

House Bill 1094

By: Representatives Gaines of the 117<sup>th</sup>, Cooper of the 43<sup>rd</sup>, Jones of the 47<sup>th</sup>, Wiedower of the 119<sup>th</sup>, Silcox of the 52<sup>nd</sup>, 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 state employees; to provide for a definition; to provide for eligibility; to  
4 provide for terms and conditions; to provide for certain prohibitions; to provide for rules; to  
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "45-20-17.

12 (a) As used in this Code section, the term 'eligible employee' means any individual  
13 identified in subparagraph (A), (E), (F), (G), or (L) of paragraph (2) of Code  
14 Section 45-18-1 who is classified as full-time by the applicable employing state entity.

15 (b) All eligible employees of the state, including eligible employees of the executive,  
16 legislative, and judicial branches of government, shall be eligible for paid parental leave  
17 for qualifying life events after six continuous months of employment with the state  
18 regardless of whether the employee is eligible for leave under the federal Family and  
19 Medical Leave Act of 1993 (FMLA). Paid parental leave shall be available for the  
20 following qualifying life events:

21 (1) The birth of a child of the employee;

22 (2) The placement of a minor child for adoption with the employee; or

23 (3) The placement of a minor child for foster care with the employee.

24 Such leave shall be equally available to all eligible employees.

25 (c) The maximum amount of paid parental leave that may be taken by an employee during  
26 any rolling 365 day period is 120 hours, regardless of the number of qualifying life events

27 that occur within such period. Such leave does not have to be used in a block and may be  
28 used as needed, provided that such leave usage does not unduly disrupt the operations of  
29 the applicable employing state entity. Such leave must be used within 365 days of the  
30 qualifying life event or such leave shall be forfeited. The maximum amount of paid  
31 parental leave that may be used by an eligible employee in any calendar year is 120 hours,  
32 regardless of the number of qualifying life events that occur during such period.

33 (d) Unused paid parental leave shall have no cash value at the time of the eligible  
34 employee's separation from state employment.

35 (e) Each employing state entity shall promulgate rules for the administration of paid  
36 parental leave under this Code section for eligible employees which are not in conflict with  
37 this Code section. At a minimum, such rules shall address:

38 (1) Whether paid parental leave under this Code section shall run concurrently with the  
39 FMLA to those eligible employees who are also FMLA eligible; and

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

42 (f) To implement paid parental leave under this Code section, the State Accounting Office  
43 shall make any and all necessary adjustments to its current and any future human capital  
44 management software used by employing state entities to ensure that paid parental leave  
45 appears as a new benefit leave category not later than the effective date of this Code  
46 section.

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

50 (h) Provided that the use of paid parental leave is not likely to unduly disrupt the  
51 employing state entity's operations, no employing state entity shall interfere with, restrain,  
52 or deny the exercise of or the attempt to exercise the provisions of this Code section by any  
53 eligible employee. No employing state entity shall discharge or in any other manner  
54 discriminate against any eligible employee for lawfully exercising the provisions of this  
55 Code section. Notwithstanding any other provision of this Code section, nothing shall  
56 prevent an employing state entity from disciplining an eligible employee who submits a  
57 false or fraudulent document or otherwise provides false or fraudulent information in an  
58 attempt to obtain paid parental leave under this Code section Reserved."

59 **SECTION 2.**

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