

City of Coral Gables City Commission Meeting
Agenda Item F-14
May 30, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Pat Keon
Commissioner Vince Lago
Commissioner Michael Mena
Commissioner Frank Quesada

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Deputy City Attorney, Miriam Ramos
Finance Director, Diana Gomez

Public Speaker(s)

Agenda Item F-14 [12:04:17 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida, amending the City of Coral Gables Code by adding Article XII, Parental Leave to Chapter 2, entitled "Administration," of the City of Coral Gables Code, providing for a repealer provision; severability clause; codification, and providing for an effective date. (Sponsored by Commissioner Mena).

Mayor Valdes-Fauli: The next item is F-14.

City Attorney Leen: Mr. Mayor this is an Ordinance of the City Commission of Coral Gables, Florida, amending the City of Coral Gables Code by adding Article XII, Parental Leave to Chapter 2, entitled "Administration," of the City of Coral Gables Code, providing for a repealer provision; severability clause; codification, and providing for an effective date. This is sponsored by Commissioner Mena and the Deputy City Attorney drafted that with him.

Commissioner Mena: So, this is an ordinance that we have paid parental leave for our City employees. The primary reason for this is, first and foremost, I think it's the right thing to do. There is a lot of coverage on this issue, but the main point is, the United States is the only developed nation in the world that doesn't mandate paid leave for new parents, and this is the greatest country in the world in so many respects, this is not one of them. Eighty-eight (88) percent of women here are paid nothing in the weeks after they have a child, and we can do better, and this caught my attention, because what I've been noticing is that as a City we are lagging behind on this issue as well. Miami-Dade County, Miami Beach, City of Doral, West Palm Beach County, Tampa, St. Pete, these are just some of the neighboring Counties and Municipalities who currently offer their employees paid parental leave. But, I mention those neighboring cities, because it dovetails into my second reason for proposing this, and that's that, I believe and the stats show, it leads to greater levels of productivity, it enhances, it puts us at a competitive disadvantage the fact that our neighboring Municipalities are offering this benefit to talent that we are recruiting. If we want to have the best talent, if we want to recruit the best talent, if we want to maintain the best talent, then we need to do better on this front. The statistics show, as I was mentioning that, it increases the likelihood that workers return after child birth, it improves employee morale, it shows positive effects on workplace productivity, and ultimately some stats show that it actually cuts the cost to employers and we'll get to cost in a minute, but it ultimately cuts the cost to employers through improved employee retention. Based on the research that I've done, the National Partnership for Women and Families looked at California, which is actually the first state to enact paid family leave, and they found that first time mothers who take paid leave are more likely than those who take unpaid leave or no leave to return to the same employer. Google has reported that when it extended paid maternity leave, it halved the rate at which new mothers were quitting, reducing the cost of finding and training new hires; and while Google is not alone in the private sector, there are other companies, Netflix, Amazon, Bank of America, Hilton, Apple, locally Baptist Health offers paid parental leave. It's estimated that only 12 percent of employees in the U.S. get any sort of paid parental leave from their employers. It's my hope that as more and more local governments take the lead on this issue and offer this sort of benefit to their employees, that we'll see people in the private sector follow suit, because again, I think it's the right thing to do. So, what are we actually proposing? - and I can have Miriam get into some of the details, to the extent that anybody has any questions, but I wanted to just walk through the basics. This proposed ordinance is tailored after the ordinance passed by Miami-Dade County last year. I reviewed a variety of different ordinances passed by other cities and I found that the Miami-Dade County version was the most comprehensive, and I'm sure again that Miriam will get into the details. It would provide paid parental leave as a benefit to our City's employees for the birth, adoption, or foster placement of the child, I think that's an important thing to point out. And, the way it's structured is that City employees would essentially get six weeks paid leave, except it's broken down as follows. The first two weeks would be at 100 percent of their base wages, the following two weeks would be at 75 percent,

and the last two weeks would be at 50 percent. Another thing that's important to note on this, it's not intended to be the exclusive amount of leave that they can take. They can still supplement this benefit with any accrued leave they have in order to, for example, on the latter four weeks bump that up to 100 percent of compensation or to take more than the six weeks, FMLA provides for twelve weeks unpaid. Currently, if an employee is going to take time off, if they wanted to be paid during any portion of that, they would have to use their accrued leave, so you can still use your accrued leave to supplement this, and that's important as well. The last point I want to make before I ask the Finance Department to provide a quick budget estimate on this issue is, I want to be clear that this is intended just to be a starting point, and what I mean by that is that the six weeks is just supposed to be by law in our City the minimum length of time that we offer our employees as a City, but if this goes well and we decide later that we want to offer more time, we can and we should consider that. The proposed ordinance leaves open expressly that possibility, it states the amount of time can be increased by resolution or administrative order in the future under Section 2-C. So again, this is an ordinance that provides a baseline a minimum, and if there's a desire by the part of City staff to offer greater benefit later, they can do that by resolution or administrative order. So again, I urge the Commission to consider this proposed ordinance, I think it's the right thing to do, I think it will enhance the quality of life and by extension the quality of service that we provide to our residents, because again, the most important thing we do as a City is the quality of the services that we provide to our residents and I think the quality of our services depends greatly on the talent that we have here working in the City; and so, I think this is important, I'll hope you'll support it and I'd ask that in whatever order you'd like Miriam can address the ordinance and Diana can address, I think the obvious question that most people would have, which is what is the cost estimate.

Mayor Valdes-Fauli: Well, I think you've been very thorough in explaining the ordinance. Would you briefly talk about the financial impact of this?

Vice Mayor Keon: Does this relate to the birth parent or both parents?

Commissioner Mena: Both parents.

Vice Mayor Keon: Both parents.

Commissioner Mena: Yes, that's an important distinction, I appreciate that.

City Manager Swanson-Rivenbark: And sir, it was also foster and adopted as well.

Vice Mayor Keon: But, it's both parents.

Commissioner Mena: Its both parents.

Deputy City Attorney Ramos: Correct. I'd also just like to add its fulltime employees and it will apply immediately upon passage on Second Reading to all employees that are not part of the CBA and then the others will apply once the collective bargaining process has occurred. Also, the six weeks has to be taken as a block, not to be scattered throughout the year, and it's not stackable based on the amount of children. So, if you were to foster, for example five children, you would not get six times five, you would just get those six weeks.

Mayor Valdes-Fauli: Right. Yes.

Finance Director Gomez: So, it's difficult to come up with an exact number, because it is really dependent on whether how many births you have, so on, and so forth. So, what we did is we looked at a history of the past five years, took an average number of people who had signed up for FMLA, because of a child, and so, we came up with a number, an average of about 14, we marked it up a little bit higher to 21 just because there have been some that do not take FMLA, or now that perhaps those that traditionally the females taking the time off, not necessarily the males, since it goes for both, we may see an increase there; and then we took the average salary of all employees and then kind of costed it out to come up with an amount and the best that we can come up with right now is that it would be in a worst case scenario, rather it would be about \$200,000 of additional cost. However, we do not believe that we have to budget for that amount, because people who are a lot of the expense would be people would take additional time where they would not use their time accrued and maybe cash it out at some point in the future when they leave. We estimated that about a third of that or \$65,000 would be the right number to add to the budget on an annual basis to these leave payouts, and that we would monitor it over the next couple of years and see what the actual data brings and then revisit it or increase the budget should we feel we have to. But, we believe that adding \$65,000 to the budget in the upcoming year would be the place to start.

Mayor Valdes-Fauli: It is the right thing to do, so....

City Manager Swanson-Rivenbark: Excuse me Mayor, just as clarification, when she said worst case scenario, she meant really best case scenario where people taking advantage of it; and in terms of \$65,000, it is easily absorbable within our budget.

Mayor Valdes-Fauli: OK. It is the right thing to do. This is a public hearing, is there anybody from the public who wishes to be heard?

Vice Mayor Keon: May I ask a question also. I know it says it has to be taken in a block of six weeks. Are there instances when the mother just for health reasons is going to stay home, but maybe the father stays home the first two weeks and goes back to work, and maybe once the mother goes back to work can take the other four weeks or something. I understand why you want to make it a block of six weeks, but sometimes it may be that you can actually prolong the length of time that a parent is with that child or infant over a longer period of time and get paid that doesn't require them both to have to take it in a six week block, and I know they can take it in separate blocks, like the mother can take six weeks and then the father can take six weeks, but in those first couple of weeks after childbirth is when you'll be a new father, so if you think of it in terms of yourself, do you think that there is any merit of being able to break up that spousal one.

Commissioner Mena: I think it's a fair question. Miriam and I discussed this at length this exact point and we didn't feel completely strongly about this exact point, we tried to think of those scenarios and we were really trying to avoid a situation where people were taking them scattered throughout the year, and we were trying to make it logistically easier on HR to manage.

Mayor Valdes-Fauli: I think that makes a very important point.

Vice Mayor Keon: So, it's probably easier to manage this way. I just think there should be an opportunity through HR to allow that.

Mayor Valdes-Fauli: Vice Mayor why don't we deal with this now and then fine tune it in the future.

Commissioner Lago: Can I ask a quick question?

Mayor Valdes-Fauli: Sure, of course.

Commissioner Lago: Has there been any discussion in reference to union negotiations in the past or no? - has that ever been brought up?

Finance Director Gomez: That I'm aware. I don't know that it has come up in union negotiations. I believe that this is something that will have to be negotiated.

Deputy City Attorney Ramos: It will have to be negotiated. It does not apply to the CBA employees.

City Manager Swanson-Rivenbark: Sir, the only thing that had come up was the ability to carry over vacation in large blocks for this, but the actual parental leave had not been a topic.

Commissioner Lago: I think it's a great idea in reference to the six weeks, especially for the women. Now we have this brought to light by Commissioner Mena, I find it hard to believe that we haven't done this in the past. Even though, for example, in the private sector I didn't have, when I had my two girls, we didn't have any set time for the men. So, you are saying that this would apply also to the men for six weeks.

Commissioner Mena: It would.

Commissioner Lago: And, you think that's like enough time or its too much time in reference to...?

Commissioner Mena: Listen, I think the amount of time that's appropriate is an issue that can be discussed. I think you are drawing a line where you draw the line. I think it's the right thing to do to offer it both ways. I think more and more you may have single fathers, different family situations now than we had that aren't sort of the traditional situation that maybe many of us are accustomed to, and so I think it's the right thing to do. I think it's what our neighboring municipalities have done as well, but I'm open to, again discussion on is six weeks the right time? - is it not? There are some cities, I'll give you an example, there are some cities and I can't remember what city it was off the top of my head that did four weeks at 100 percent pay, instead of six weeks at this sort of staggered pay. I like the six weeks better, because it builds in more time, which I think, is the most important aspect of it, and you can supplement that with your accrued leave, but again, I'm open to discussion on this.

Commissioner Lago: Right. I bring that up, because again for example, I'm not saying it's the right thing to do. When my wife had the two girls, I was out of work for two days, but I had to be at the office, so I had no other choice, there was a deadline; and the second time, I think I had about a week off. I would have loved to have had six weeks off to help her out at home, and I think that her office offered six weeks, six to eight weeks is what they offer where she works.

Commissioner Mena: Most private companies don't even offer that for the women. My wife when she is taking time, she takes FMLA and she has to use her sick and vacation time.

Commissioner Lago: That's where I was going. I just want to make sure that we make our employees aware; I think they already know this, that this is a great step forward and I don't want to use the word luxury, because it's not a luxury. I want to make sure that the employees know that we are doing something that a lot of other cities are not doing that Mike has proffered,

brought before the Commission, a lot of private sector companies are not doing this, so this is a really big step for the City. How are we going, like say for example, we have a critical employee that gets pregnant or that is a spouse and that person misses six weeks, because in some instances even, let's say the spouse may say, you know what, I can't miss six weeks, I have to be here for X and Y reason, whatever it may be, that's what happened to me the first time with my first daughter. Are we going to use like a temp agency, is that where that money is going to come into line or the rest of the department is going to pick up the slack? I just want to get an idea.

Finance Director Gomez: When people take off time the departments cover whether they need to cover with some overtime, where they need to cover with someone more senior that is taking on the responsibilities while the person is out. This cost does factor in some of the overtime, expected overtime, additional expected overtime cost that may come of it. Again, it's difficult to know how much its going to cost exactly, so that's why these are just estimates, but all of that is taken care of now when anybody has planned leave off, especially when it's a birth they have nine months to know that's its happening, and so the department usually does make sure that the work of that individual will be covered somehow.

Commissioner Mena: And to your point, some of what happens is, because they use other accrued leave during FMLA, it's not just the immediate aftermath of giving birth, but its then, they give birth in July and come the holidays, they don't have any vacation time. They can't spend time with their family, because they had to use it all in order to be able to take time to be with their child. So, it's balancing all of those issues.

Vice Mayor Keon: I think these are qualities of life issues that we just become more and more aware of and more receptive to and respectful of.

Commissioner Lago: I think you need to be a little more careful and I think to your point, I think you'll be careful of the money. Again, you have a budget and we are also protecting what we have here in the City for the retirement, so it's a great step in the right direction. I just want to make sure that we control the cost and try to be as efficient as possible.

Mayor Valdes-Fauli: Right. The public hearing is closed and I think Vice Mayor you made a motion, I think.

Vice Mayor Keon: I'll move it.

Commissioner Mena: Second.

Mayor Valdes-Fauli: Will you call the roll please.

Commissioner Lago: Yes
Commissioner Mena: Yes
Commissioner Quesada: Yes
Vice Mayor Keon: Yes
Mayor Valdes-Fauli: Yes
(Vote: 5-0)

Mayor Valdes-Fauli: Thank you Commissioner Mena. That was a wonderful step for the City and for all of us it's fair and it is not only competitive advantages or whatever, but it's the right thing to do, and I thank you.

[End: 12:21:12 p.m.]