

City of Houston, Texas, Ordinance No. 2022-\_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTERS 14 AND 34 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO THE ADOPTION OF PAID LEAVE FOR PRENATAL, PARENTAL, AND INFANT WELLNESS LEAVE; SUPERSEDING OR REPEALING CERTAIN ORDINANCES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

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**WHEREAS**, the City of Houston recognizes the growing needs of its employees to balance work and their home life; and

**WHEREAS**, in keeping with the City's goal of being a workplace of choice, the City desires to provide eligible City employees with (1) paid prenatal leave for prenatal wellness healthcare appointments and other absences related to the pregnancy; (2) paid parental leave to bond and care for a child after the birth or placement of a child with the employee for adoption or foster care to be used within the first year after childbirth or placement of a child with the employee for adoption or foster care; and (3) infant wellness leave following the birth of a child or placement of a child with the employee for adoption or foster care to be used during the infant's first year after birth; and

**WHEREAS**, it is necessary to establish paid leave for City employees for the purposes stated herein; **NOW, THEREFORE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this ordinance.

**Section 2.** That Division 14 of Article II of Chapter 14 Code of Ordinances, Houston, Texas is hereby amended by adding a new Section 14-169 that reads as follows:

**"Sec. 14-169. Prenatal, parental, and infant wellness leave.**

- (a) *Definition.* For purposes of this section, *eligible employee* means a full-time employee who has been employed by the city as a full-time employee for at least six continuous months prior to the initial use of any leave described in this section as determined according to the rules promulgated by the director.

- (b) *Prenatal wellness leave.* Eligible employees shall receive a maximum of 160 hours of paid prenatal leave for prenatal wellness healthcare appointments and other absences related to the pregnancy from the first date the leave is used in a 12-month period, regardless of whether more than one birth occurs within that 12-month period. Such leave shall be compensated at the employee's regular rate of pay plus any longevity or supplemental pays. Unused leave shall not be compensable and shall be forfeited (1) on the date the pregnancy ends; (2) upon the date the employee separates from employment with the city; or (3) upon the date the employee moves to a part-time or temporary position, whichever comes first.
- (c) *Paid parental leave.* Eligible employees shall receive a maximum 320 hours of paid parental leave to bond and care for a child after the birth or placement of a child with the employee for adoption or foster care from the first date the leave is used in a 12-month period, regardless of whether more than one birth or placement of a child with the employee for adoption or foster care occurs within that 12-month period. Beginning September 1, 2023, eligible employees shall receive a maximum of 480 hours of paid parental leave per 12-month period described above.
- (d) *Infant wellness leave.* Eligible employees shall receive a maximum of 40 hours of infant wellness leave to seek medical care for their infants during the infant's first year after birth. An eligible employee shall not receive more than the maximum allotted amount of infant wellness leave, regardless of whether more than one birth or placement of a child with the employee for adoption or foster care occurs within that 12-month period. Any unused infant wellness leave shall not be compensable and shall be forfeited (1) after the infant's first birthday; (2) upon the date the employee separates from employment with the city; or (3) upon the date the employee moves to a part-time or temporary position, whichever comes first.
- (e) The director shall promulgate internal rules regulations regarding employee eligibility for and use of the leaves described in this section.
- (f) The provisions of this section are inapplicable to police officers and fire fighters serving in positions that are classified under Chapter 143 of the Texas Local Government Code. Prenatal, parental, and infant wellness leave for employees so classified shall be as provided by applicable provisions of Chapter 34 of this Code."

**Section 3.** That Section 34-35 of the Code of Ordinances, Houston, Texas, is hereby amended by adding new Subsections (i), (j) and (k) that read as follows:

- “(i) *Prenatal wellness leave.* Eligible employees of the police department who are classified pursuant to Chapter 143 of the Texas Local Government Code shall receive a maximum of 160 hours of paid prenatal leave for prenatal wellness healthcare appointments and other absences related to the pregnancy from the first date the leave is used in a 12-month period, regardless of whether more than one birth occurs within that 12-month period. Such leave shall be compensated at the employee’s regular rate of pay plus any longevity or supplemental pays. Unused leave shall not be compensable and shall be forfeited (1) on the date the pregnancy ends; or (2) upon the date the employee separates from employment with the city. The human resources director shall promulgate internal rules and regulations regarding employee eligibility for and use of this leave.
- (j) *Paid parental leave.* Eligible employees of the police department who are classified pursuant to Chapter 143 of the Texas Local Government Code shall receive a maximum 320 hours of paid parental leave to bond and care for a child after the birth or placement of a child with the employee for adoption or foster care as from the first date the leave is used in a 12-month period, regardless of whether more than one birth or placement of a child with the employee for adoption or foster care occurs within that 12-month period. Beginning September 1, 2023, eligible employees of the police department who are classified pursuant to Chapter 143 shall receive a maximum of 480 hours of paid parental leave per 12-month period described above. The human resources director shall promulgate internal rules and regulations regarding employee eligibility for and use of this leave.
- (k) *Infant wellness leave.* Eligible employees of the police department who are classified pursuant to Chapter 143 of the Texas Local Government Code shall receive a maximum of 40 hours of infant wellness leave to seek medical care for their infants during the infant’s first year after birth. An eligible employee shall not receive more than the maximum allotted amount of infant wellness leave, regardless of whether more than one birth or placement of a child with the employee for adoption or foster care occurs within that 12-month period. Any unused infant wellness leave shall not be compensable and shall be forfeited (1) after the infant’s first birthday; or (2) upon the date the employee separates from employment with the city. The human resources director shall promulgate internal rules and regulations regarding employee eligibility for and use of this leave.”

**Section 4.** That Section 34-59 of the Code of Ordinances, Houston, Texas, is hereby amended by adding new Subsections (k), (l) and (m) that read as follows:

- “(k) *Prenatal wellness leave.* Eligible employees of the fire department who are classified pursuant to Chapter 143 of the Texas Local Government Code shall receive a maximum of 160 hours of paid prenatal leave for prenatal wellness healthcare appointments and other absences related to the pregnancy from the first date the leave is used in a 12-month period, regardless of whether more than one birth occurs within that 12-month period. Such leave shall be compensated at the employee’s regular rate of pay plus any longevity or supplemental pays. Unused leave shall not be compensable and shall be forfeited (1) on the date the pregnancy ends; or (2) when an employee separates from employment with the city. The human resources director shall promulgate internal rules and regulations regarding employee eligibility for and use of this leave.
  
- (l) *Paid parental leave.* Eligible employees of the fire department who are classified pursuant to Chapter 143 of the Texas Local Government Code shall receive a maximum 320 hours of paid parental leave to bond and care for a child after the birth or placement of a child with the employee for adoption or foster care from the first date the leave is used in a 12-month period, regardless of whether more than one birth or placement of a child with the employee for adoption or foster care occurs within that 12-month period. Beginning September 1, 2023, eligible employees of the fire department who are classified pursuant to Chapter 143 shall receive a maximum of 480 hours of paid parental leave per 12-month period described above. The human resources director shall promulgate internal rules and regulations regarding employee eligibility for and use of this leave.
  
- (m) *Infant wellness leave.* Eligible employees of the fire department who are classified pursuant to Chapter 143 of the Texas Local Government Code shall receive a maximum of 40 hours of infant wellness leave to seek medical care for their infants during the infant’s first year after birth. An eligible employee shall not receive more than the maximum allotted amount of infant wellness leave, regardless of whether more than one (1) birth or placement of a child with the employee for adoption or foster care occurs within that 12-month period. Any unused infant wellness leave shall not be compensable and shall be forfeited (1) after the infant’s first birthday; or (2) upon the date the employee separates from employment with the city. The human resources director shall promulgate internal

rules and regulations regarding employee eligibility for and use of this leave.”

**Section 5.** That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the “Code”) to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

**Section 6.** If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 7.** There exists a public emergency requiring that this Ordinance be passed finally on the date of this introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect 12:01 a.m. on May 14, 2022.

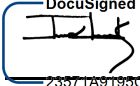
**PASSED AND APPROVED this \_\_\_ day of \_\_\_\_\_, 2022.**

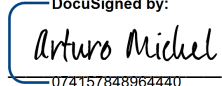
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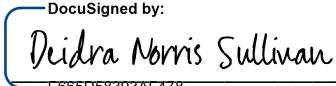
Sylvester Turner  
Mayor of the City of Houston

APPROVED:

APPROVED AS TO FORM:  
Legal Department

By:  DocuSigned by:  
23371A9193CB4FE...  
Jane Cheeks  
Human Resources Director

By:  DocuSigned by:  
074157848964440...  
Arturo G. Michel  
City Attorney

Prepared by:  DocuSigned by:  
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DNS:asw 3/24/2022: