House Bill 146 (AS PASSED HOUSE AND SENATE)
By: Representatives Gaines of the 117th, Cooper of the 43rd, Jones of the 47th, Wiedower of
the 119th, Rich of the 97th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 20 of Title 45 of the Official Code of Georgia Annotated,
relating to general provisions regarding personnel administration, so as to provide for paid
parental leave for eligible state employees and eligible local board of education employees;
to provide for definitions; to provide for eligibility; to provide for terms and conditions; to
provide for certain prohibitions; to provide for rules; to provide for related matters; to repeal
conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"45-20-17.
(a) As used in this Code section, the term:
(1) 'Eligible employee' means:
(A) Any individual identified in subparagraph (A), (E), (F), (G), or (L) of paragraph (2) of Code Section 45-18-1 who is classified as full-time by the applicable state employing entity; or

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

(2) 'Employing entity' means:

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

(B) A local board of education.

(3) 'Qualifying life event' means:

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

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

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

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

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

(d) Unused paid parental leave shall have no cash value at the time of the eligible employee's separation from employment with the employing entity.
(e) Each employing entity shall promulgate rules for the administration of paid parental leave under this Code section for eligible employees which are not in conflict with this Code section; provided, however, that the State Personnel Board shall promulgate such rules for any employing entity that is considered a department or agency as such terms are synonymously defined in paragraph (6) of Code Section 45-20-2. At a minimum, such rules of the employing entity shall address:

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

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

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

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

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

SECTION 2.
All laws and parts of laws in conflict with this Act are repealed.