

# HB309 INTRODUCED



1 HB309  
2 JL3HFYF-1  
3 By Representative Shaver  
4 RFD: Ways and Means General Fund  
5 First Read: 07-Mar-24



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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



## HB309 INTRODUCED

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

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A BILL

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TO BE ENTITLED

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AN ACT

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

45           BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

49           Section 2. Chapter 26B, commencing with Section  
50           36-26B-1, is added to Title 36 of the Code of Alabama 1975, to  
51           read as follows:

52           Chapter 26B

53           §36-26B-1

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

56           (1) DEPARTMENT. The State of Alabama Personnel



## HB309 INTRODUCED

57 Department.

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

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

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

- 68 a. Section 36-6-1(a)(2) through (a)(5);
- 69 b. Section 36-26-10(b)(2) through (b)(4); or
- 70 c. Section 36-26-10(b)(6) and (b)(8).

71 §36-26B-2

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

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

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



## HB309 INTRODUCED

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

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

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

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

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

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

110 §36-26B-3

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

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



## HB309 INTRODUCED

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

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

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

122 (4) Has no cash value.

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

125 §36-26B-4

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

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

136 §36-26B-5

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

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



## HB309 INTRODUCED

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

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

150 §36-26B-6

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

156 Section 3. This act shall become effective on October  
157 1, 2024.