

SB305 ENGROSSED



1 SB305

2 RKLAMYY-2

3 By Senators Figures, Kitchens, Stewart, Beasley, Hatcher,
4 Coleman, Price, Kelley, Singleton, Williams, Gudger, Weaver,
5 Sessions, Reed, Livingston, Smitherman, Chesteen

6 RFD: Finance and Taxation Education

7 First Read: 04-Apr-24



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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 Family 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 compensatory leave to another state employee who has qualified



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

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

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

49 Chapter 26B

50 §36-26B-1

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

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

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

56 a. A full-time employee who has been employed for at



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57 least 12 consecutive months immediately preceding the
58 occurrence of the qualifying event by a state entity as
59 defined by:

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

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

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

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

78 §36-26B-2

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

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

84 b. Except as provided in subsection (b), the placement



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85 of a child with the employee for adoption, provided the child
86 is three years of age or younger at the time that he or she is
87 placed with the employee.

88 c. The stillbirth of a child, if the stillbirth is
89 confirmed in writing by a health care professional.

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

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

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

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

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



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113 §36-26B-3

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

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

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

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

125 (4) Has no cash value.

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

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

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

134 §36-26B-4

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



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141 eligible employee had continued in employment continuously
142 from the date the eligible employee commenced the parental
143 leave until the date the eligible employee returns from the
144 leave.

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

148 §36-26B-5

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

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

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

167 §36-26B-6

168 No later than October 1, 2025, and every October 1



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169 thereafter, the State of Alabama Personnel Department shall
170 submit to the Legislature and make publicly available
171 information regarding the implementation and use of parental
172 leave by eligible employees for the previous fiscal year.

173 Section 4. This act shall become effective immediately.

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176 Senate

177 Read for the first time and referred04-Apr-24
178 to the Senate committee on Finance
179 and Taxation Education
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181 Read for the second time and placed25-Apr-24
182 on the calendar:
183 0 amendments
184
185 Read for the third time and passed02-May-24
186 as amended
187 Yeas 26
188 Nays 2
189 Abstains 0
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191

Patrick Harris,
Secretary.

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