, the period following the birth of a child, a mother may be physically recovering from the birth, breastfeeding and integrating the baby into the family; while the father may be busy caring for both the child and his partner. Multiple visits to medical providers during those first few weeks for vaccines and other wellness exams for both mother and child are required; and

**WHEREAS**, in the case of adoptive and foster children, paid parental leave is especially necessary because for many adoptive and foster parents, the bonding experience is harder. Unlike a birth mother, an adoptive or foster mother has not had the opportunity to begin bonding with the baby in the womb, is likely not able to breastfeed, and is dealing with the stress of the legal proceedings pertaining to the adoption or foster care; and

**WHEREAS**, children of adoptive and foster parents often have special needs, sometimes due to abuse and neglect, requiring that the adoptive or foster parents attend court hearings and participate in specialized treatments for the child; and

**WHEREAS**, providing adoptive and foster parents paid leave in order to build a healthy attachment does not just benefit them, but society as a whole, as those youth who are adopted or in foster care are allowed time to build a positive relationship to increase the likelihood that the child will not experience outcomes, such as post-traumatic stress disorder, low high school graduation rates, homelessness or incarceration, as those youth who linger in foster care.

**WHEREAS**, paid parental leave has been shown to benefit employers by improving morale, retention and attraction of employees; and

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**WHEREAS**, the cost of providing two-weeks of paid parental leave is a small down-payment on our future; and

**WHEREAS**, in 2019, President Trump signed the Federal Employees Paid Leave, which provides 12-weeks of paid parental leave for certain federal employees; and

**WHEREAS**, the State of Ohio has failed to enact similar legislation; and

**WHEREAS**, the City of Berea wishes to join the small, but growing number of Ohio municipalities in providing paid parental leave.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, State of Ohio:

**SECTION 1.** That new section 183.22 of the Codified Ordinances of the City of Berea – Paid Parental Leave is hereby enacted, which shall read as follows:

## **183.22 PAID PARENTAL LEAVE**

This Section applies to both regular full-time and part-time employees of the City of Berea provided the eligibility requirements in Subsection (A) are met.

The City of Berea will provide up to seventy-five (75) or eighty (80) hours of paid parental leave, depending on the number of hours in the employees' regular work week, to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child, occurring on or after June 1, 2021. Paid Parental Leave shall be in addition to the twelve (12) weeks of Family and Medical Leave. The adoption of a spouse's child is explicitly excluded from this Section.

### **A. Eligibility**

1. Regular full-time or part-time employees must have been actively employed by the City of Berea for the six-month period immediately preceding the application for paid parental leave. Temporary and seasonal employees are ineligible for paid parental leave.
2. The employee must meet one of the following criteria:
  - a. Have given birth to a child; or
  - b. Be a spouse or committed partner of a woman who has given birth to a child; or
  - c. Have or be in the process of adopting a child; or
  - d. Have been designated a foster parent by a proper legal authority.
3. Employees may be required to provide evidence demonstrating eligibility.
4. Whenever the birth or placement of a child for adoption or foster care is foreseen, the employee must provide the Law Director or her designee with at least 30 days' notice of his or her intention to take Paid Parental Leave.

### **B. Amount, Time Frame and Duration**

1. Eligible employees will receive a maximum of seventy-five (75) or eighty (80) hours of paid parental leave per birth, adoption or foster placement of a child/children, depending on the employee's regular work week. Part-time employees will receive up to the average number of hours worked for the six-month period immediately preceding the application. The fact that a multiple birth, adoption or placement occurs, does not increase the total amount of paid parental leave.

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2. No employee shall receive more than seventy-five (75) or eighty (80) hours, depending on the regular work week of the employee, of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame.
3. Paid parental leave is compensated at the employee's regular, straight-time hourly wage.
4. Paid parental leave shall be taken within one (1) year of the birth, adoption or placement of a foster child, or shall be forfeited.
5. Upon termination of employment, he or she shall not be paid for any unused paid parental leave for which he or she was eligible.

C. Coordination with Other Benefits

1. After paid parental leave is exhausted, eligible employees may apply for Family and Medical Leave and be compensated through use accrued sick, vacation and personal leave. Upon the exhaustion of accrued paid leave, any additional leave is unpaid.
2. If a paid holiday occurs while the employee is on paid parental leave, such day will be charged to the holiday pay; however, such holiday pay shall not extend the total paid parental leave entitlement.

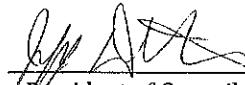
D. Use of Paid Parental Leave

1. Employees may use Paid Parental Leave in one-hour increments.
2. Employees may take Paid Parental Leave before the actual placement of a foster child or adoption, if an absence from work is required for the placement for adoption or foster care to proceed. Reasons for use prior to placement include, but are not limited to, counseling sessions, court appearances, consultations with legal counsel or medical personnel, or to travel to another county to complete the adoption.

**SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That this Ordinance shall take effect and shall be in force from and after the earliest period allowed by law.

PASSED: March 15, 2021

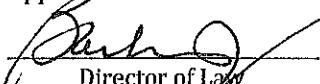
  
President of Council

ATTEST: Andy S.  
Clerk of Council

APPROVED: March 16, 2021

  
Mayor

Approved as to Form:

  
Director of Law