

1 SB125
2 203413-3
3 By Senator Jones
4 RFD: Children, Youth and Human Services
5 First Read: 04-FEB-20

1
2
3
4
5
6
7
8 SYNOPSIS: Existing law provides a mother offering a
9 consent or relinquishment of parental rights for
10 purposes of offering a child for adoption with up
11 to five days to withdraw the consent or
12 relinquishment in all cases, and up to 14 days to
13 withdraw the consent or relinquishment in cases
14 where a court finds the withdrawal to be reasonable
15 under the circumstances and consistent with the
16 best interest of the child.

17 This bill would limit the time period
18 allowable for a mother offering a consent or
19 relinquishment of parental rights for purposes of
20 offering a child for adoption to four days in all
21 cases.

22 This bill would, concurrently with federal
23 law, require employers to offer 12 weeks of family
24 leave to eligible employees for the birth and care
25 of a child during the first year after the birth of
26 the child and for an adopted child within one year
27 of placement.

1 This bill also would require employers that
2 provide certain additional maternity benefits to
3 female employees to offer equivalent benefits to
4 adoptive parents.

5 This bill would allow state employees and
6 members of the Teachers' Retirement System to
7 purchase service credit for a period of time up to
8 one year for time spent on family leave.

9 This bill would revise existing law applying
10 to the donation of accrued and unused annual, sick,
11 or compensatory leave to an employee qualifying for
12 maternity leave to extend that option to an
13 employee qualifying for leave for adoptive parents.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 Relating to family leave and adoption; to amend
20 Sections 16-25-11.12, 26-10A-13, 36-26-35.2, and 36-26-36.2,
21 Code of Alabama 1975, to limit the time period allowable for a
22 mother offering a consent or relinquishment of parental rights
23 for purposes of offering a child for adoption to four days in
24 all cases; to require employers to offer 12 weeks of family
25 leave to eligible employees for the birth and care of a child,
26 during the first year after the birth of the child and for an
27 adopted child within one year of placement; to require

1 employers that provide certain additional maternity benefits
2 to female employees to offer equivalent benefits to adoptive
3 parents; to allow state employees and members of the Teachers'
4 Retirement System to purchase service credit for a period of
5 time up to one year for time spent on family leave; and to
6 update existing law applying to the donation of accrued and
7 unused annual, sick, or compensatory leave to an employee
8 qualifying for maternity leave in order to extend that option
9 to an employee qualifying for leave for adoptive parents.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. This bill shall be known and may be cited
12 as the "Adoption Promotion Act."

13 Section 2. Sections 16-25-11.12, 26-10A-13,
14 36-26-35.2, and 36-26-36.2, Code of Alabama 1975, are amended
15 to read as follows:

16 "§16-25-11.12.

17 "(a) Any provision of this chapter, to the contrary
18 notwithstanding, active and contributing members of the
19 Teachers' Retirement System may purchase service credit in the
20 system not to exceed one year for any period of time while
21 they were on ~~maternity~~ family leave from service without pay.
22 The Board of Control of the Teachers' Retirement System shall
23 adopt rules and regulations for the administration of this
24 section including verification of the service that the member
25 desires to purchase credit for in the system. The member
26 shall receive credit for the service when he or she remits to
27 the system the contributions required by subsection (b).

1 Notwithstanding the foregoing language, no member of the
2 Teachers' Retirement System shall be eligible to receive
3 credit for any period of time that the member is already
4 credited with in the system or in any other retirement plan,
5 with the exception of the federal Social Security program.

6 "(b) Any member who is eligible to purchase service
7 credit in the Teachers' Retirement System under subsection (a)
8 shall pay to the Secretary-Treasurer of the system, prior to
9 October 1, 2001, for the claimed service, a sum equal to the
10 full actuarially determined cost for each year of service
11 credit purchased as determined by the system's actuary.

12 "(c) Subsequent to October 1, 2001, any member
13 claiming service credit under the provisions of this section
14 shall claim and purchase the service credit no later than June
15 30 of the year immediately following the expiration of the
16 maternity leave.

17 "§26-10A-13.

18 "(a) A consent or relinquishment may be taken at any
19 time, except that once signed or confirmed, may be withdrawn
20 within ~~five~~ four days after birth or within ~~five~~ four days
21 after signing of the consent or relinquishment, whichever
22 comes last.

23 ~~"(b) Consent or relinquishment can be withdrawn if~~
24 ~~the court finds that the withdrawal is reasonable under the~~
25 ~~circumstances and consistent with the best interest of the~~
26 ~~child within 14 days after the birth of the child or within 14~~

1 ~~days after signing of the consent or relinquishment, whichever~~
2 ~~comes last.~~

3 "~~(c)~~(b) All consents or relinquishments required by
4 this ~~act~~ chapter shall be filed with the court in which the
5 petition for adoption is pending before the final decree of
6 adoption is entered.

7 "§36-26-35.2.

8 "Notwithstanding any other laws to the contrary, a
9 state employee employed in any branch of state government may
10 donate his or her accrued and unused annual, sick, or
11 compensatory leave to another state employee who has qualified
12 for catastrophic sick leave or ~~maternity~~ family leave. The
13 donation shall be subject to the approval of the appointing
14 authority of the employee making the donation and, if the
15 donating employee is in a position with a lower pay grade than
16 the position of the employee receiving the donation, the
17 approval of the State Personnel Board. The appointing
18 authority of the employee receiving the donation may limit the
19 number of hours an employee may receive per catastrophic
20 illness or maternity leave. No employee may receive more than
21 480 hours of donated leave throughout his or her career with
22 the state without the approval of the State Personnel Board.

23 "§36-26-36.2.

24 "(a) Annual leave, compensatory leave, and sick
25 leave donation programs for catastrophic illnesses or
26 ~~maternity~~ family leave of qualified state employees shall
27 provide for donations of leave to occur between all state

1 employees employed in the Executive, Legislative, and Judicial
2 Branches of state government.

3 "(b) The personnel departments of all branches of
4 state government shall coordinate efforts to ~~promulgate~~ adopt
5 and implement the administrative rules and procedures
6 necessary to implement this section."

7 Section 3. (a) For purposes of this section, the
8 terms "eligible employee" and "employer" have the same meaning
9 as in 29 U.S.C. §2611.

10 (b) (1) An employer shall provide 12 weeks of unpaid
11 family leave to an eligible employee for the birth and care of
12 a child born to that employee during the first year after the
13 child's birth, or for the care of a child placed with the
14 employee in connection with adoption within one year of the
15 placement of the child with the employee. Requests for
16 additional family leave due to the adoption of an ill child or
17 a child with a disability shall be considered on the same
18 basis as comparable cases of complications accompanying the
19 birth of a child to an employee.

20 (2) In any case in which the necessity for leave
21 pursuant to this subsection is foreseeable based on an
22 expected placement of a child with an employee in connection
23 with adoption, the employee shall provide the employer with at
24 least 30 days' notice, before the date the leave is to begin,
25 of the employee's intention to take the leave, except that if
26 the date of placement requires leave to begin in less than 30
27 days, the employee shall provide notice as is practicable.

1 (c) (1) An employer providing paid leave to an
2 employee for the birth and care of a child born to that
3 employee shall also provide equivalent paid leave to an
4 employee for the care of a child placed with the employee in
5 connection with adoption during the first year after the
6 placement of the child with the employee.

7 (2) An employer is only required to provide paid
8 leave benefits described in subdivision (1) to one of two
9 different eligible employees if both employees would be using
10 the benefits for the care of a child placed for adoption with
11 both employees.

12 (d) An employer may not penalize an employee for
13 exercising the rights provided by this section.

14 (e) Leave benefits pursuant to this section may not
15 be taken by an employee intermittently unless the employee and
16 the employer agree otherwise.

17 Section 4. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.