

Parental Leave.

Beginning July 1, 2025, paid parental leave for eligible employees may be available pursuant to the Alabama Public Employee Paid Parental Leave Act of 2025 in conformance with Alabama Code Section 36-6A-1, et seq., under the terms and conditions set forth in this policy.

A. Definitions. Unless stated otherwise herein, terms in this Policy shall have the same definition as provided in Alabama Code § 36-6-1, *et seq.*

1. Base Pay is defined as the eligible employee's current, ordinary rate of pay as reasonably determined by the Alabama Community College System (ACCS). Any supplement/stipend awarded for additional duties will not be considered part of base pay and shall not be paid while the eligible employee is on paid parental leave.
2. Healthcare Professional is defined as a physician, physician assistant, nurse practitioner, or midwife who is licensed to practice in his or her respective field in the State of Alabama.
3. Miscarriage is defined as "[t]he loss of an unborn child at or after 12 weeks gestation and is confirmed in writing by a healthcare professional." The term does not include an abortion as defined in Alabama Code Section 26-23H-3 unless necessary to prevent a serious health risk to the unborn child's mother as permitted under Alabama Code Section 26-23H-4.
4. Qualifying Event is defined as the birth, stillbirth, or miscarriage of an eligible employee's child, or certain adoption placements which meet the requirements for parental leave.
5. Stillbirth is defined as "[t]he loss of an unborn child at or after 20 weeks gestation that is confirmed in writing by a healthcare professional." The term does not include an abortion as defined in Alabama Code Section 26-23H-3 unless necessary to prevent a serious health risk to the unborn child's mother as permitted under Alabama Code Section 26-23H-4.

B. Parental Leave. An eligible employee shall be entitled to the following:

1. 8 weeks of paid parental leave for a mother in connection with the birth, stillbirth, or miscarriage of her child;
2. 2 weeks of paid parental leave for a father in connection with the birth, stillbirth, or miscarriage of his child;
3. 8 weeks of paid parental leave in connection with the placement of a child with an eligible employee for adoption, provided the child is three years of age or younger at the time that he or she is placed with the eligible employee.

- a. If parents who jointly adopt a child are both eligible employees of either ACCS, a community college, a local education agency, or a state agency, one parent shall be entitled to eight weeks of parental leave and one parent shall be entitled to two of weeks of parental leave in connection with the adoption. Coordination and documentation between the two employing entities will be required.

C. Eligible Employee.

1. An employee is eligible for Parental Leave if the employee is both:
 - a. full-time with entitlement to leave benefits with the ACCS and
 - b. has been employed with the ACCS in a full-time position with leave benefits for at least 12 consecutive months immediately preceding the occurrence of a qualifying event.
2. An employee is not eligible for Parental Leave if the employee is a part-time, an on-call, seasonal, hourly, or temporary employee.

D. Establishing Eligibility.

1. Prior to granting parental leave, ACCS requires the employee to complete a Parental Leave certification form, as provided by ACCS.
2. In addition to the certification form, ACCS shall require an employee requesting parental leave to provide acceptable proof in support of the request for parental leave.
 - a. For birth/stillbirth, acceptable forms of proof would include but are not limited to a birth or stillborn certificate with the employee's name listed as parent.
 - b. For stillbirth/miscarriage, acceptable forms of proof would include appropriate healthcare professional certification with employee name listed as parent.
 - c. For adoption placement, acceptable forms of proof include but may not be limited to a birth certificate for adoptee, formal placement documentation such as affidavits or government agency letters, and formal adoption proceeding documentation.
3. An eligible employee may not take parental leave under this policy unless he or she meets all of the following requirements:
 - a. Submits a completed certification as set forth in Paragraph (D)(1); and

- b. At least 30 calendar days prior to the use of the parental leave, the eligible employee shall provide by email to the immediate supervisor and head personnel in Human Resources a written plan regarding his or her intended use of the parental leave and any other leave he or she intends to take in connection with a qualifying event, in conjunction with or on any form required by ACCS; and
- c. The eligible employee shall agree in writing that he or she will not separate from employment with ACCS for a period of at least eight weeks following the conclusion of any leave taken in connection with a qualifying event, in any form or agreement required by ACCS.
 - i. Any periods of leave, whether paid or unpaid, or other periods of non-duty status (e.g., use of accrued leave balances, use of unpaid leave, compensatory time, ACCS closures, holidays) will not count toward the 8-week work obligation.
 - ii. The 8-week obligation will not start running or being counted and calculated until after all intermittent or reduced schedule leave, as well as any other leave associated with the qualifying event, has been completed.
 - iii. The term “separate from employment” in this subparagraph refers to any form of employment separation, including an involuntary termination.
- 4. In the event of an emergency that prevents an eligible employee from completing the requirements of paragraph (D)(3) prior to taking parental leave, the eligible employee shall complete the requirements as soon as practicable, and in no event later than 14 calendar days, after the emergency has ended, including providing sufficient documentation to establish a qualifying condition and emergent event.

E. Leave Prior to Qualifying Event. In the event an employee desires to take paid parental leave prior to the occurrence of a qualifying event, the employee must comply with all of the requirements of Paragraph (D) above, and the employee must provide acceptable proof in support of the early request for parental leave.

- 1. Prior to the qualifying event, “in connection with the birth” shall mean the eligible employee is (a) attending prenatal appointments or other visits to a Healthcare Provider due to the expected birth of a child; (b) has been hospitalized in expectation of the birth of a child or due to a condition caused by or related to the expected birth of a child; or (c) otherwise requires leave due to a Healthcare Provider’s order requiring the mother to limit her physical activity prior to the expected birth of a child.
- 2. Prior to the qualifying event, “in connection with the placement of a child with an eligible employee for adoption” shall mean the eligible employee is utilizing leave

for one of the following: (a) meeting with an attorney regarding the adoption of the child; (b) hosting in-home visits necessary for the completion of the adoption; (c) attending judicial proceedings regarding the adoption of the child; (d) attending counseling sessions regarding the adoption; (e) submitting to a physical examination for adoption purposes; or (f) traveling to another country to complete an adoption.

3. The term “in connection with the placement of a child with an eligible employee for adoption” shall not include foster care or the placement of a child with the employee for any other temporary or non-adoption purpose.

F. Compensation. Parental leave under this policy shall be paid at 100 percent of the eligible employee’s base pay and shall remain at 100 percent of the employee’s base pay as if the eligible employee worked continuously from the date that parental leave commenced until the eligible employee’s return to work.

G. Duration.

1. Parental leave under this policy is available for use only during the 365 days following the commencement of a qualifying event or within 365 days of the eligible employee taking parental leave, whichever occurs sooner.
2. Parental leave under this policy may be used continuously, intermittently, or on a reduced scheduled basis. Eligible employees utilizing intermittent or reduced schedule leave under this rule shall be subject to the following limitations:
 - a. eligible employee shall maintain a continuing parental role with any child whose birth or adoption was a qualifying event (this means that intermittent leave is reserved only for time spent bonding with, caring for, or fulfilling a parenting role and it is a violation to use parental leave in birth or adoption context to work second jobs, vacation without the child, or otherwise not parent); and
 - b. Any intermittent or reduced schedule leave schedule must be agreed to by ACCS prior to the start of the leave.

H. Restoration to Position. Upon the expiration of parental leave, ACCS shall restore the eligible employee to the position that he or she held at the time of the qualifying event or to an equivalent position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment, including fringe benefits and service credits, that the eligible employee received or was entitled to prior to the commencement of his or her parental leave.

I. Failure to Comply. Any failure of the employee to abide by this policy may result in ACCS denying paid Parental Leave. ACCS may recover any improperly granted paid Parental Leave, whether it be through the substitution of other available leave, leave without pay, offset, or otherwise. Specifically, if an employee fails to comply with any return-to-work agreement, ACCS shall recover from the employee, by offset or otherwise, an amount equal to the eligible employee’s hourly rate of pay multiplied by the number of hours the eligible

employee failed to work in compliance with the return-to-work agreement. Any such recovery shall comply with the federal Fair Labor Standards Act, as applicable.

J. Limitations.

1. Approved parental leave does not require the employee to exhaust his or her sick leave, annual leave, or any other leave or paid time off.
2. An eligible employee may only use parental leave in connection with one qualifying event during a 365-day period, even if more than one qualifying event occurs.
3. After an eligible employee exhausts all available parental leave, any additional leave an employee wishes to take shall be taken in accordance with ACCS policies.
4. Eligible employees using parental leave under this policy shall follow ACCS's customary leave practices that are not contradicted by this policy.
5. Any leave taken under this policy shall run concurrently with any leave granted under Alabama Code § 25-1-61 and the Family and Medical Leave Act of 1993.
6. Parental leave has no cash value. Any unused parental leave may not be used to calculate an eligible employee's retirement benefits. Unused parental leave shall not roll over, be reserved for use during a subsequent qualifying event, or be paid to the eligible employee.
7. The Chancellor or designee may waive the return-to-work agreement set forth in paragraph (D)(3)(c) in circumstances where the eligible employee is unable to return to work due to their own serious health condition or a serious health condition of an immediate family member. However, ACCS has no obligation to do so.
8. This parental leave policy is not effective until July 1, 2025. If a qualifying event occurs prior to this date, the employee will not be eligible for parental leave under this policy.