

House Bill 146

By: Representatives Gaines of the 117th, Cooper of the 43rd, Jones of the 47th, Wiedower of the 119th, Rich of the 97th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 20 of Title 45 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding personnel administration, so as to provide for paid
3 parental leave for eligible state employees and eligible local board of education employees;
4 to provide for definitions; to provide for eligibility; to provide for terms and conditions; to
5 provide for certain prohibitions; to provide for rules; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 20 of Title 45 of the Official Code of Georgia Annotated, relating to
10 general provisions regarding personnel administration, is amended by revising Code
11 Section 45-20-17, which was previously reserved, as follows:

12 "45-20-17.

13 (a) As used in this Code section, the term:

14 (1) 'Eligible employee' means:

15 (A) Any individual identified in subparagraph (A), (E), (F), (G), or (L) of paragraph (2)
16 of Code Section 45-18-1 who is classified as full-time by the applicable state employing
17 entity; or

18 (B) Any individual identified in paragraph (4) of Code Section 20-2-880 or
19 paragraph (3) of Code Section 20-2-910 who is classified as full-time by the applicable
20 local board of education.

21 (2) 'Employing entity' means:

22 (A) The executive, legislative, or judicial branch of state government; or

23 (B) A local board of education.

24 (3) 'Qualifying life event' means:

25 (A) The birth of a child of an eligible employee;

26 (B) The placement of a minor child for adoption with an eligible employee; or

27 (C) The placement of a minor child for foster care with an eligible employee.

28 (b) All eligible employees of an employing entity shall be eligible for paid parental leave
29 for qualifying life events after six continuous months of employment with the employing
30 entity regardless of whether the employee is eligible for paid or unpaid leave under federal
31 law. Such paid parental leave shall be equally available to all eligible employees.

32 (c) The maximum amount of paid parental leave that may be taken by an eligible
33 employee during any rolling 365 day period is 120 hours, regardless of the number of
34 qualifying life events that occur within such period. Such leave does not have to be used
35 in a block and may be used as needed, provided that such leave usage does not unduly
36 disrupt the operations of the applicable employing entity. No portion of any such leave that
37 remains 365 days after the qualifying life event shall carry over for future use.

38 (d) Unused paid parental leave shall have no cash value at the time of the eligible
39 employee's separation from employment with the employing entity.

40 (e) Each employing entity shall promulgate rules for the administration of paid parental
41 leave under this Code section for eligible employees which are not in conflict with this

42 Code section; provided, however, that the State Personnel Board shall promulgate such
43 rules for any employing entity that is considered a department or agency as such terms are
44 synonymously defined in paragraph (6) of Code Section 45-20-2. At a minimum, such
45 rules shall address:

46 (1) Whether paid parental leave under this Code section shall run concurrently with any
47 leave provided under federal law; and

48 (2) The documentation, if any, that an eligible employee shall be required to provide to
49 establish the existence of a qualifying life event.

50 (f) To implement paid parental leave under this Code section, the State Accounting Office
51 shall make any and all necessary adjustments to its current and any future human capital
52 management software, websites, and platforms used by participating employing entities to
53 ensure that paid parental leave appears as a new benefit leave category not later than the
54 effective date of this Code section.

55 (g) An eligible employee employed on an hourly basis shall be eligible for paid parental
56 leave under this Code section if he or she has worked a minimum of 700 hours over the
57 six-month period immediately preceding the requested paid parental leave date.

58 (h) Provided that the use of paid parental leave is not likely to unduly disrupt the
59 employing entity's operations, no employing entity shall interfere with, restrain, or deny
60 the exercise of or the attempt to exercise the provisions of this Code section by any eligible
61 employee. No employing entity shall discharge or in any other manner discriminate or
62 retaliate against any eligible employee for lawfully exercising the provisions of this Code
63 section. Notwithstanding any other provision of this Code section, nothing shall prevent
64 an employing entity from taking an adverse employment action against an eligible
65 employee who submits a false or fraudulent document or otherwise provides false or
66 fraudulent information in an attempt to obtain paid parental leave under this Code section

67 Reserved."

68

SECTION 2.

69 All laws and parts of laws in conflict with this Act are repealed.