

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

1 SB31

2
3
4 ENROLLED, An Act,

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

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 Section 2. Sections 16-25-11.12, 36-26-35.2, and
21 36-26-36.2, Code of Alabama 1975, are amended to read as
22 follows:

23 "§16-25-11.12.

24 "(a) (1) Any provision of this chapter, to the
25 contrary notwithstanding, active and contributing members of

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

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

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

22 "(c) Subsequent to October 1, 2001, any member
23 claiming service credit under ~~the provisions of~~ this section
24 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. A state employee who qualifies for the
20 receipt of donated leave for adoption shall receive up to a
21 maximum of two weeks of donated leave per adoption.

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

25 "§36-26-36.2.

1 "(a) (1) Annual leave, compensatory leave, and sick
2 leave donation programs for catastrophic illnesses or
3 ~~maternity~~ family leave of qualified state employees shall
4 provide for donations of leave to occur between all state
5 employees employed in the Executive, Legislative, and Judicial
6 Branches of state government.

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

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

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

17 (b) (1) An employer shall provide 12 weeks of unpaid
18 family leave, to run concurrently with any other leave
19 provided pursuant to federal law, to an eligible employee for
20 the birth and care of a child born to that employee during the
21 first year after the child's birth, or for the care of a child
22 placed with the employee in connection with adoption within
23 one year of the placement of the child with the employee.
24 Requests for additional family leave due to the adoption of an
25 ill child or a child with a disability shall be considered on

1 the same basis as comparable cases of complications
2 accompanying the birth of a child of an employee. Nothing in
3 this subsection shall require an employer to provide
4 additional family leave to an eligible employee once the
5 employee has exhausted the leave to which the employee is
6 entitled under federal law.

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

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

23 (2) An employer is only required to provide paid
24 leave benefits described in subdivision (1) to one of two
25 different eligible employees if both employees would be using

1 the benefits for the care of a child placed for adoption with
2 both employees.

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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