

House Bill 1118

By: Representatives Donatucci of the 105th, Jones of the 47th, Cooper of the 45th, Cheokas of the 151st, Greene of the 154th, 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 relative to personnel administration, so as to provide 80 hours
3 of maternal birth leave; to provide for definitions; to provide rules; to provide for penalties;
4 to provide notice; to provide for related matters; to repeal conflicting laws; and for other
5 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 relative to personnel administration, is amended by adding a new Code
10 section to read as follows:

11 "45-20-23.

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

13 (1) 'Eligible employee' means an individual who gives birth to a child and who:

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

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

20 (2) 'Employing entity' means:

21 (A) The executive, legislative, or judicial branch of state government; or

22 (B) A local education agency.

23 (3) 'Local education agency' shall have the same meaning as set forth in Code
24 Section 20-2-167.1.

25 (4) 'Maternal birth leave' means a period of paid time off from work necessary to
26 recuperate as a result of giving birth to a child.

27 (5) 'Qualifying life event' means giving birth to a child.

28 (b) All eligible employees of an employing entity shall be eligible for paid maternal birth
29 leave for qualifying life events after six continuous months of employment with the
30 employing entity regardless of whether the employee is eligible for paid or unpaid leave
31 under federal law. Such paid maternal birth leave shall be equally available to all eligible
32 employees.

33 (c) The maximum amount of paid maternal birth leave that may be taken by an eligible
34 employee during a rolling 12 month period is 120 hours, regardless of the number of
35 qualifying life events that occur within such period. The rolling 12 month period shall be
36 measured backward from the date an eligible employee first uses maternal birth leave. Any
37 such leave that remains 12 months after the qualifying life event shall not carry over for
38 future use.

39 (d) If taken, maternal birth leave shall only be taken during the three-week period
40 following the eligible employee's birth of a child to recuperate from such birth and shall
41 precede the taking of any paid paternal leave authorized under Code Section 45-20-17.

42 (e) Unused paid maternal birth leave shall have no cash value at the time of the eligible
43 employee's separation from employment with the employing entity.

44 (f) Each employing entity shall promulgate rules for the administration of paid maternal
45 birth leave under this Code section for eligible employees which are not in conflict with
46 this Code section; provided, however, that the State Personnel Board shall promulgate such
47 rules for any employing entity that is considered a department or agency as such terms are
48 synonymously defined in paragraph (6) of Code Section 45-20-2. At a minimum, such
49 rules of the employing entity shall address:

50 (1) Whether paid maternal birth leave under this Code section shall run concurrently with
51 any leave provided under federal law; and

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

54 (g) To implement paid maternal birth leave under this Code section, the State Accounting
55 Office shall make any and all necessary adjustments to its current and any future human
56 capital management software, websites, and platforms used by participating employing
57 entities to ensure that paid maternal birth leave appears as a new benefit leave category not
58 later than July 1, 2027.

59 (h) An eligible employee employed on an hourly basis shall be eligible for paid maternal
60 birth leave under this Code section if such eligible employee has worked a minimum of
61 700 hours over the six-month period immediately preceding the requested paid maternal
62 birth leave date.

63 (i) Provided that the use of paid maternal birth leave is not likely to unduly disrupt the
64 employing entity's operations, no employing entity shall interfere with, restrain, or deny
65 the exercise of or the attempt to exercise the provisions of this Code section by any eligible
66 employee. No employing entity shall discharge or in any other manner discriminate or
67 retaliate against any eligible employee for lawfully exercising the provisions of this Code
68 section. Notwithstanding any other provision of this Code section, nothing shall prevent
69 an employing entity from taking an adverse employment action against an eligible
70 employee who submits a false or fraudulent document or otherwise provides false or

71 fraudulent information in an attempt to obtain paid maternal birth leave under this Code
72 section.
73 (j) The employing entity shall provide notice of the benefits provided under this Code
74 section to each eligible employee upon hiring and annually thereafter."

75 **SECTION 2.**

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