

1 SB340
2 211789-1
3 By Senators Jones, Stutts, Roberts, Sessions, Albritton,
4 Givhan, Allen, Butler, Orr, Melson, Price, Gudger,
5 Coleman-Madison and Beasley
6 RFD: Children, Youth and Human Services
7 First Read: 16-MAR-21

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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 five 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 require
24 employers to offer certain family leave to eligible employees
25 for the birth and care of a child and for an adopted child; to
26 require employers that provide certain additional maternity
27 benefits to female employees to offer equivalent benefits to

1 adoptive parents; to allow state employees and members of the
2 Teachers' Retirement System to purchase service credit for
3 time spent on family leave; and to update existing law
4 applying to the donation of accrued and unused leave to an
5 employee qualifying for maternity leave in order to extend
6 that option to an employee qualifying for leave for adoptive
7 parents.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

11 Section 2. Sections 16-25-11.12, 26-10A-13,
12 36-26-35.2, and 36-26-36.2, Code of Alabama 1975, are amended
13 to read as follows:

14 "§16-25-11.12.

15 "(a) Any provision of this chapter, to the contrary
16 notwithstanding, active and contributing members of the
17 Teachers' Retirement System may purchase service credit in the
18 system not to exceed one year for any period of time while
19 they were on ~~maternity~~ family leave from service without pay.
20 The Board of Control of the Teachers' Retirement System shall
21 adopt rules and regulations for the administration of this
22 section including verification of the service that the member
23 desires to purchase credit for in the system. The member
24 shall receive credit for the service when he or she remits to
25 the system the contributions required by subsection (b).
26 Notwithstanding the foregoing language, no member of the
27 Teachers' Retirement System shall be eligible to receive

1 credit for any period of time that the member is already
2 credited with in the system or in any other retirement plan,
3 with the exception of the federal Social Security program.

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

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

15 "§26-10A-13.

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

20 ~~"(b) Consent or relinquishment can be withdrawn if
21 the court finds that the withdrawal is reasonable under the
22 circumstances and consistent with the best interest of the
23 child within 14 days after the birth of the child or within 14
24 days after signing of the consent or relinquishment, whichever
25 comes last.~~

26 ~~"(c)~~ (b) All consents or relinquishments required by
27 this ~~act~~ chapter shall be filed with the court in which the

1 petition for adoption is pending before the final decree of
2 adoption is entered.

3 "§36-26-35.2.

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

19 "§36-26-36.2.

20 "(a) Annual leave, compensatory leave, and sick
21 leave donation programs for catastrophic illnesses or
22 ~~maternity~~ family leave of qualified state employees shall
23 provide for donations of leave to occur between all state
24 employees employed in the Executive, Legislative, and Judicial
25 Branches of state government.

26 "(b) The personnel departments of all branches of
27 state government shall coordinate efforts to ~~promulgate~~ adopt

1 and implement the administrative rules and procedures
2 necessary to implement this section."

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

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

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

24 (c) (1) An employer providing paid leave to an
25 employee for the birth and care of a child born to that
26 employee shall also provide the lesser of either equivalent
27 paid leave or two-weeks paid leave to an employee for the care

1 of a child placed with the employee in connection with
2 adoption during the first year after the placement of the
3 child with the employee.

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

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

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

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