

# HB477 INTRODUCED



1 HB477  
2 5ZNQMM6-1  
3 By Representative Wood (D)  
4 RFD: Ways and Means Education  
5 First Read: 23-Apr-24



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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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A BILL

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TO BE ENTITLED

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AN ACT

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

64 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

73 (1) The birth of child to the employee.

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

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

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



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

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

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

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

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



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113 remaining paid parental leave may not accumulate for  
114 subsequent use.

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

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

126 (g) Paid parental leave taken under this section shall  
127 run concurrently with leave taken under Section 25-1-61, Code  
128 of Alabama 1975, and under the Family and Medical Leave Act of  
129 1993, codified as 29 U.S.C. § 2611, et seq. Eligible employees  
130 who take paid leave under this section while ineligible for  
131 leave under the Family and Medical Leave Act of 1993 may take  
132 leave under the Family and Medical Leave Act of 1993 in the  
133 same benefit year only to the extent they remain eligible to  
134 do so under the law.

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

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

139 Section 2. The purpose or effect of this bill would be  
140 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.