

HB309 ENGROSSED



1 HB309
2 AJPNS7S-2
3 By Representative Shaver
4 RFD: Ways and Means General Fund
5 First Read: 07-Mar-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to state employees; 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 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 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) PARENTAL LEAVE. Leave provided to a state employee
56 for the birth and care of a child born to that employee, or



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57 the placement of a child who is three years of age or younger
58 with a state employee for adoption.

59 (3) QUALIFYING EVENT. The birth of a child to a state
60 employee, or the placement of a child who is three years of
61 age or younger with the employee for adoption.

62 (4) STATE EMPLOYEE. A full-time employee who has been
63 employed for at least 12 consecutive months immediately
64 preceding the occurrence of the qualifying event by a state
65 entity as defined by:

66 a. Section 36-6-1(a) (2) through (a) (5);

67 b. Section 36-26-10(b) (2) and (b) (3);

68 c. Section 36-26-10(b) (8);

69 d. Section 36-26-10(c) or those employees otherwise
70 designated unclassified by law; or

71 e. Section 36-26-10(d).

72 §36-26B-2

73 (a) (1) Each eligible state employee shall be entitled
74 to up to eight weeks of paid parental leave following: (i) the
75 birth of his or her child; and (ii) the placement of a child
76 with the employee for adoption, provided the child is three
77 years of age or younger at the time that he or she is placed
78 with the employee.

79 (2) A state employee may use parental leave that he or
80 she is entitled to under subdivision (1) intermittently or on
81 a reduced leave schedule, provided that the parental leave is
82 used within 365 days of the qualifying event.

83 (3) A state employee may not use more than eight weeks
84 of paid parental leave during a 365-day period, even if more



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85 than one qualifying event occurs.

86 (b) (1) Except as provided in subdivision (2), parents
87 who are eligible for paid parental leave and work for the same
88 state agency are limited to a combined eight total weeks of
89 paid parental leave to share for each qualifying event.

90 (2) Parents who are eligible for paid parental leave
91 and work for the same state agency are entitled to eight weeks
92 of paid parental leave each, regardless of employment in the
93 same or different state agencies, if:

94 a. The child born to the couple or the child adopted by
95 the couple has a serious health condition; or

96 b. The mother, as a result of the birth of the child,
97 labor, or pregnancy, has a serious health condition.

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

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

111 §36-26B-3

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



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

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

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

123 (4) Has no cash value.

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

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

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

132 §36-26B-4

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



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141 returns from the leave.

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

145 §36-26B-5

146 (a) (1) The State of Alabama Personnel Department shall
147 adopt rules to implement and administer this chapter. Each
148 state agency affected by this chapter shall adopt policies to
149 implement the requirements of this chapter.

150 (2) The department shall establish reasonable
151 procedures, including the creation of forms, for a state
152 employee exercising his or her right to parental leave under
153 this chapter. Forms and procedures shall not be unduly
154 burdensome to the state employee.

155 (b) The department shall provide written notice to each
156 state employee upon his or her hiring and annually thereafter,
157 of: (i) the state employee's right to parental leave pursuant
158 to this chapter; (ii) the number of weeks of parental leave
159 available to the state employee; and (iii) the procedure for
160 taking parental leave.

161 §36-26B-6

162 No later than October 1, 2025, and every October 1
163 thereafter, the State of Alabama Personnel Department shall
164 submit to the Legislature and make publicly available
165 information regarding the implementation and use of parental
166 leave by state employees for the previous fiscal year.

167 Section 4. This act shall become effective immediately.



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House of Representatives

171 Read for the first time and referred07-Mar-24
172 to the House of Representatives
173 committee on Ways and Means General
174 Fund
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176 Read for the second time and placed19-Mar-24
177 on the calendar:
178 0 amendments
179
180 Read for the third time and passed21-Mar-24
181 as amended
182 Yeas 98
183 Nays 0
184 Abstains 4

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John Treadwell
Clerk