

## HB327 INTRODUCED



1 HB327  
2 RBGJ1NN-1  
3 By Representatives Shaver, Wood (D), Moore (P)  
4 RFD: Ways and Means Education  
5 First Read: 25-Feb-25

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SYNOPSIS:

This bill would enact the Alabama K-12 Public School and State Employee Paid Parental Leave Act of 2025.

Existing law does not provide for paid parental leave for state employees or employees of local education agencies. Subject to limitations and requirements, this bill would provide eligible state employees and eligible local education agency employees paid parental leave in connection with the birth, stillbirth, or miscarriage of a child or the adoption of a child who is three years of age or younger. A female eligible employee would be entitled to eight weeks of parental leave in connection with the birth, stillbirth, or miscarriage of her child. A male eligible employee would be entitled to two weeks of parental leave in connection with the birth, stillbirth, or miscarriage of his child. Subject to limitations, an eligible employee of either sex would be entitled to eight weeks of parental leave in connection with the adoption of a child three years of age or younger.

This bill would require the State of Alabama Personnel Department and State Board of Education to adopt rules for the implementation and administration of parental leave. This bill would also require the State Personnel Department and State Department of Education to

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

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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 and employees of local  
38           education agencies; to add Chapter 6A, commencing with Section  
39           36-6A-1, to Title 36 of the Code of Alabama 1975; to provide  
40           for paid parental leave for eligible employees following the  
41           birth, stillbirth, or miscarriage of a child or the placement  
42           of a child for adoption; to provide limitations and  
43           requirements related to the use of parental leave; to require  
44           the State of Alabama Personnel Department and State Board of  
45           Education to adopt rules governing the implementation and  
46           administration of parental leave; to require the State of  
47           Alabama Personnel Department and State Department of Education  
48           to make an annual report; to amend Section 36-26-35.2, Code of  
49           Alabama 1975.

50           BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

51           Section 1. This act shall be known and may be cited as  
52           the Alabama K-12 Public School and State Employee Paid  
53           Parental Leave Act of 2025.

54           Section 2. Chapter 6A, commencing with Section 36-6A-1,  
55           is added to Title 36 of the Code of Alabama 1975, to read as  
56           follows:

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57           "§36-6A-1

58           For the purposes of this chapter, the following terms  
59 have the following meanings unless otherwise indicated by  
60 context:

61           (1) APPLICABLE EMPLOYING AGENCY. The state entity or  
62 local education agency that employs an eligible employee.

63           (2) BASE PAY. The eligible employee's current, ordinary  
64 rate of pay as reasonably determined by the applicable  
65 employing agency.

66           (3) ELIGIBLE EMPLOYEE. Either of the following:

67           a. A state employee who has been employed in any of the  
68 following categories for at least 12 consecutive months  
69 immediately preceding the occurrence of a qualifying event:

70           1. Legislative personnel, officers, and employees,  
71 including personnel, officers, and employees of the  
72 Legislative Services Agency, as set forth in Section  
73 36-6-1(a)(2).

74           2. Court officials and employees of the Unified Judicial  
75 System as set forth in Section 36-6-1(a)(3).

76           3. Employees of the Administrative Office of Courts as  
77 set forth in Section 36-6-1(a)(4).

78           4. Hourly personnel considered to be permanent employees  
79 as set forth in Section 36-6-1(a)(5).

80           5. Members of the unclassified service as set forth in  
81 Section 36-26-10(c) or any employees otherwise designated  
82 unclassified by law.

83           6. Members of the classified service as set forth in  
84 Section 36-26-10(d).

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85           7. Members of the exempt service as set forth in Section  
86 36-26-10(b)(3), (b)(8), (b)(10), and (b)(11), and any member of  
87 the exempt service who accrues leave pursuant to an  
88 authorizing statute.

89           b. A certified or noncertified employee of a local  
90 education agency who has been employed by any local education  
91 agency in this state for at least 12 consecutive months  
92 immediately preceding the occurrence of a qualifying event.

93           (4) HEALTHCARE PROFESSIONAL. A physician, physician  
94 assistant, nurse practitioner, or midwife who is licensed to  
95 practice in his or her respective field in the State of  
96 Alabama.

97           (5) MISCARRIAGE. The loss of an unborn child at or after  
98 twelve weeks gestation and is confirmed in writing by a  
99 healthcare professional. The term does not include an abortion  
100 as defined in Section 26-23H-3 unless necessary to prevent a  
101 serious health risk to the unborn child's mother as permitted  
102 under Section 26-23H-4.

103           (6) PARENTAL LEAVE. Paid leave provided to an eligible  
104 employee in connection with a qualifying event pursuant to  
105 this chapter.

106           (7) QUALIFYING EVENT. Any of the events that entitle an  
107 eligible employee to parental leave pursuant to Section  
108 36-6A-2.

109           (8) STILLBIRTH. The loss of an unborn child at or after  
110 20 weeks gestation that is confirmed in writing by a  
111 healthcare professional. The term does not include an abortion  
112 as defined in Section 26-23H-3 unless necessary to prevent a

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113 serious health risk to the unborn child's mother as permitted  
114 under Section 26-23H-4."

115        "§36-6A-2

116        (a) (1) An eligible employee who is female shall be  
117 entitled to eight weeks of parental leave in connection with  
118 the birth, stillbirth, or miscarriage of her child which  
119 occurs on or after July 1, 2025.

120        (2) An eligible employee who is male shall be entitled to  
121 two weeks of parental leave in connection with the birth,  
122 stillbirth, or miscarriage of his child which occurs on or  
123 after July 1, 2025.

124        (3) An eligible employee shall be entitled to eight weeks  
125 of parental leave in connection with the placement of a child  
126 with the eligible employee for adoption which occurs on or  
127 after July 1, 2025, provided the child is three years of age  
128 or younger at the time that he or she is placed with the  
129 eligible employee. In the event that parents who jointly adopt  
130 a child are both eligible employees, one parent shall be  
131 entitled to eight weeks of parental leave in connection with  
132 the adoption and one parent shall be entitled to two weeks of  
133 parental leave in connection with the adoption. The State of  
134 Alabama Personnel Department and State Board of Education  
135 shall jointly adopt rules to implement this subdivision.

136        (b) An eligible employee may not take parental leave  
137 under this section unless he or she has completed the  
138 requirements of subdivision (b) (1) and paragraph (b) (2) a. prior  
139 to taking parental leave.

140        (1) The eligible employee shall provide the applicable

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141 employing agency a written plan regarding his or her intended  
142 use of the parental leave and any other leave he or she  
143 intends to take in connection with the qualifying event.

144 (2)a. The eligible employee shall agree in writing with  
145 the applicable employing agency not to separate from  
146 employment for a period of at least eight weeks following the  
147 conclusion of any leave taken in connection with the  
148 qualifying event.

149 b. The requirement of paragraph a. may be waived by the  
150 applicable employing agency in circumstances where the  
151 eligible employee is unable to return to work such as a  
152 serious health condition of the employee or of an immediate  
153 family member.

154 c. If the eligible employee fails to comply with the  
155 return-to-work agreement required by this subdivision, the  
156 applicable employing agency may recover from the eligible  
157 employee, by offset or otherwise, an amount equal to the  
158 eligible employee's hourly rate of pay multiplied by the  
159 number of hours the eligible employee failed to work in  
160 compliance with the return-to-work agreement.

161 (3) In the event of an emergency that prevents an  
162 eligible employee from completing the requirements of  
163 subdivision (b) (1) and paragraph(b) (2)a. prior to taking  
164 parental leave, the eligible employee shall complete these  
165 requirements as soon as practicable after the emergency has  
166 ended.

167 (c) An eligible employee may use any parental leave to  
168 which he or she is entitled under this chapter intermittently

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169 or on a reduced leave schedule, subject to the following  
170 limitations:

171 (1) The parental leave shall be used within 365 days of  
172 the qualifying event or within 365 days of the eligible  
173 employee taking parental leave for a qualifying event,  
174 whichever occurs sooner. An eligible employee may only use  
175 parental leave in connection with one qualifying event during  
176 a 365-day period, even if more than one qualifying event  
177 occurs.

178 (2) The eligible employee shall maintain a continuing  
179 parental role with any child whose birth or adoption was a  
180 qualifying event.

181 (3) Parental leave taken intermittently or on a reduced  
182 leave schedule for bonding purposes shall be agreed to by the  
183 applicable employing agency prior to the start of the leave.

184 (d) Parental leave taken under this section shall run  
185 concurrently with leave taken under Section 25-1-61 and under  
186 the Family and Medical Leave Act of 1993, codified as 29  
187 U.S.C. § 2611, et seq.

188 (e) Upon the expiration of an eligible employee's  
189 parental leave, the eligible employee shall be restored to the  
190 position that he or she held at the time of the qualifying  
191 event or to an equivalent position with equivalent seniority,  
192 status, employment benefits, pay, and other terms and  
193 conditions of employment, including any fringe benefits and  
194 service credits, that the eligible employee received or was  
195 entitled to prior to the commencement of his or her parental  
196 leave. A local education agency employee, as provided in



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197 Section 36-6A-1(3)b., shall be restored to the grade taught  
198 prior to taking parental leave unless otherwise agreed to by  
199 the employee. Nothing in this chapter shall be construed to  
200 prevent an eligible employee from receiving any cost-of-living  
201 salary increase provided generally to eligible employees or  
202 any merit increase to which the eligible employee would have  
203 been entitled had he or she not taken parental leave."

204 "§36-6A-3

205 (a) Parental leave authorized by this chapter shall be  
206 administered as follows:

207 (1) Parental leave shall be paid at 100 percent of the  
208 eligible employee's base pay.

209 (2) Parental leave shall remain at 100 percent of the pay  
210 provided in subdivision (1) for the duration of the leave as  
211 if the eligible employee worked continuously from the date  
212 that the eligible employee commenced his or her parental  
213 leave until the date the eligible employee returns from  
214 parental leave.

215 (3) Parental leave shall not require an eligible employee  
216 to use or exhaust sick leave, annual leave, or any other leave  
217 or paid time off.

218 (4) Parental leave has no cash value.

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

221 (c) Unused parental leave shall not roll over, be  
222 reserved for use during a subsequent qualifying event, or be  
223 paid to the eligible employee."

224 "§36-6A-4

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225 (a) During an eligible employee's parental leave, the  
226 applicable employing agency shall continue to pay the  
227 employer's contribution to maintain any health care benefits  
228 the employee had at the time of the qualifying event for the  
229 duration of the leave as if the eligible employee had  
230 continued in employment continuously from the date the  
231 eligible employee commenced the parental leave until the date  
232 the eligible employee returns from the leave.

233 (b) The eligible employee shall continue to pay his or  
234 her share of the cost of health care benefits, if any, as was  
235 required of him and her prior to the commencement of parental  
236 leave."

237 "§36-6A-5

238 (a) (1) The State Personnel Department shall adopt rules  
239 to implement and administer this chapter as to state employees  
240 who may be an eligible employee as defined in Section  
241 36-6A-1(3)a.

242 (2) The State Board of Education shall adopt rules to  
243 implement and administer this chapter as to local education  
244 agency employees who may be an eligible employee as defined in  
245 Section 36-6A-1(3)b. Rules adopted pursuant to this  
246 subdivision shall apply to an eligible employee of a public  
247 charter school notwithstanding Section 16-6F-9(a)(3).

248 (b) The rules adopted pursuant to subsection (a) shall  
249 set reasonable procedures necessary to implement this chapter,  
250 including any necessary forms, for an eligible employee  
251 exercising his or her right to parental leave under this  
252 chapter. Forms and procedures shall not be unduly burdensome

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253 to the eligible employee.

254 (c) The rules adopted pursuant to subsection (a) shall  
255 provide for each state employee or local education agency  
256 employee to receive written notice upon his or her hiring of  
257 the following:

258 (1) An eligible employee's right to parental leave  
259 pursuant to this chapter.

260 (2) The number of weeks of parental leave available to an  
261 eligible employee.

262 (3) The procedure for taking parental leave."

263 "§36-6A-6

264 No later than October 1, 2026, and every October 1  
265 thereafter until October 1, 2030, the State Personnel  
266 Department and the State Department of Education shall submit  
267 to the Governor and the Legislature and make publicly  
268 available information regarding the implementation and use of  
269 parental leave by eligible employees for the previous fiscal  
270 year."

271 Section 3. Section 36-26-35.2, Code of Alabama 1975,  
272 shall be amended to read as follows:

273 "§36-26-35.2

274 ~~(a)~~ Notwithstanding any other laws to the contrary, a  
275 state employee employed in any branch of state government may  
276 donate his or her accrued and unused annual, sick, or  
277 compensatory leave to another state employee who has qualified  
278 for catastrophic sick leave ~~or family leave~~. The donation  
279 shall be subject to the approval of the appointing authority  
280 of the employee making the donation and, if the donating

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281 employee is in a position with a lower pay grade than the  
282 position of the employee receiving the donation, the approval  
283 of the State Personnel Board. The appointing authority of the  
284 employee receiving the donation may limit the number of hours  
285 an employee may receive per catastrophic illness ~~or family~~  
286 ~~leave~~. No employee may receive more than 480 hours of donated  
287 leave throughout his or her career with the state without the  
288 approval of the State Personnel Board. ~~A state employee who~~  
289 ~~qualifies for the receipt of donated leave for adoption shall~~  
290 ~~receive up to a maximum of two weeks of donated leave per~~  
291 ~~adoption.~~

292 ~~(b) For purposes of this section only, "family leave"~~  
293 ~~means maternity or adoption leave pursuant to rules of the~~  
294 ~~State Personnel Board."~~

295 Section 4. This act shall become effective July 1,  
296 2025.