

SB199 ENGROSSED



1 SB199

2 NRH2RTJ-2

3 By Senators Figures, Coleman-Madison, Stewart, Kitchens,

4 Livingston, Chesteen, Waggoner, Kelley, Beasley, Butler,

5 Sessions, Williams, Givhan, Gudger, Smitherman, Melson,

6 Albritton, Jones, Chambliss, Hatcher, Bell, Allen, Carnley,

7 Orr

8 RFD: Finance and Taxation Education

9 First Read: 25-Feb-25



SB199 Engrossed

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A BILL
TO BE ENTITLED
AN ACT

Relating to state employees and employees of local education agencies; to add Chapter 6A, commencing with Section 36-6A-1, to Title 36 of the Code of Alabama 1975; to provide for paid parental leave for eligible employees following the birth, stillbirth, or miscarriage of a child or the placement of a child for adoption; to provide limitations and requirements related to the use of parental leave; to require the State of Alabama Personnel Department, the State Board of Education, and the Alabama Community College System to adopt rules governing the implementation and administration of parental leave; to require the State of Alabama Personnel Department, the State Department of Education, and the Alabama Community College System to make an annual report; to amend Section 36-26-35.2, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Alabama Public Employee Paid Parental Leave Act of 2025.

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

“§36-6A-1



SB199 Engrossed

29 For the purposes of this chapter, the following terms
30 have the following meanings unless otherwise indicated by
31 context:

32 (1) APPLICABLE EMPLOYING AGENCY. A state entity, local
33 education agency, or the Alabama Community College System or
34 any of its institutions that employs an eligible employee.

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

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

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

42 1. Legislative personnel, officers, and employees,
43 including personnel, officers, and employees of the
44 Legislative Services Agency, as set forth in Section
45 36-6-1(a)(2).

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

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

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

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

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



SB199 Engrossed

57 7. Members of the exempt service as set forth in Section
58 36-26-10(b)(3), (b)(8), (b)(10), and (b)(11), and any member of
59 the exempt service who accrues leave pursuant to an
60 authorizing statute.

61 b. A certified or noncertified employee of a local
62 education agency who has been employed by any local education
63 agency in this state for at least 12 consecutive months
64 immediately preceding the occurrence of a qualifying event.
65 For the purposes of this act, the term "local education
66 agency" includes the Board of Trustees of the Alabama
67 Institute for Deaf and Blind.

68 c. An employee of the Alabama Community College System or
69 any of the educational institutions under its authority and
70 control, who has been employed by the system or an educational
71 institution for at least 12 consecutive months immediately
72 preceding the occurrence of a qualifying event.

73 (4) HEALTHCARE PROFESSIONAL. A physician, physician
74 assistant, nurse practitioner, or midwife who is licensed to
75 practice in his or her respective field in the State of
76 Alabama.

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

83 (6) PARENTAL LEAVE. Paid leave provided to an eligible
84 employee in connection with a qualifying event pursuant to



SB199 Engrossed

85 this chapter.

86 (7) QUALIFYING EVENT. Any of the events that entitle an
87 eligible employee to parental leave pursuant to Section
88 36-6A-2.

89 (8) STILLBIRTH. The loss of an unborn child at or after
90 20 weeks gestation that is confirmed in writing by a
91 healthcare professional. The term does not include an abortion
92 as defined in Section 26-23H-3 unless necessary to prevent a
93 serious health risk to the unborn child's mother as permitted
94 under Section 26-23H-4."

95 "§36-6A-2

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

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

104 (3) An eligible employee shall be entitled to eight weeks
105 of parental leave in connection with the placement of a child
106 with the eligible employee for adoption which occurs on or
107 after July 1, 2025, provided the child is three years of age
108 or younger at the time that he or she is placed with the
109 eligible employee. In the event that parents who jointly adopt
110 a child are both eligible employees, one parent shall be
111 entitled to eight weeks of parental leave in connection with
112 the adoption and one parent shall be entitled to two weeks of



SB199 Engrossed

113 parental leave in connection with the adoption. The State of
114 Alabama Personnel Department, the State Board of Education,
115 and the Alabama Community College System shall jointly adopt
116 rules to implement this subdivision.

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

121 (1) The eligible employee shall provide the applicable
122 employing agency a written plan regarding his or her intended
123 use of the parental leave and any other leave he or she
124 intends to take in connection with the qualifying event.

125 (2) a. The eligible employee shall agree in writing with
126 the applicable employing agency not to separate from
127 employment for a period of at least eight weeks following the
128 conclusion of any leave taken in connection with the
129 qualifying event.

130 b. The requirement of paragraph a. may be waived by the
131 applicable employing agency in circumstances where the
132 eligible employee is unable to return to work such as a
133 serious health condition of the employee or of an immediate
134 family member.

135 c. If the eligible employee fails to comply with the
136 return-to-work agreement required by this subdivision, the
137 applicable employing agency may recover from the eligible
138 employee, by offset or otherwise, an amount equal to the
139 eligible employee's hourly rate of pay multiplied by the
140 number of hours the eligible employee failed to work in



SB199 Engrossed

141 compliance with the return-to-work agreement.

142 (3) In the event of an emergency that prevents an
143 eligible employee from completing the requirements of
144 subdivision (b) (1) and paragraph(b) (2)a. prior to taking
145 parental leave, the eligible employee shall complete these
146 requirements as soon as practicable after the emergency has
147 ended.

148 (c) An eligible employee may use any parental leave to
149 which he or she is entitled under this chapter intermittently
150 or on a reduced leave schedule, subject to the following
151 limitations:

152 (1) The parental leave shall be used within 365 days of
153 the qualifying event or within 365 days of the eligible
154 employee taking parental leave for a qualifying event,
155 whichever occurs sooner. An eligible employee may only use
156 parental leave in connection with one qualifying event during
157 a 365-day period, even if more than one qualifying event
158 occurs.

159 (2) The eligible employee shall maintain a continuing
160 parental role with any child whose birth or adoption was a
161 qualifying event.

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

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



SB199 Engrossed

169 (e) Upon the expiration of an eligible employee's
170 parental leave, the eligible employee shall be restored to the
171 position that he or she held at the time of the qualifying
172 event or to an equivalent position with equivalent seniority,
173 status, employment benefits, pay, and other terms and
174 conditions of employment, including any fringe benefits and
175 service credits, that the eligible employee received or was
176 entitled to prior to the commencement of his or her parental
177 leave. A local education agency employee, as provided in
178 Section 36-6A-1(3)b., shall be restored to the grade taught
179 prior to taking parental leave unless otherwise agreed to by
180 the employee. Nothing in this chapter shall be construed to
181 prevent an eligible employee from receiving any cost-of-living
182 salary increase provided generally to eligible employees or
183 any merit increase to which the eligible employee would have
184 been entitled had he or she not taken parental leave."

185 "§36-6A-3

186 (a) Parental leave authorized by this chapter shall be
187 administered as follows:

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

190 (2) Parental leave shall remain at 100 percent of the pay
191 provided in subdivision (1) for the duration of the leave as
192 if the eligible employee worked continuously from the date
193 that the eligible employee commenced his or her parental
194 leave until the date the eligible employee returns from
195 parental leave.

196 (3) Parental leave shall not require an eligible employee



SB199 Engrossed

197 to use or exhaust sick leave, annual leave, or any other leave
198 or paid time off.

199 (4) Parental leave has no cash value.

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

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

205 "§36-6A-4

206 (a) During an eligible employee's parental leave, the
207 applicable employing agency shall continue to pay the
208 employer's contribution to maintain any health care benefits
209 the employee had at the time of the qualifying event for the
210 duration of the leave as if the eligible employee had
211 continued in employment continuously from the date the
212 eligible employee commenced the parental leave until the date
213 the eligible employee returns from the leave.

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

218 "§36-6A-5

219 (a) (1) The State Personnel Department shall adopt rules
220 to implement and administer this chapter as to state employees
221 who may be an eligible employee as defined in Section
222 36-6A-1(3)a.

223 (2) The State Board of Education shall adopt rules to
224 implement and administer this chapter as to local education



SB199 Engrossed

225 agency employees who may be an eligible employee as defined in
226 Section 36-6A-1(3)b. Rules adopted pursuant to this
227 subdivision shall apply to an eligible employee of a public
228 charter school notwithstanding Section 16-6F-9(a)(3).

229 (3) The Board of Trustees of the Alabama Community
230 College System (ACCS) shall adopt rules to implement and
231 administer this chapter as to employees of the Alabama
232 Community College System and the educational institutions
233 under its authority and control who may be an eligible
234 employee as defined in Section 36-6A-1(3)c.

235 (b) The rules adopted pursuant to subsection (a) shall
236 set reasonable procedures necessary to implement this chapter,
237 including any necessary forms, for an eligible employee
238 exercising his or her right to parental leave under this
239 chapter. Forms and procedures shall not be unduly burdensome
240 to the eligible employee.

241 (c) The rules adopted pursuant to subsection (a) shall
242 provide for each state employee, local education agency
243 employee, and employee of ACCS to receive written notice upon
244 his or her hiring of the following:

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

247 (2) The number of weeks of parental leave available to an
248 eligible employee.

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

250 "§36-6A-6

251 No later than October 1, 2026, and every October 1
252 thereafter until October 1, 2030, the State Personnel



SB199 Engrossed

253 Department, the State Department of Education, and the Alabama
254 Community College System shall submit to the Governor and the
255 Legislature and make publicly available information regarding
256 the implementation and use of parental leave by eligible
257 employees for the previous fiscal year."

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

260 "§36-26-35.2

261 ~~(a) Notwithstanding any other laws to the contrary, a~~
262 state employee employed in any branch of state government may
263 donate his or her accrued and unused annual, sick, or
264 compensatory leave to another state employee who has qualified
265 for catastrophic sick leave ~~or family leave~~. The donation
266 shall be subject to the approval of the appointing authority
267 of the employee making the donation and, if the donating
268 employee is in a position with a lower pay grade than the
269 position of the employee receiving the donation, the approval
270 of the State Personnel Board. The appointing authority of the
271 employee receiving the donation may limit the number of hours
272 an employee may receive per catastrophic illness ~~or family~~
273 ~~leave~~. No employee may receive more than 480 hours of donated
274 leave throughout his or her career with the state without the
275 approval of the State Personnel Board. ~~A state employee who~~
276 ~~qualifies for the receipt of donated leave for adoption shall~~
277 ~~receive up to a maximum of two weeks of donated leave per~~
278 ~~adoption.~~

279 ~~(b) For purposes of this section only, "family leave"~~
280 ~~means maternity or adoption leave pursuant to rules of the~~



SB199 Engrossed

281 ~~State Personnel Board."~~

282 Section 4. This act shall become effective July 1,

283 2025.



SB199 Engrossed

284
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286 Senate

287 Read for the first time and referred25-Feb-25
288 to the Senate committee on Finance
289 and Taxation Education
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291 Read for the second time and placed27-Feb-25
292 on the calendar:
293 0 amendments
294
295 Read for the third time and passed05-Mar-25
296 as amended
297 Yeas 28
298 Nays 3
299 Abstains 0

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301
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Patrick Harris,
Secretary.