

**ALABAMA STATE PERSONNEL BOARD  
ALABAMA STATE PERSONNEL DEPARTMENT  
ADMINISTRATIVE CODE**

**CHAPTER 670-X-15  
OTHER TYPES OF LEAVE**

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**670-X-15-.01      Educational Leave.**

Educational leave at full or part pay may be granted to a permanent employee upon recommendation of the appointing authority provided the employee takes approved courses that are related to the improvement of his performance on his current job. The plan for such leave must be submitted in advance by the appointing authority for approval of the Director.

**Author:**

**Statutory Authority:** Code of Ala. 1975, §36-26-9.

**History:** Filed September 29, 1981.

**670-X-15-.02      Military Leave.**

(1) All employees in the state service, who shall be active members of the Alabama National Guard or Naval Militia, or of the reserve components of the Army, Navy, Marine Corps, Air Force, or Coast Guard shall be entitled to military or naval leave of absence from the respective civil duties and occupations on all days that they shall be engaged in field or coast defense or other training or on other service ordered under the provisions of the military laws of Alabama, or of the National Defense Act, or of the federal laws governing the United States Naval Reserves, without loss of pay, time, annual, vacation, sick leave, but no person granted such leave of absence with pay shall be paid more than 168 working hours per calendar year. In addition thereto, such persons shall be entitled to be paid for no more than 168

working hours at any one time while called by the Governor to duty in the active service of the state.

(2) All employees with the state who have served in permanent positions for three months or more who are drafted into the military service of the U.S., or who volunteer to join the U.S. Army, the U.S. Navy, the U.S. Marine Corps, the Air Force, or the U. S. Coast Guard, or the reserve components thereof, shall be allowed 168 working hours leave with pay, as is provided in the Military Code of Alabama for members of the National Guard or military reserve who are inducted into active service.

**Author:**

**Statutory Authority:** Code of Ala. 1975, §36-26-31.

**History:** Filed September 29, 1981. **Amended:** Filed May 20, 2015; effective June 24, 2015.

**670-X-15-.03      Leave Without Pay.**

(1) Subject to the approval of the Director, an appointing authority may grant in writing to any employee a leave of absence without pay for a period not to exceed one year. Upon the expiration of such leave of absence, the employee shall be reinstated to a position in the classification he occupied at the time the leave was granted, even though this may require laying off an employee engaged to perform the duties during the period of the leave of absence. Failure of an employee to report for duty promptly at the expiration of a leave of absence shall be just cause for dismissal. If necessary to the efficient conduct of the business of the state, an employee on such leave of absence may be notified to return to work prior to the time of the expiration of the leave.

(2) Should the employee fail to return to work as directed, the Director shall declare the position vacant and shall fill it by the means prescribed in these rules for the filling of vacant positions.

**Author:** Halycon Vance Ballard

**Statutory Authority:** Code of Ala. 1975, §36-26-9.

**History:** Filed September 29, 1981. **Amended:** Filed May 24, 1985; effective February 28, 1991. **Amended:** Filed May 20, 2015; effective June 24, 2015.

**670-X-15-.04      Special Security Or Defense Leave Of Absence.**

When the services of a regular employee have been requested by any agency of the United States for work directly related to national security or defense, he may be granted a leave of absence without pay for such time as his services may be needed provided that the United States shall state in writing that the need is urgent and

shall in each case name the employee whose services are desired; and provided further that the appointing authority shall certify his willingness to release the employee. An employee on leave under these conditions, shall give the appointing authority and the Director at least thirty days notice when he is ready to return to his regular position, and the appointing authority shall reinstate him within this period. In any case that such an employee fails to return to his regular position within sixty days of his release from the specific work for which leave was granted, he shall forfeit all rights to reinstatement.

**Author:**

**Statutory Authority:** Code of Ala. 1975, §36-26-9.

**History:** Filed September 29, 1981. **Amended:** Filed May 20, 2015; effective June 24, 2015.

**670-X-15-.05      Court Attendance.**

Employees in the state service who are required by a court to attend such court in the capacity of jurors shall be granted a special leave with pay to attend such court, which shall be reported as such. Attendance in a court by law enforcement officers and other employees of the state as witnesses in their official capacities shall not be considered as special leave, but rather as a part of their assigned duties; and no provision of this section shall alter or affect in any way the existing statutes or rules regulating such attendance and the disposition of witness fees. Employees who are called as witnesses in their individual capacities are not entitled to a special leave, and should request for time off through annual leave or leave without pay.

**Author:** Halycon Vance Ballard

**Statutory Authority:** Code of Ala. 1975, §36-26-9.

**History:** Filed September 29, 1981. **Amended:** Filed February 28, 1991. **Amended:** Filed May 20, 2015; effective June 24, 2015.

**670-X-15-.06      Mandatory Annual Leave And/Or Leave Without Pay.**

(1) An appointing authority, with the approval of the Director, may require an employee to use accumulated annual leave under certain circumstances when the appointing authority deems the employee's absence from work to be in the best interests of the agency. Examples of such circumstances would include a period of time when the employee is under investigation that may lead to disciplinary proceedings, the period of time pending a disciplinary hearing after the employee has received notice of such hearing, and at such times as the employee is physically incapacitated from performing the work assignment (such as in a state of intoxication).

(2) Under similar circumstances as enumerated in (1) above, when the employee has no accumulated annual leave or insufficient annual leave, the appointing authority may nevertheless require the employee to vacate the work station for a specified period of time in the status of leave without pay. Such action by the appointing authority should be preceded by a notice to the employee that such action is contemplated and an opportunity for the employee to be heard in response.

(3) The Director shall have the discretion to restore accumulated annual leave expended under the provisions of (1) above, and/or approve a subsequent reinstatement of pay forfeited by the employee during the leave without pay status provided for in (2) above.

**Author:** Frank Ussery

**Statutory Authority:** Code of Ala. 1975, §36-26-9.

**History: Emergency Adoption:** Filed November 19, 1987. **Permanent Adoption:** Filed January 27, 1988. **Amended:** Filed May 20, 2015; effective June 24, 2015.

#### **670-X-15-.07      Bereavement Leave.**

(1) An employee who is regularly employed by the state, and is subject to the provisions of the State Merit System, and all legislative personnel, officers, and employees, including, but not limited to, Legislative Reference Service personnel, whether subject to the State Merit System or not, may be granted bereavement leave with pay for the death of a person related by blood, adoption, marriage, or otherwise provided for by the Board.

(2) Bereavement leave may only be granted to an employee who does not have accrued sick leave available for such use.

(3) For any one occurrence, the bereavement leave shall not exceed three days.

(4) Any bereavement leave granted to an employee must be reimbursed to the state in the form of leave days (sick, annual, personal), within one calendar year of the use of the bereavement leave.

(5) In the event that the employee leaves state service prior to repayment of the bereavement leave, he shall have the leave amount deducted from his final pay check.

**Author:** Jackie B. Graham, State Personnel Director

**Statutory Authority:** Code of Ala. 1975, §36-26-36.3.

**History: New Rule:** Filed May 20, 2015; effective June 24, 2015.

**670-X-15-.08      Paid Parental Leave.**

Unless stated otherwise, terms in this Rule shall have the same definition as provided in Alabama Code § 36-6A-1, *et seq.*

1. Paid Parental Leave. An eligible employee shall be entitled to the following:

a. 8 weeks of paid parental leave for a mother in connection with the birth, stillbirth, or miscarriage of her child;

b. 2 weeks of paid parental leave for a father in connection with the birth, stillbirth, or miscarriage of his child;

c. 8 weeks of paid parental leave in connection with the placement of a child with an eligible employee for adoption, provided the child is three years of age or younger at the time that he or she is placed with the eligible employee.

1. If parents who jointly adopt a child are both eligible employees, one parent shall be entitled to eight weeks of paid parental leave and one parent shall be entitled to two of weeks of paid parental leave in connection with the adoption.

2. Eligible Employee. An employee is eligible for paid parental leave if the employee is employed pursuant to the categories enumerated in Alabama Code § 36-6A-1(3)(a) and has been employed in such categories for at least 12 consecutive months immediately preceding the occurrence of a qualifying event.

3. Establishing Eligibility.

- a. Prior to granting paid parental leave, an appointing authority shall have the employee complete a certification form, as provided by the Director.
- b. In addition to the certification form, an appointing authority shall require an employee requesting paid parental leave to provide acceptable proof in support of the request for paid parental leave.
- c. An eligible employee may not take paid parental leave under this rule unless they meet all of the following requirements:
  1. Submitted a completed certification, as set forth in Paragraph (3) (a).
  2. At least 30-days prior to the use of the paid parental leave, the eligible employee shall provide the employing agency a written plan regarding his or her intended use of the paid parental leave and any other leave he or she intends to take in connection with a qualifying event.
  3. The eligible employee shall agree in writing to the employing agency that he or she will not separate from employment for a period of at least eight weeks following the conclusion of any leave taken in connection with a qualifying event.
  4. An employing agency may waive the requirement of Paragraph (3) (c) (3) in circumstances where the eligible employee is unable to return to work due to their own serious health condition or a serious

health condition of an immediate family member.

- d. In the event of an emergency that prevents an eligible employee from completing the requirements of Paragraph (3)(c) prior to taking paid parental leave, the eligible employee shall complete the requirements as soon as practicable after the emergency has ended, including providing sufficient documentation to establish a qualifying condition.
4. Leave Prior to Qualifying Event. In the event an employee desires to take paid parental leave prior to the occurrence of a qualifying event as defined in Alabama Code § 36-6A-1(7), the employee must comply with all the requirements of Paragraph (3) above.
- a. Prior to the qualifying event, "in connection with the birth" shall mean the eligible employee or the mother of the eligible employee's expectant child is:
    - (1) attending prenatal appointments or other visits to a Healthcare Provider due to the expected birth of a child;
    - (2) has been hospitalized in expectation of the birth of a child or due to a condition caused by or related to the expected birth of a child; or
    - (3) otherwise requires leave due to a Healthcare Provider's order requiring the mother to limit her physical activity prior to the expected birth of a child.
  - b. Prior to the qualifying event, "in connection with the placement of a child with an eligible employee for adoption" shall mean the eligible employee is utilizing leave for one of the following:
    - (1) meeting with an attorney regarding the adoption of the child;
    - (2) hosting in-home visits necessary for the completion of the adoption;
    - (3) attending judicial proceedings regarding the adoption of the child;
    - (4) attending counseling sessions regarding the adoption;
    - (5) submitting to a physical examination as it relates to the adoption; or
    - (6) traveling to another country to complete an adoption.

1. The term "in connection with the placement of a child with an eligible employee for adoption" shall not include foster care or the placement of a child with the employee for any other temporary, non-adoption purpose.
  
5. Compensation. Paid parental leave under this rule shall be paid at 100 percent of the eligible employee's base pay, as determined by the appointing authority, and shall remain at 100 percent of the employee's base pay as if the eligible employee worked continuously from the date that paid parental leave commenced until the eligible employee's return to work.
  
6. Duration.
  - a. Paid parental leave under this rule is available for use only during the 365 days following a qualifying event or within 365 days of the eligible employee taking paid parental leave for the qualifying event, whichever occurs sooner.
  
  - b. Paid parental leave under this rule may be used continuously, intermittently, or on a reduced scheduled basis. Eligible employees utilizing leave under this rule shall be subject to the following limitations:
    1. The eligible employee shall maintain a continuing parental role with any child whose birth or adoption was a qualifying event; and
  
    2. Such intermittent or reduced schedule leave taken for bonding purposes shall be agreed to by the applicable employing agency prior to the start of the leave.

7. Restoration to Position.

- a. Upon the expiration of paid parental leave, an employing agency shall restore the eligible employee to the position that he or she held at the time of the qualifying event or to an equivalent position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment, including fringe benefits and service credits, that the eligible employee received or was entitled to prior to the commencement of his or her paid parental leave. An eligible employee shall be entitled to any cost-of-living salary increase or merit salary increase to which the eligible employee would have been entitled had he or she not taken paid parental leave.
- b. Any employee that has cause to believe their employing agency failed to comply with the preceding paragraph may appeal to the State Personnel Board. The employee and the employing agency shall have the right to be heard by the Board or a special hearing agent and to present evidence. If the Board finds after a hearing that the employing agency failed to comply with Paragraph (7)(a) of this rule, it shall order appropriate corrective action and its decision shall be final.

8. Failure to Comply. Any failure of the employee to abide by these rules may result in the agency denying paid parental leave. The agency may recover any improperly granted paid parental leave, whether it be through the substitution of other available leave, leave without pay, offset, or otherwise.

9. Limitations.

- a. Paid parental leave does not require the employee to exhaust his or her sick leave, annual leave, or any other leave or paid time off prior to use.
  - b. An eligible employee may only use paid parental leave in connection with one qualifying event during a 365-day period, even if more than one qualifying event occurs.
  - c. After an eligible employee exhausts all available paid parental leave, any additional leave an employee wishes to take shall be taken in accordance with these Rules and agency policy.
  - d. Eligible employees using paid parental leave under this Rule shall follow their employing agency's customary leave practices that are not contradicted by this Rule. Further, any leave taken under this Rule shall run concurrently with any leave granted under Alabama Code § 25-1-61 and the Family and Medical Leave Act of 1993.
10. Duty to Inform. An appointing authority shall provide each employee notice of their rights under this Rule upon his or her hiring, including the eligibility requirements, leave availability, and the procedure for utilizing leave under this Rule.
11. Agency Policies. Agencies may adopt policies and procedures to implement this Rule so long as they do not conflict with Alabama Code § 36-6A-1, *et seq.*, any Rule of the Board, or the Department's policies and procedures.

**Author:** Laury B. Morgan

**Statutory Authority:** Code of Ala. 1975, §§ 36-26-9 & 36-6A-5.

**History: New Rule:** Published August 29, 2025; effective October 13, 2025.