SB31

215850-2

By Senator Jones

RFD: Children, Youth and Human Services

First Read: 11-JAN-22

PFD: 01/06/2022
ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

"§16-25-11.12.

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

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

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

"(c) Subsequent to October 1, 2001, any member
claiming service credit under the provisions of this section
shall claim and purchase the service credit no later than June
30 of the year immediately following the expiration of the
maternity leave.

"§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 for catastrophic sick leave or maternity family leave. The donation shall be subject to the approval of the appointing authority of the employee making the donation and, if the donating employee is in a position with a lower pay grade than the position of the employee receiving the donation, the approval of the State Personnel Board. The appointing authority of the employee receiving the donation may limit the number of hours an employee may receive per catastrophic illness or maternity family leave. No employee may receive more than 480 hours of donated leave throughout his or her career with the state without the approval of the State Personnel Board. A state employee who qualifies for the receipt of donated leave for adoption shall receive up to a maximum of two weeks of donated leave per adoption.

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

"§36-26-36.2."
"(a)(1) Annual leave, compensatory leave, and sick
leave donation programs for catastrophic illnesses or
maternity family leave of qualified state employees shall
provide for donations of leave to occur between all state
employees employed in the Executive, Legislative, and Judicial
Branches of state government.

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

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

Section 3. (a) For purposes of this section, the
terms "eligible employee" and "employer" have the same meaning

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

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

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

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

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

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

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.
President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB31
Senate 02-FEB-22
I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 06-APR-22

Senate concurred in House amendment 07-APR-22

By: Senator Jones