HB309

JL3HFYF-1

By Representative Shaver

RFD: Ways and Means General Fund

First Read: 07-Mar-24

SYNOPSIS:

Under existing law, certain employees are entitled to 12 weeks of unpaid family leave.

This bill would provide certain state employees with eight weeks of paid parental leave following the birth of a child or the placement of a child who is under one year old with a state employee for adoption, and would provide spouses who work within the same state agencies with eight combined weeks of paid leave, with exceptions.

This bill would provide that parental leave be paid at 100 percent of the employee's base pay and would require the state to continue to provide the employee with any health care benefits that he or she had before the commencement of leave.

This bill would allow for the intermittent use of parental leave, provided that the leave is used within 365 days of the event qualifying an employee for parental leave.

This bill would require the State of Alabama Personnel Department to adopt rules to implement and administer parental leave, including, but not limited to, rules relating to notice of the right to parental leave and to the procedure to take parental leave.

This bill would also require the department to

annually report certain data relating to parental leave to the Legislature and the public.

A BILL

TO BE ENTITLED

AN ACT

Relating to state employees; to add Chapter 26B, commencing with Section 36-26B-1, to Title 36 of the Code of Alabama 1975; to provide for paid parental leave for certain state employees following the birth of a child or the placement of a child for adoption; to provide standards related to the use of parental leave; and to require the State of Alabama Personnel Department to adopt rules and make an annual report.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This chapter shall be known and may be cited as the Alabama State Employee Family First Paid Parental Leave Act.

Section 2. Chapter 26B, commencing with Section 36-26B-1, is added to Title 36 of the Code of Alabama 1975, to read as follows:

Chapter 26B

§36-26B-1

For the purposes of this chapter, the following terms have the following meanings:

(1) DEPARTMENT. The State of Alabama Personnel

Department.

(2) PARENTAL LEAVE. Leave provided to a state employee for the birth and care of a child born to that employee or the placement of a child who is under one year old with a state employee for adoption.

(3) QUALIFYING EVENT. The birth of a child to a state employee or the placement of a child with the employee for adoption.

(4) STATE EMPLOYEE. A full-time employee who has been employed for at least 12 consecutive months by a state entity as described in:

a. Section 36-6-1(a)(2) through (a)(5);

b. Section 36-26-10(b)(2) through (b)(4); or

c. Section 36-26-10(b)(6) and (b)(8).

§36-26B-2

(a)(1) Beginning January 1, 2025, each state employee shall be entitled to up to eight weeks of paid parental leave following: (i) the birth of his or her child; and (ii) the placement of a child with the employee for adoption, provided the child is under one year old at the time that he or she is placed with the employee.

(2) A state employee may use paid parental leave prior to the birth or placement of a child, as determined by the individual circumstances of the employee.

(3) A state employee may use parental leave that he or she is entitled to under subdivision (1) intermittently or on a reduced leave schedule, provided that the parental leave is used within 365 days of the qualifying event.

(b)(1) Except as provided in subdivision (2), spouses who are eligible for paid parental leave and work for the same state agency are limited to a combined eight total weeks of paid parental leave to share for each qualifying event.

(2) Spouses who are eligible for paid parental leave and work for the same state agency are entitled to 8 weeks of paid parental leave each, regardless of employment in the same or different state agencies, if:

a. The child born to the couple or the child adopted by the couple is seriously ill; or

b. The mother, as a result of the birth of the child, labor, or pregnancy, is seriously ill.

(c) Upon the expiration of a state employee's parental leave, the state employee shall be: (i) restored to the position that he or she held at the time of the qualifying event; or (ii) restored to an equivalent position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment, including any fringe benefits and service credits, that the state employee received or was entitled to prior to the commencement of his or her parental leave.

(d) Paid parental leave taken under this section shall run concurrently with leave taken under Section 25-1-61 and under the Family and Medical Leave Act of 1993, codified at 29 U.S.C. § 2611, et seq.

§36-26B-3

(a) Paid parental leave authorized by this chapter:

(1) Shall be paid at 100 percent of the state

employee's base pay at the time of the qualifying event;

(2) Shall remain at 100 percent of the pay provided in subdivision (1) for the duration of the leave as if the employee worked continuously from the date that state employee commenced his or her parental leave until the date the state employee returns from parental leave;

(3) May not require a state employee to use or exhaust sick leave, annual leave, or any other leave or paid time off; and

(4) Has no cash value.

(b) Any unused parental leave may not be used to calculate an employee's retirement benefits.

§36-26B-4

(a) During a state employee's parental leave pursuant to this chapter, the state shall maintain any health care benefits the state employee had at the time of the qualifying event for the duration of the leave as if the state employee had continued in employment continuously from the date the state employee commenced the parental leave until the date the state employee returns from the leave.

(b) The state employee must continue to pay his or her share of the cost of health care benefits as was required of him or her prior to the commencement of parental leave.

§36-26B-5

(a)(1) The State of Alabama Personnel Department shall adopt rules to implement and administer this chapter.

(2) The department shall establish reasonable procedures, including the creation of forms, for a state

employee exercising his or her right to parental leave under this chapter. Forms and procedures may not be unduly burdensome to the state employee.

(b) The department shall provide written notice to each state employee upon his or her hiring and annually thereafter, of: (i) the state employee's right to parental leave pursuant to this chapter; (ii) the number of weeks of parental leave available to the state employee; and (iii) the procedure for taking parental leave.

§36-26B-6

No later than October 1, 2025, and every October 1 thereafter, the State of Alabama Personnel Department shall submit to the Legislature and make publicly available information regarding the implementation and use of parental leave by state employees for the previous fiscal year.

Section 3. This act shall become effective on October 1, 2024.