

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 670

Department or Agency: Alabama State Personnel Board Alabama State Personnel Department

Rule No.: 670-X-15-.08

Rule Title: Paid Parental Leave

Intended Action New

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? No

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Laury B. Morgan
Laury Morgan

Date

Tuesday, May 20, 2025

REC'D & FILED

MAY 21, 2025

LEGISLATIVE SVC AGENCY

**ALABAMA STATE PERSONNEL BOARD
ALABAMA STATE PERSONNEL DEPARTMENT**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Personnel Board

RULE NO. & TITLE: 670-X-15-.08 Paid Parental Leave

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

Per Act 2025-81 paid parental leave will be available to state employees. This rule would assist the State Personnel Department in implementing and governing paid parental leave for state employees.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be addressed to Lexie SoloRio, Alabama State Personnel Department, 64 North Union Street, Suite 300, Montgomery, AL 36130-4100 or by email at personnel@personnel.alabama.gov. Written comments must be received no later than July 4, 2025.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, July 4, 2025

CONTACT PERSON AT AGENCY:

Lexie SoloRio, Legislative Counsel
Alabama State Personnel Department
64 North Union Street, Suite 300
Montgomery, AL 36130-4100
Telephone: 334-353-0541
Facsimile: 334-353-4481
Email:
personnel@personnel.alabama.gov

Laury B. Morgan

Laury Morgan

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

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

CHAPTER 670-X-15-.08 PARENTAL LEAVE.

670-X-15-.08 Paid Parental Leave. Unless stated otherwise, terms in this Rule shall have the same definition as provided in Alabama Code § 36-6-1, *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 the commencement of 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 _____; effective _____.