

## SB305 INTRODUCED



1 SB305  
2 K326A5U-1  
3 By Senators Figures, Kitchens, Stewart, Beasley, Hatcher,  
4 Coleman, Price, Kelley, Singleton, Williams, Gudger, Weaver,  
5 Sessions, Reed, Livingston, Smitherman, Chesteen  
6 RFD: Finance and Taxation Education  
7 First Read: 04-Apr-24



SYNOPSIS:

Existing law does not provide for paid parental leave for employees of local boards of education.

This bill would provide certain eligible employees of local boards of education with 12 workweeks of paid parental leave following the birth of a child, the placement of a child for adoption, miscarriage, or stillbirth, to be taken within 12 months of the birth, placement, miscarriage, or stillbirth.

This bill would require an employer to provide compensation and health care coverage to eligible employees who take paid parental leave in the same manner as if the employee remained at work.

This bill would require an employer to recover health care premiums if an employee on paid parental leave fails to return to work or leaves his or her employer within two years after he or she commenced parental leave.

This bill would also require the State Board of Education and each local board of education to adopt rules.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of



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29 local funds from becoming effective with regard to a  
30 local governmental entity without enactment by a 2/3  
31 vote unless: it comes within one of a number of  
32 specified exceptions; it is approved by the affected  
33 entity; or the Legislature appropriates funds, or  
34 provides a local source of revenue, to the entity for  
35 the purpose.

36 The purpose or effect of this bill would be to  
37 require a new or increased expenditure of local funds  
38 within the meaning of the section. If this bill is not  
39 enacted by a 2/3 vote, it will not become effective  
40 with regard to a local entity unless approved by the  
41 local entity or until, and only as long as, the  
42 Legislature appropriates funds or provides for a local  
43 source of revenue.

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48 A BILL

49 TO BE ENTITLED

50 AN ACT

51  
52 Relating to employees of local boards of education; to  
53 provide for paid parental leave for certain eligible employees  
54 of local boards of education; to provide for compensation and  
55 health care coverage during paid parental leave; to authorize  
56 employers to recover health care premiums if an employee fails



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to return to work or leaves his or her job in certain circumstances; and to require the State Board of Education and each local board of education to adopt rules; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the term "eligible employee" refers to any certified or noncertified employee of a local board of education, provided that he or she has been employed by any local board of education in this state for at least five years

(b) Beginning January 1, 2025, an eligible employee shall be entitled to 12 workweeks of paid parental leave following:

(1) The birth of child to the employee.

(2) The placement of a child with the employee for purposes of adoption.

(3) The miscarriage or stillbirth of a child, if the miscarriage or stillbirth is confirmed in writing by a health care professional.

(c) (1) An eligible employee who exercises his or her right to paid parental leave pursuant to this section shall receive compensation at the same level and under the same conditions that he or she would have been provided if the employee had continued in employment continuously for the duration of the leave.



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(2) An eligible employee who takes paid parental leave pursuant to this section, on his or her return from that leave, shall: (i) be restored to his or her position of employment held by the employee when the leave commenced; or (ii) be restored to an equivalent position. For the purposes of this section, an equivalent position is a position that is virtually identical to the employee's original position in terms of pay, benefits, and other employment terms and conditions.

(3) The taking of paid parental leave under this section shall not: (i) result in the loss of any employment benefit accrued prior to the date on which the leave commenced, including, but not limited to, sick leave, personal leave, or other paid leave; or (ii) otherwise affect an employee's right to accrue any employment benefits.

(d) During any period that an eligible employee takes paid parental leave pursuant to this section, his or her employer shall maintain any health care coverage for the duration of the leave at the level and under the same conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave.

(e) (1) The entitlement to paid parental leave pursuant to subsection (b) shall expire at the end of the 12-month period beginning on the date of the birth, placement, miscarriage, or stillbirth that qualifies the employee for paid leave.

(2) If not used by the end of the 12-month period, any



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remaining paid parental leave may not accumulate for subsequent use.

(3) Paid parental leave taken pursuant to subsection (b) may not be taken intermittently or on a reduced leave schedule unless agreed upon by the eligible employee and his or her employer.

(f) An employer may recover its share of health plan premiums during a period of paid parental leave if the employee: (i) fails to return to work after the expiration or exhaustion of his or her paid parental leave; or (ii) chooses to no longer be employed by the local board of education within two years of the commencement of his or her paid parental leave.

(g) Paid parental leave taken under this section shall run concurrently with leave taken under Section 25-1-61, Code of Alabama 1975, and under the Family and Medical Leave Act of 1993, codified as 29 U.S.C. § 2611, et seq. Eligible employees who take paid leave under this section while ineligible for leave under the Family and Medical Leave Act of 1993 may take leave under the Family and Medical Leave Act of 1993 in the same benefit year only to the extent they remain eligible to do so under the law.

(h) (1) The State Board of Education shall adopt rules to implement and administer this section.

(2) Each local board of education shall adopt policies to implement and administer this section.

Section 2. The purpose or effect of this bill would be to require a new or increased expenditure of local funds



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141 within the meaning of Section 111.05 of the Constitution of  
142 Alabama of 2022. If this bill is not enacted by a 2/3 vote, it  
143 will not become effective with regard to a local entity unless  
144 approved by the local entity or until, and only as long as,  
145 the Legislature appropriates funds or provides for a local  
146 source of revenue.

147           Section 3. This act shall become effective on October  
148 1, 2024.