

PROPOSED ORDINANCE NO.32-2021

AN ORDINANCE AMENDING SECTION 3.33 OF ORDINANCE NO. 543-1995, WITH
RESPECT TO CHILD CARE LEAVE FOR NON-CONTRACT EMPLOYEES OF THE
DISTRICT ATTORNEY'S OFFICE

BE IT ORDAINED, by the County Legislature of the County of Nassau, as follows:

Section 1. Section 3.33 of Ordinance No. 543-1995 is amended to read as follows:

3.33 Child Care Leave

(a) Except as otherwise provided in subdivision (d) of this section, child care leave shall be provided without pay or benefits to officers and employees for parenthood. Such leave shall commence within one hundred twenty (120) calendar days of the birth of a child parented by the officer or employee, or one hundred twenty (120) calendar days of the adoption by an officer or employee of a child less than five (5) years of age. Child care leave shall extend up to two (2) calendar years. Leave under this subdivision shall run concurrently with vacation leave, personal leave or any other accrued leave entitlement that is used for such child care purposes as well as with any paid leave taken pursuant to subdivision d of this section. In no event may any leave for child care purposes extend beyond two years, except as provided in subdivision c of this section.(b) Only one (1) marital spouse may be on child care leave at any one time, and no officer or employee shall be eligible for child care leave until after the completion of one (1) full year of actual completed service.

(c) A department head may elect to extend an additional one (1) calendar year leave of absence without pay to eligible officers and employees for extended child care purposes.

(d) Child care leave following the birth or adoption of a child as provided in subdivision (a) of this section shall be provided with pay and benefits to officers or employees of the District Attorney's Office for twelve consecutive weeks. This period shall be referred to as the 12-week paid plan. The 12-week paid plan may be used before any approved accrued leave entitlement, including vacation leave and personal leave. An officer or employee of the District Attorney's Office may take child care leave under the 12-week paid plan under the following circumstances:

(i) The officer or employee has previously been on paid child care leave pursuant to this subdivision no more than two times and it has been at least one year since the officer or employee returned to County service following any prior paid child care leave; and

(ii) The officer or employee has completed two (2) full years of actual completed service to the County, excluding any prior public service credit awarded pursuant to section 5.2 of this Ordinance for prior service to the State or another municipal subdivision.

Nothing precludes an officer or employee from declining paid leave under this subdivision while receiving the leave entitlement in subdivision (a) of this section, provided that no officer or employee may extend the two-year period of leave for child care purposes authorized in subdivision (a) by taking the paid leave authorized pursuant to this subdivision subsequent to the expiration of such two-year period.

(e) Following a period of child care leave which includes leave with pay and benefits pursuant to subdivision (d) of this section, the officer or employee must serve a minimum of two (2) years of actual completed service to the County. Officers or employees who do not serve the minimum of two (2) years of actual completed service to the County following a period of child care leave with pay and benefits must reimburse the County for the value of said days of paid child care leave taken less than two years prior to separation of service from the County either through

a reduction of their termination pay computed under section 3.6 of this ordinance and/or payment to the County of its monetary equivalent. The value of the paid child care leave taken by the officer or employee shall be computed at the officer's or employee's rate of pay in effect at the time the officer or employee separated from County service. Any officer or employee taking paid leave for child care pursuant to subdivision (d) of this section shall enter into an agreement in a form approved by the County Attorney's Office that requires the officer or employee to comply with the terms of this subdivision.

§ 2. Severability.

If any provision of this Ordinance or the application of such provision to any person or circumstance shall be held unconstitutional or invalid, the constitutionality or validity of the remainder of this ordinance and the applicability of such provision to other persons or circumstances shall not be affected thereby.

§ 3. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617(c)(20), (21), and/or (27) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of section 8-0109(2) of the New York Conservation Law as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection.

§ 4. Effective Date.

This ordinance shall take effect immediately.