

1 SB31  
2 215850-1  
3 By Senator Jones  
4 RFD: Children, Youth and Human Services  
5 First Read: 11-JAN-22  
6 PFD: 01/06/2022

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8 SYNOPSIS: Existing law does not require employers to  
9 provide family leave for adoptive parents during or  
10 after the time of adoption.

11 This bill would, concurrently with federal  
12 law, require certain employers to offer 12 weeks of  
13 family leave to eligible employees for the birth  
14 and care of a child during the first year after the  
15 birth of the child and for an adopted child within  
16 one year of placement.

17 This bill would require employers who  
18 provide certain additional maternity benefits to  
19 female employees to offer equivalent benefits to  
20 adoptive parents.

21 This bill would allow state employees and  
22 members of the Teachers' Retirement System to  
23 purchase service credit for a period of time up to  
24 one year for time spent on family leave.

25 This bill would also revise existing law  
26 applying to the donation of accrued and unused  
27 annual, sick, or compensatory leave to an employee

1           qualifying for maternity leave to extend that  
2           option to an employee adopting a child.

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4                           A BILL  
5                           TO BE ENTITLED  
6                           AN ACT

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8           Relating to family leave and adoption; to amend  
9   Sections 16-25-11.12, 36-26-35.2, and 36-26-36.2, Code of  
10   Alabama 1975, to require certain employers to offer certain  
11   amounts of family leave to eligible employees for the birth  
12   and care of a child and for an adopted child; to require  
13   employers that provide certain amounts of additional maternity  
14   benefits to female employees to offer equivalent benefits to  
15   adoptive parents; to allow state employees and members of the  
16   Teachers' Retirement System to purchase service credit for  
17   time spent on family leave; and to authorize the donation of  
18   accrued and unused leave to an employee adopting a child under  
19   certain conditions.

20   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21           Section 1. This act shall be known and may be cited  
22   as the "Adoption Promotion Act."

23           Section 2. Sections 16-25-11.12, 36-26-35.2, and  
24   36-26-36.2, Code of Alabama 1975, are amended to read as  
25   follows:

26           "§16-25-11.12.

1           "(a) (1) Any provision of this chapter, to the  
2 contrary notwithstanding, active and contributing members of  
3 the Teachers' Retirement System may purchase service credit in  
4 the system not to exceed one year for any period of time while  
5 they were on ~~maternity~~ family leave from service without pay.  
6 The Board of Control of the Teachers' Retirement System shall  
7 adopt rules and regulations for the administration of this  
8 section, including verification of the service that the member  
9 desires to purchase credit for in the system. The member  
10 shall receive credit for the service when he or she remits to  
11 the system the contributions required by subsection (b).

12           "(2) Notwithstanding ~~the foregoing language~~  
13 subdivision (1), no member of the Teachers' Retirement System  
14 shall be eligible to receive credit for any period of time  
15 that the member is already credited with in the system or in  
16 any other retirement plan, with the exception of the federal  
17 Social Security program.

18           "(b) Any member who is eligible to purchase service  
19 credit in the Teachers' Retirement System under subsection (a)  
20 shall pay to the Secretary-Treasurer of the system, prior to  
21 October 1, 2001, for the claimed service, a sum equal to the  
22 full actuarially determined cost for each year of service  
23 credit purchased as determined by the system's actuary.

24           "(c) Subsequent to October 1, 2001, any member  
25 claiming service credit under ~~the provisions of~~ this section  
26 shall claim and purchase the service credit no later than June

1 30 of the year immediately following the expiration of the  
2 maternity leave.

3 "§36-26-35.2.

4 "(a) Notwithstanding any other laws to the contrary,  
5 a state employee employed in any branch of state government  
6 may donate his or her accrued and unused annual, sick, or  
7 compensatory leave to another state employee who has qualified  
8 for catastrophic sick leave or ~~maternity~~ family leave. The  
9 donation shall be subject to the approval of the appointing  
10 authority of the employee making the donation and, if the  
11 donating employee is in a position with a lower pay grade than  
12 the position of the employee receiving the donation, the  
13 approval of the State Personnel Board. The appointing  
14 authority of the employee receiving the donation may limit the  
15 number of hours an employee may receive per catastrophic  
16 illness or ~~maternity~~ family leave. No employee may receive  
17 more than 480 hours of donated leave throughout his or her  
18 career with the state without the approval of the State  
19 Personnel Board.

20 "(b) For purposes of this section only, "family  
21 leave" means maternity or adoption leave pursuant to rules of  
22 the State Personnel Board.

23 "§36-26-36.2.

24 "(a) (1) Annual leave, compensatory leave, and sick  
25 leave donation programs for catastrophic illnesses or  
26 ~~maternity~~ family leave of qualified state employees shall  
27 provide for donations of leave to occur between all state

1 employees employed in the Executive, Legislative, and Judicial  
2 Branches of state government.

3 "(2) For purposes of this subsection only, "family  
4 leave" means maternity or adoption leave pursuant to rules of  
5 the State Personnel Board.

6 "(b) The personnel departments of all branches of  
7 state government shall coordinate efforts to ~~promulgate~~ adopt  
8 and implement the administrative rules and procedures  
9 necessary to implement this section."

10 Section 3. (a) For purposes of this section, the  
11 terms "eligible employee" and "employer" have the same meaning  
12 as in 29 U.S.C. § 2611.

13 (b) (1) An employer shall provide 12 weeks of unpaid  
14 family leave, to run concurrently with any other leave  
15 provided pursuant to federal law, to an eligible employee for  
16 the birth and care of a child born to that employee during the  
17 first year after the child's birth, or for the care of a child  
18 placed with the employee in connection with adoption within  
19 one year of the placement of the child with the employee.  
20 Requests for additional family leave due to the adoption of an  
21 ill child or a child with a disability shall be considered on  
22 the same basis as comparable cases of complications  
23 accompanying the birth of a child of an employee. Nothing in  
24 this subsection shall require an employer to provide  
25 additional family leave to an eligible employee once the  
26 employee has exhausted the leave to which the employee is  
27 entitled under federal law.

1           (2) In any case in which the necessity for leave  
2 pursuant to this subsection is foreseeable based on an  
3 expected placement of a child with an employee in connection  
4 with an adoption, the employee, before the date the leave is  
5 to begin, shall provide his or her employer with at least 30  
6 days' notice of the employee's intention to take the leave,  
7 except that if the date of placement requires leave to begin  
8 in less than 30 days, the employee shall provide notice as is  
9 practicable.

10           (c) (1) An employer who provides paid leave to an  
11 employee for the birth and care of a child born to that  
12 employee shall also provide the lesser of either equivalent  
13 paid leave or two-weeks paid leave to an employee for the care  
14 of a child placed with the employee in connection with  
15 adoption during the first year after the placement of the  
16 child with the employee.

17           (2) An employer is only required to provide paid  
18 leave benefits described in subdivision (1) to one of two  
19 different eligible employees if both employees would be using  
20 the benefits for the care of a child placed for adoption with  
21 both employees.

22           (d) An employer may not penalize an employee for  
23 exercising the rights provided by this section.

24           (e) Leave benefits accrued pursuant to this section  
25 may not be taken by an employee intermittently unless the  
26 employee and the employer agree otherwise.

1                   Section 4. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.