

HB309 ENGROSSED



1 HB309
2 AJPNS7S-2
3 By Representative Shaver
4 RFD: Ways and Means General Fund
5 First Read: 07-Mar-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to state employees; to amend Section 36-26-35.2, Code of Alabama 1975; 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 act shall be known and may be cited as the Alabama State Employee Family First Paid Parental Leave Act.

Section 2. Section 36-26-35.2, Code of Alabama 1975, shall be amended to read as follows:

"§36-26-35.2

~~(a)~~ Notwithstanding any other laws to the contrary, a state employee employed in any branch of state government may donate his or her accrued and unused annual, sick, or compensatory leave to another state employee who has qualified



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for catastrophic sick leave~~or family leave~~. The donation shall be subject to the approval of the appointing authority of the employee making the donation and, if the donating employee is in a position with a lower pay grade than the position of the employee receiving the donation, the approval of the State Personnel Board. The appointing authority of the employee receiving the donation may limit the number of hours an employee may receive per catastrophic illness~~or family leave~~. No employee may receive more than 480 hours of donated leave throughout his or her career with the state without the approval of the State Personnel Board.~~A state employee who qualifies for the receipt of donated leave for adoption shall receive up to a maximum of two weeks of donated leave per adoption.~~

~~———— (b) For purposes of this section only, "family leave" means maternity or adoption leave pursuant to rules of the State Personnel Board."~~

Section 3. 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 three years of age or younger with a state employee for adoption.

(3) QUALIFYING EVENT. The birth of a child to a state employee, or the placement of a child who is three years of age or younger with the employee for adoption.

(4) STATE EMPLOYEE. A full-time employee who has been employed for at least 12 consecutive months immediately preceding the occurrence of the qualifying event by a state entity as defined by:

- a. Section 36-6-1(a)(2) through (a)(5);
- b. Section 36-26-10(b)(2) and (b)(3);
- c. Section 36-26-10(b)(8);
- d. Section 36-26-10(c) or those employees otherwise designated unclassified by law; or
- e. Section 36-26-10(d).

§36-26B-2

(a)(1) Each eligible 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 three years of age or younger at the time that he or she is placed with the employee.

(2) 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.

(3) A state employee may not use more than eight weeks of paid parental leave during a 365-day period, even if more



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than one qualifying event occurs.

(b)(1) Except as provided in subdivision (2), parents 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) Parents who are eligible for paid parental leave and work for the same state agency are entitled to eight 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 has a serious health condition; or

b. The mother, as a result of the birth of the child, labor, or pregnancy, has a serious health condition.

(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 as 29 U.S.C. § 2611, et seq.

§36-26B-3

(a) Paid parental leave authorized by this chapter:



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(1) Shall be paid at 100 percent of the state employee's base pay;

(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) Shall 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.

(c) State employees shall not be compensated for paid parental leave when they are separated from state service or upon retirement or death.

(d) Unused paid parental leave shall not roll over, be reserved for use during a subsequent qualifying event, or be paid to the employee.

§36-26B-4

(a) During a state employee's parental leave pursuant to this chapter, the state agency or state entity employing the state employee shall continue to pay the employer's contribution to 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



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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. Each state agency affected by this chapter shall adopt policies to implement the requirements of 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 shall 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 4. This act shall become effective immediately.



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House of Representatives

171 Read for the first time and referred07-Mar-24
172 to the House of Representatives
173 committee on Ways and Means General
174 Fund
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176 Read for the second time and placed19-Mar-24
177 on the calendar:
178 0 amendments
179
180 Read for the third time and passed21-Mar-24
181 as amended
182 Yeas 98
183 Nays 0
184 Abstains 4
185
186
187 John Treadwell
188 Clerk
189