



**TO:** Sunday Vanderberg, Clerk of the Board of Legislators

**FROM:** Christopher Johnson, Majority Leader, 16<sup>th</sup> District  
Catherine Borgia, Chairwoman of the Board of Legislators, 9<sup>th</sup> District  
Nancy Barr, Vice-Chair of the Board of legislators, 6<sup>th</sup> District  
Jose Alvarado, Majority Whip, 17<sup>th</sup> District  
Margaret Cunzio, Minority Leader, 3<sup>rd</sup> District  
James Nolan, Minority Whip, 15<sup>th</sup> District  
Colin Smith, Legislator, 1<sup>st</sup> District  
Erika Pierce, Legislator, 2<sup>nd</sup> District  
Vedat Gashi, Legislator, 4<sup>th</sup> District  
Benjamin Boykin II, Legislator, 5<sup>th</sup> District  
Catherine Parker, Legislator 7<sup>th</sup> District  
Jewel Williams Johnson, 8<sup>th</sup> District  
Damon Maher, Legislator, 10<sup>th</sup> District  
Terry Clements, Legislator, 11<sup>th</sup> District  
David Imamura, Legislator, 12<sup>th</sup> District  
Tyrae Woodson-Samuels, 13<sup>th</sup> District  
David Tubiolo, 14<sup>th</sup> District

**DATE:** March 20, 2023

**RE:** Paid Parental Leave for Unrepresented Employees of the County of Westchester

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Please place the attached proposal, an act to provide Paid Parental Leave for Unrepresented Employees of the County of Westchester, on the agenda for the March 16, 2023 meeting of the Westchester County Board of Legislators so that it may be referred to the appropriate committees.

Thank you.

**CC:** Marcello Figueroa  
Melanie Montalto

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BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of “AN ACT to Provide Paid Parental Leave for Unrepresented Employees of the County of Westchester.”

Your Committee is advised the purpose of this Act is to create a paid parental leave policy for unrepresented employees. The creation of this leave policy will not only provide benefits for children and parents, but also strengthen the County’s ability to recruit and retain a talented workforce. Paid parental leave will give County employees who are new parents the opportunity to bond with their children. Increased bonding and engagement can lead to improved health and development outcomes for children. Access to parental leave has a positive impact on children’s health and development and decreases infant mortality rates. For parents, paid parental leave increases the likelihood they will return to the labor force and benefits their overall health and well-being.

Your committee notes that the County’s employees are dedicated public servants. They work hard to keep Westchester strong. This new leave policy will provide them with the support they need in the workplace and at home. The paid parental leave policy created by this act is in addition to other leave benefits available to County employees, such as sick leave, personal leave, annual leave, and leave under the federal Family Medical Leave Act (29 U.S.C. §§ 2601-2654).

Your Committee is informed that the annexed act would provide up to three (3) months of paid parental leave for unrepresented employees who have been with the County for at least six months. This leave could be used for: the birth of a child; the adoption of a child; or the initial

placement of foster child with the eligible employee. Your Committee is informed that this benefit can only be provided to unrepresented employees, as those employees represented by a collective bargaining unit would need to collectively bargain for such a benefit.

Your Committee is informed that the proposed legislation does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

In light of the aforementioned, your Committee recommends the adoption of the proposed Act.

Dated: \_\_\_\_\_, 2023  
White Plains, New York

COMMITTEE ON

ACT NO. – 2023

AN ACT to Provide Paid Parental  
Leave for Unrepresented Employees  
of the County of Westchester.

BE IT ENACTED by the County Board of Legislators for the County of Westchester as follows:

**Section 1. Purpose.** This Act is to provide paid parental leave for employees of the County of Westchester who are not represented by any recognized collective bargaining unit. This Act is not to be interpreted to create any new rights or benefits for employees who are members of a collective bargaining unit and is not to be interpreted to infringe on or alter any benefit or limitation contained in a collective bargaining agreement.

**Section 2. Eligibility.** In order to qualify for paid parental leave under this Act, an Eligible Employee must meet the following criteria:

- A. The employee must have been continuously employed by the County in a full-time position for at least six (6) months immediately prior to taking paid parental leave. For purposes of this requirement, the use of any leave paid at the employee's full rate of pay (such as annual, sick, personal, or holiday leave), other than paid parental leave, shall count toward the required number of consecutive months; and
- B. At the time paid parental leave is taken, the employee must be in a title that is not subject to the terms of a collective bargaining agreement between the County and any recognized collective bargaining unit.

**Section 3. Qualifying Events.** Paid parental leave under this Act may be taken for any of the following qualifying events:

- A. The birth of the Eligible Employee's child; or
- B. The adoption of a child under the age of eighteen (18) by the Eligible Employee; or
- C. The initial placement of a child under the age of eighteen (18) into the care of the Eligible Employee as a foster child.

In determining whether or not an Eligible Employee meets the criteria for a Qualifying Event, the County shall determine if the Qualifying Event meets the criteria for leave under the federal Family Medical Leave Act. If the Qualifying Event does not meet the criteria for leave under the federal Family Medical Leave Act, then the Eligible Employee is not eligible for paid parental leave under this Act. For purposes of this Section, the only inquiry is whether the Qualifying Event, not the employee, meets the criteria for leave under the federal Family Medical Leave Act. Departments may reasonably request documentation to support an employee's claim of a Qualifying Event.

**Section 4. Paid Parental Leave Benefit.** An Eligible Employee, for a Qualifying Event, may take Paid Parental Leave as follows:

- A. An Eligible Employee who is entitled to parental leave shall be entitled to use up to four hundred and twenty (420) hours of paid parental leave, per child or per occurrence, whichever is less.
  - i. For example, if an Eligible Employee has twins, they are only entitled to 420 hours of paid parental leave, as there is only a single occurrence.
  - ii. For example, if an Eligible Employee takes in a foster child and then later adopts the child, they are only entitled to paid parental leave for the initial placement of the foster child, as they cannot get leave twice for the same child.
- B. An Eligible Employee shall use the paid parental leave in accordance with the following:
  - i. Paid parental leave shall be taken in full-day increments.
  - ii. Paid parental leave may be taken intermittently, but in no instance can it be taken more than twelve (12) months following the Qualifying Event.
  - iii. Paid parental leave shall run concurrently with leave available under the federal Family and Medical Leave Act, if the employee is eligible for leave under that act.
  - iv. Paid parental leave may not be taken prior to the Qualifying Event.
  - v. The Eligible Employee must notify their supervisor, or appropriate contact designated by their Department, of their intent to take paid parental leave at least thirty (30) days prior to taking such leave, unless an emergency renders such notice impossible. In the case of such an emergency, the Eligible Employee shall provide advanced notice to the extent possible.
- C. Paid parental leave shall be paid at the Eligible Employee's regular rate of pay.
- D. An Eligible Employee taking parental leave shall not take more than thirty-five (35) hours of paid parental leave in any given week.
- E. Paid parental leave shall not be counted against an Eligible Employee's annual, personal, or sick leave. An Eligible Employee on paid parental leave shall not accrue other leave during the period they are on paid parental leave.
- F. Under no circumstances shall an Eligible Employee who is entitled to parental leave be entitled to more than four hundred and twenty (420) hours of paid parental leave in a calendar year.

**Section 5.** The Department of Human Resources shall provide guidance on the use and administration of paid parental leave benefits for both departments and employees.

**Section 6.** No employee shall be retaliated against for availing themselves of paid parental leave under this policy.

**Section 7.** This Act shall take effect once the County Board approves one or more collective bargaining agreements which provide for paid parental leave for at least fifty (50%) of the total County workforce. For the purposes of this effective date provision, a collective bargaining

agreement shall be considered to provide paid parental leave if it meets the following minimum criteria: (1) the leave is available for use for the birth of a child; (2) the leave is separate from annual, personal, and sick leave; and (3) the leave is paid. The paid parental leave in the collective bargaining agreement does not have to otherwise match the leave contained herein.