



# WASHOE COUNTY

Integrity Communication Service

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## STAFF REPORT

**BOARD MEETING DATE:** *February 13, 2018*

**DATE:** Wednesday, February 07, 2018

**TO:** Board of County Commissioners

**FROM:** John Listinsky, Director, Human Resources/Labor Relations  
775.328.2089, [jlistinsky@washoecounty.us](mailto:jlistinsky@washoecounty.us)

**THROUGH:** Christine Vuletich, Assistant County Manager

**SUBJECT:** Second reading of an Ordinance amending Washoe County Code, Chapter 5 - Administration and Personnel – by repealing provisions relating to the family and medical leave act (FMLA) at section 5.270. (Bill No. 1795) (All Commission Districts).

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### SUMMARY

On September 26, 2017, the Board approved the Washoe County Family and Medical Leave Act (FMLA) policy, which was updated to reflect the federal law. In updating the FMLA policy, the Department of Human Resources/Labor Relations determined that provisions relating to the family and medical leave act (FMLA) at section 5.270 no longer reflects the federal law upon which it was based. Therefore, section 5.270 should be repealed.

Due to the evolving nature of the federal law, the Department of Human Resources/Labor Relations will periodically review and update the Washoe County Family and Medical Leave Act (FMLA) policy and will present it to the Board for approval as needed.

**Washoe County Strategic Objective supported by this item:** Valued, Engaged Employee Workforce

### PREVIOUS ACTION

On November 8, 2005 the Board introduced and conducted a first reading amending Washoe County Code Chapter 5 – Family Medical Leave Act (FMLA) related to the method for determining the 12-month period, providing a 60-day notification to employees of the change from a calendar year to any 12-month period, and updating the Washoe County Family and Medical Leave Policy to conform with the change to a ‘rolling calendar’. (Bill No. 1458).

On December 13, 2005 the Board conducted a second reading and adopted an ordinance amending Washoe County Code Chapter 5 – Family Medical Leave Act and updating the Washoe County Family and Medical Leave Policy. (Ordinance No. 1458).

**AGENDA ITEM #** \_\_\_\_\_

On September 26, 2017, the Board approved the Washoe County Family and Medical Leave Act (FMLA) policy.

On December 12, 2017, the Board approved a request to initiate proceedings to amend the Washoe County Code, Chapter 5 - Administration and Personnel – by repealing provisions relating to FMLA at section 5.270.

On January 23, 2018 the Board conducted a first reading of Bill No 1795 to amend the Washoe County Code, Chapter 5 - Administration and Personnel – by repealing provisions relating to the family and medical leave act (FMLA) at section 5.270, and set a public hearing for the second reading and possible adoption of the Ordinance for February 13, 2018.

### **BACKGROUND**

On September 26, 2017, the Board approved the Washoe County Family and Medical Leave Act (FMLA) policy, which requires employers to provide up to 12 weeks of leave in any 12 month period to eligible employees for reasons related to family and medical care or qualifying military exigency. FMLA also requires employers to provide up to 26 weeks of leave for eligible military caregivers.

In preparing the policy for Board approval, the Department of Human Resources/Labor Relations noted that Washoe County Code section 5.270, related to family and medical leave, does not reflect the current federal law and should be repealed.

Due to the evolving nature of the federal law, the Department of Human Resources/Labor Relations requests that the Washoe County Code section 5.270 be repealed. Rather than using an ordinance to apply the FMLA, the Department of Human Resources/Labor Relations will periodically review and update the Washoe County Family and Medical Leave Act (FMLA) policy and will present it to the Board for approval as needed.

### **FISCAL IMPACT**

There is no fiscal impact associated with this amendment.

### **RECOMMENDATION**

It is recommended that the Board of County Commissioners hold a second reading and adopt an Ordinance amending Washoe County Code, Chapter 5 - Administration and Personnel – by repealing provisions relating to the family and medical leave act (FMLA) at section 5.270.

### **POSSIBLE MOTION**

Should the Board approve the recommendation, a possible motion would be: “Move to adopt an Ordinance amending Washoe County Code, Chapter 5 - Administration and Personnel – by repealing provisions relating to the family and medical leave act (FMLA) at section 5.270.”