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A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

"§36-26-35.2

~~(a)~~ Notwithstanding any other laws to the contrary, a state employee employed in any branch of state government may donate his or her accrued and unused annual, sick, or



29 compensatory leave to another state employee who has qualified  
30 for catastrophic sick leave ~~or family leave~~. The donation  
31 shall be subject to the approval of the appointing authority  
32 of the employee making the donation and, if the donating  
33 employee is in a position with a lower pay grade than the  
34 position of the employee receiving the donation, the approval  
35 of the State Personnel Board. The appointing authority of the  
36 employee receiving the donation may limit the number of hours  
37 an employee may receive per catastrophic illness ~~or family~~  
38 ~~leave~~. No employee may receive more than 480 hours of donated  
39 leave throughout his or her career with the state without the  
40 approval of the State Personnel Board. ~~A state employee who~~  
41 ~~qualifies for the receipt of donated leave for adoption shall~~  
42 ~~receive up to a maximum of two weeks of donated leave per~~  
43 ~~adoption.~~

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

47 Section 3. Chapter 26B, commencing with Section  
48 36-26B-1, is added to Title 36 of the Code of Alabama 1975, to  
49 read as follows:

50 Chapter 26B

51 §36-26B-1

52 For the purposes of this chapter, the following terms  
53 have the following meanings:

54 (1) DEPARTMENT. The State of Alabama Personnel  
55 Department.

56 (2) ELIGIBLE EMPLOYEE. Both of the following:



57           a. A full-time employee who has been employed for at  
58 least 12 consecutive months immediately preceding the  
59 occurrence of the qualifying event by a state entity as  
60 defined by:

- 61           1. Section 36-6-1(a)(2) through (a)(5);
- 62           2. Section 36-26-10(b)(2) and (b)(3);
- 63           3. Section 36-26-10(b)(8);
- 64           4. Section 36-26-10(c) or those employees otherwise  
65 designated unclassified by law; or
- 66           5. Section 36-26-10(d).

67           b. Any certified or noncertified employee of a local  
68 board of education, provided that he or she has been employed  
69 by any local board of education in this state for at least 12  
70 consecutive months immediately preceding the occurrence of the  
71 qualifying event.

72           (3) PARENTAL LEAVE. Leave provided to an eligible  
73 employee for the birth and care of a child born to that  
74 employee, or the placement of a child who is three years of  
75 age or younger with an eligible employee for adoption.

76           (4) QUALIFYING EVENT. The birth of a child to an  
77 eligible employee, or the placement of a child who is three  
78 years of age or younger with the employee for adoption.

79           §36-26B-2

80           (a)(1) Eligible employees shall be entitled to up to  
81 six weeks of paid parental leave in both of the following  
82 circumstances:

83           a. For female employees, following the birth of her  
84 child.



85           b. Except as provided in subsection (b), the placement  
86 of a child with the employee for adoption, provided the child  
87 is three years of age or younger at the time that he or she is  
88 placed with the employee.

89           (2) An eligible employee may use parental leave that he  
90 or she is entitled to under subdivision (1) intermittently or  
91 on a reduced leave schedule, provided that the parental leave  
92 is used within 365 days of the qualifying event.

93           (3) An eligible employee may not use more than six  
94 weeks of paid parental leave during a 365-day period, even if  
95 more than one qualifying event occurs.

96           (b) In the event that parents who jointly adopt a child  
97 pursuant to subsection (a) are both eligible employees, only  
98 one parent is eligible for paid parental leave.

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

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

112           §36-26B-3



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

114 (1) Shall be paid at 100 percent of the eligible  
115 employee's base pay;

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

121 (3) Shall not require an eligible employee to use or  
122 exhaust sick leave, annual leave, or any other leave or paid  
123 time off; and

124 (4) Has no cash value.

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

127 (c) Eligible employees shall not be compensated for  
128 paid parental leave when they are separated from state service  
129 or upon retirement or death.

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

133 §36-26B-4

134 (a) During an eligible employee's parental leave  
135 pursuant to this chapter, the state agency, state entity, or  
136 local board of education employing the eligible employee shall  
137 continue to pay the employer's contribution to maintain any  
138 health care benefits the employee had at the time of the  
139 qualifying event for the duration of the leave as if the  
140 eligible employee had continued in employment continuously



141 from the date the eligible employee commenced the parental  
142 leave until the date the eligible employee returns from the  
143 leave.

144 (b) The eligible employee must continue to pay his or  
145 her share of the cost of health care benefits as was required  
146 of him or her prior to the commencement of parental leave.

147 §36-26B-5

148 (a) (1) The State of Alabama Personnel Department shall  
149 adopt rules to implement and administer this chapter. Each  
150 state agency affected by this chapter and each local board of  
151 education shall adopt policies to implement the requirements  
152 of this chapter.

153 (2) The department and each local board of education  
154 shall establish reasonable procedures, including the creation  
155 of forms, for an eligible employee exercising his or her right  
156 to parental leave under this chapter. Forms and procedures  
157 shall not be unduly burdensome to the eligible employee.

158 (b) The department shall provide written notice to each  
159 state employee and each local board of education shall provide  
160 written notice to each certified or noncertified employee upon  
161 his or her hiring and annually thereafter, of: (i) the  
162 eligible employee's right to parental leave pursuant to this  
163 chapter; (ii) the number of weeks of parental leave available  
164 to the eligible employee; and (iii) the procedure for taking  
165 parental leave.

166 §36-26B-6

167 No later than October 1, 2025, and every October 1  
168 thereafter, the State of Alabama Personnel Department shall



169 submit to the Legislature and make publicly available  
170 information regarding the implementation and use of parental  
171 leave by eligible employees for the previous fiscal year.

172 Section 4. This act shall become effective immediately.