

House Bill 1094 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Gaines of the 117th, Cooper of the 43rd, Jones of the 47th, Wiedower of the 119th, Silcox of the 52nd, 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 and local board of education employees; to provide for
4 definitions; to provide for eligibility; to provide for terms and conditions; to provide for
5 certain prohibitions; to provide for rules; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "45-20-17.

13 (a) As used in this Code section, the term:

14 (1) 'Eligible employee' means:

15 (A) Any individual identified in subparagraph (A), (E), (F), (G), or (L) of paragraph (2)
16 of Code Section 45-18-1 who is classified as full-time by the applicable state employing
17 entity; and

18 (B) Any individual identified in paragraph (4) of Code Section 20-2-880 or
19 paragraph (3) of Code Section 20-2-910 who is classified as full-time by the applicable
20 local board of education.

21 (2) 'Employing entity' means:

22 (A) The executive, legislative, and judicial branches of state government; and

23 (B) Local boards of education.

24 (b) All eligible employees of an employing entity shall be eligible for paid parental leave
25 for qualifying life events after six continuous months of employment with the employing
26 entity regardless of whether the employee is eligible for leave under the federal Family and

27 Medical Leave Act of 1993 (FMLA). Paid parental leave shall be available for the
28 following qualifying life events:

- 29 (1) The birth of a child of the employee;
30 (2) The placement of a minor child for adoption with the employee; or
31 (3) The placement of a minor child for foster care with the employee.

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

33 (c) The maximum amount of paid parental leave that may be taken by an employee during
34 any rolling 365 day period is 120 hours, regardless of the number of qualifying life events
35 that occur within such period. Such leave does not have to be used in a block and may be
36 used as needed, provided that such leave usage does not unduly disrupt the operations of
37 the applicable employing entity. Such leave must be used within 365 days of the
38 qualifying life event or such leave shall be forfeited.

39 (d) Unused paid parental leave shall have no cash value at the time of the eligible
40 employee's separation from employment with the employing entity.

41 (e) Each employing entity shall promulgate rules for the administration of paid parental
42 leave under this Code section for eligible employees which are not in conflict with this
43 Code section; provided, however, that the State Personnel Board shall promulgate such
44 rules for employing entities that are considered an agency or department for purposes of
45 paragraph (6) of Code Section 45-20-2. At a minimum, such rules shall address:

- 46 (1) Whether paid parental leave under this Code section shall run concurrently with the
47 FMLA to those eligible employees who are also FMLA eligible; and
48 (2) The documentation, if any, that an eligible employee shall be required to provide to
49 establish the existence of a qualifying life event.

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

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

57 (h) Provided that the use of paid parental leave is not likely to unduly disrupt the
58 employing entity's operations, no employing entity shall interfere with, restrain, or deny
59 the exercise of or the attempt to exercise the provisions of this Code section by any eligible
60 employee. No employing entity shall discharge or in any other manner discriminate
61 against any eligible employee for lawfully exercising the provisions of this Code section.
62 Notwithstanding any other provision of this Code section, nothing shall prevent an
63 employing entity from disciplining an eligible employee who submits a false or fraudulent

64 document or otherwise provides false or fraudulent information in an attempt to obtain paid
65 parental leave under this Code section Reserved."

66 **SECTION 2.**

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