

House Bill 146 (AS PASSED HOUSE AND SENATE)

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>, Rich of the 97<sup>th</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 eligible state employees and eligible local board of education employees;  
4 to provide for definitions; to provide for eligibility; to provide for terms and conditions; to  
5 provide for certain prohibitions; to provide for rules; to provide for related matters; to repeal  
6 conflicting 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; or

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, or judicial branch of state government; or

23 (B) A local board of education.

24 (3) 'Qualifying life event' means:

25 (A) The birth of a child of an eligible employee;

26 (B) The placement of a minor child for adoption with an eligible employee; or

27 (C) The placement of a minor child for foster care with an eligible employee.

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

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

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 any employing entity that is considered a department or agency as such terms are  
45 synonymously defined in paragraph (6) of Code Section 45-20-2. At a minimum, such  
46 rules of the employing entity shall address:

47 (1) Whether paid parental leave under this Code section shall run concurrently with any  
48 leave provided under federal law; and

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

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

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

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

67 fraudulent information in an attempt to obtain paid parental leave under this Code section  
68 Reserved."

69 **SECTION 2.**

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