

1 SB340
2 211789-2
3 By Senators Jones, Stutts, Roberts, Sessions, Albritton,
4 Givhan, Allen, Butler, Orr, Melson, Price, Gudger,
5 Coleman-Madison and Beasley
6 RFD: Children, Youth and Human Services
7 First Read: 16-MAR-21

1 SB340

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to family leave and adoption; to amend
12 Sections 16-25-11.12, 26-10A-13, 36-26-35.2, and 36-26-36.2,
13 Code of Alabama 1975, to limit the time period allowable for a
14 mother offering a consent or relinquishment of parental rights
15 for purposes of offering a child for adoption; to require
16 employers to offer certain family leave to eligible employees
17 for the birth and care of a child and for an adopted child; to
18 require employers that provide certain additional maternity
19 benefits to female employees to offer equivalent benefits to
20 adoptive parents; to allow state employees and members of the
21 Teachers' Retirement System to purchase service credit for
22 time spent on family leave; and to update existing law
23 applying to the donation of accrued and unused leave to an
24 employee qualifying for maternity leave in order to extend
25 that option to an employee qualifying for leave for adoptive
26 parents.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 Section 2. Sections 16-25-11.12, 26-10A-13,
4 36-26-35.2, and 36-26-36.2, Code of Alabama 1975, are amended
5 to read as follows:

6 "§16-25-11.12.

7 "(a) Any provision of this chapter, to the contrary
8 notwithstanding, active and contributing members of the
9 Teachers' Retirement System may purchase service credit in the
10 system not to exceed one year for any period of time while
11 they were on ~~maternity~~ family leave from service without pay.
12 The Board of Control of the Teachers' Retirement System shall
13 adopt rules and regulations for the administration of this
14 section including verification of the service that the member
15 desires to purchase credit for in the system. The member
16 shall receive credit for the service when he or she remits to
17 the system the contributions required by subsection (b).
18 Notwithstanding the foregoing language, no member of the
19 Teachers' Retirement System shall be eligible to receive
20 credit for any period of time that the member is already
21 credited with in the system or in any other retirement plan,
22 with the exception of the federal Social Security program.

23 "(b) Any member who is eligible to purchase service
24 credit in the Teachers' Retirement System under subsection (a)
25 shall pay to the Secretary-Treasurer of the system, prior to
26 October 1, 2001, for the claimed service, a sum equal to the

1 full actuarially determined cost for each year of service
2 credit purchased as determined by the system's actuary.

3 "(c) Subsequent to October 1, 2001, any member
4 claiming service credit under the provisions of this section
5 shall claim and purchase the service credit no later than June
6 30 of the year immediately following the expiration of the
7 maternity leave.

8 "§26-10A-13.

9 "(a) A consent or relinquishment may be taken at any
10 time, except that once signed or confirmed, may be withdrawn
11 within five days after birth or within five days after signing
12 of the consent or relinquishment, whichever comes last.

13 ~~"(b) Consent or relinquishment can be withdrawn if
14 the court finds that the withdrawal is reasonable under the
15 circumstances and consistent with the best interest of the
16 child within 14 days after the birth of the child or within 14
17 days after signing of the consent or relinquishment, whichever
18 comes last.~~

19 ~~"(c)~~ (b) All consents or relinquishments required by
20 this ~~act~~ chapter shall be filed with the court in which the
21 petition for adoption is pending before the final decree of
22 adoption is entered.

23 "§36-26-35.2.

24 "(a) Notwithstanding any other laws to the contrary,
25 a state employee employed in any branch of state government
26 may donate his or her accrued and unused annual, sick, or
27 compensatory leave to another state employee who has qualified

1 for catastrophic sick leave or ~~maternity~~ family leave. The
2 donation shall be subject to the approval of the appointing
3 authority of the employee making the donation and, if the
4 donating employee is in a position with a lower pay grade than
5 the position of the employee receiving the donation, the
6 approval of the State Personnel Board. The appointing
7 authority of the employee receiving the donation may limit the
8 number of hours an employee may receive per catastrophic
9 illness or maternity leave. No employee may receive more than
10 480 hours of donated leave throughout his or her career with
11 the state without the approval of the State Personnel Board.

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

15 "§36-26-36.2.

16 "(a) (1) Annual leave, compensatory leave, and sick
17 leave donation programs for catastrophic illnesses or
18 ~~maternity~~ family leave of qualified state employees shall
19 provide for donations of leave to occur between all state
20 employees employed in the Executive, Legislative, and Judicial
21 Branches of state government.

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

25 "(b) The personnel departments of all branches of
26 state government shall coordinate efforts to ~~promulgate~~ adopt

1 and implement the administrative rules and procedures
2 necessary to implement this section."

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

6 (b) (1) An employer shall provide 12 weeks of unpaid
7 family leave, to run concurrently with any other leave
8 provided pursuant to federal law, to an eligible employee for
9 the birth and care of a child born to that employee during the
10 first year after the child's birth, or for the care of a child
11 placed with the employee in connection with adoption within
12 one year of the placement of the child with the employee.
13 Requests for additional family leave due to the adoption of an
14 ill child or a child with a disability shall be considered on
15 the same basis as comparable cases of complications
16 accompanying the birth of a child to an employee.

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

25 (c) (1) An employer providing paid leave to an
26 employee for the birth and care of a child born to that
27 employee shall also provide the lesser of either equivalent

1 paid leave or two-weeks paid leave to an employee for the care
2 of a child placed with the employee in connection with
3 adoption during the first year after the placement of the
4 child with the employee.

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

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

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

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

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Senate

Read for the first time and referred to the Senate
committee on Children, Youth and Human Services .. 16-MAR-21

Read for the second time and placed on the calen-
dar..... 18-MAR-21

Read for the third time and passed as amended 15-APR-21

Yeas 30
Nays 0

Patrick Harris,
Secretary.