

SB305 INTRODUCED



1 SB305

2 K326A5U-1

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

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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.