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SYNOPSIS:

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

Also under existing law, a state employee may donate accrued leave to another state employee who has qualified for 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 three years of age or younger with a state employee for adoption, and would provide parents 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 remove the ability of state employees to donate leave to other state employees who qualify for family 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.



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

34                   This bill would require each affected state  
35 agency to adopt policies to administer paid parental  
36 leave.

37                   This bill would also require the department to  
38 annually report certain data relating to parental leave  
39 to the Legislature and the public.

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41

42

A BILL

43

TO BE ENTITLED

44

AN ACT

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46                   Relating to state employees; to amend Section  
47 36-26-35.2, Code of Alabama 1975; to add Chapter 26B,  
48 commencing with Section 36-26B-1, to Title 36 of the Code of  
49 Alabama 1975; to provide for paid parental leave for certain  
50 state employees following the birth of a child or the  
51 placement of a child for adoption; to provide standards  
52 related to the use of parental leave; and to require the State  
53 of Alabama Personnel Department to adopt rules and make an  
54 annual report.

55

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

56

Section 1. This act shall be known and may be cited as



57 the Alabama State Employee Family First Paid Parental Leave  
58 Act.

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

61 "§36-26-35.2

62 ~~(a)~~ Notwithstanding any other laws to the contrary, a  
63 state employee employed in any branch of state government may  
64 donate his or her accrued and unused annual, sick, or  
65 compensatory leave to another state employee who has qualified  
66 for catastrophic sick leave ~~or family leave~~. The donation  
67 shall be subject to the approval of the appointing authority  
68 of the employee making the donation and, if the donating  
69 employee is in a position with a lower pay grade than the  
70 position of the employee receiving the donation, the approval  
71 of the State Personnel Board. The appointing authority of the  
72 employee receiving the donation may limit the number of hours  
73 an employee may receive per catastrophic illness ~~or family~~  
74 ~~leave~~. No employee may receive more than 480 hours of donated  
75 leave throughout his or her career with the state without the  
76 approval of the State Personnel Board. ~~A state employee who~~  
77 ~~qualifies for the receipt of donated leave for adoption shall~~  
78 ~~receive up to a maximum of two weeks of donated leave per~~  
79 ~~adoption.~~

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

83 Section 3. Chapter 26B, commencing with Section  
84 36-26B-1, is added to Title 36 of the Code of Alabama 1975, to



85 read as follows:

86 Chapter 26B

87 §36-26B-1

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

90 (1) DEPARTMENT. The State of Alabama Personnel  
91 Department.

92 (2) PARENTAL LEAVE. Leave provided to a state employee  
93 for the birth and care of a child born to that employee, or  
94 the placement of a child who is three years of age or younger  
95 with a state employee for adoption.

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

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

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

104 b. Section 36-26-10(b)(2) and (b)(3);

105 c. Section 36-26-10(b)(8);

106 d. Section 36-26-10(c) or those employees otherwise  
107 designated unclassified by law; or

108 e. Section 36-26-10(d).

109 §36-26B-2

110 (a)(1) Beginning January 1, 2025, each eligible state  
111 employee shall be entitled to up to eight weeks of paid  
112 parental leave following: (i) the birth of his or her child;



113 and (ii) the placement of a child with the employee for  
114 adoption, provided the child is three years of age or younger  
115 at the time that he or she is placed with the employee.

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

120 (3) A state employee may not use more than eight weeks  
121 of paid parental leave during a 365-day period, even if more  
122 than one qualifying event occurs.

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

127 (2) Parents who are eligible for paid parental leave  
128 and work for the same state agency are entitled to eight weeks  
129 of paid parental leave each, regardless of employment in the  
130 same or different state agencies, if:

131 a. The child born to the couple or the child adopted by  
132 the couple has a serious health condition; or

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

135 (c) Upon the expiration of a state employee's parental  
136 leave, the state employee shall be: (i) restored to the  
137 position that he or she held at the time of the qualifying  
138 event; or (ii) restored to an equivalent position with  
139 equivalent seniority, status, employment benefits, pay, and  
140 other terms and conditions of employment, including any fringe



141 benefits and service credits, that the state employee received  
142 or was entitled to prior to the commencement of his or her  
143 parental leave.

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

148 §36-26B-3

149 (a) Paid parental leave authorized by this chapter:

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

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

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

160 (4) Has no cash value.

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

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

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



169 §36-26B-4

170 (a) During a state employee's parental leave pursuant  
171 to this chapter, the state agency or state entity employing  
172 the state employee shall continue to pay the employer's  
173 contribution to maintain any health care benefits the state  
174 employee had at the time of the qualifying event for the  
175 duration of the leave as if the state employee had continued  
176 in employment continuously from the date the state employee  
177 commenced the parental leave until the date the state employee  
178 returns from the leave.

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

182 §36-26B-5

183 (a) (1) The State of Alabama Personnel Department shall  
184 adopt rules to implement and administer this chapter. Each  
185 state agency affected by this chapter shall adopt policies to  
186 implement the requirements of this chapter.

187 (2) The department shall establish reasonable  
188 procedures, including the creation of forms, for a state  
189 employee exercising his or her right to parental leave under  
190 this chapter. Forms and procedures shall not be unduly  
191 burdensome to the state employee.

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



197 taking parental leave.

198 §36-26B-6

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

204 Section 4. This act shall become effective on October  
205 1, 2024.