

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 634

An Act to amend the Code of Virginia by adding in Chapter 12 of Title 2.2 a section numbered 2.2-1209, relating to parental leave benefits.

[S 1412]

Approved March 20, 2017

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 12 of Title 2.2 a section numbered 2.2-1209 as follows:

§ 2.2-1209. Parental leave benefits.

A. On and after July 1, 2018, the Department shall implement and administer a program for parental leave benefits, which shall consist of adoption leave and leave for a natural father, for full-time state employees with one or more years of continuous employment with the Commonwealth who (i) adopt an infant under one year of age or (ii) are the natural father of an infant under one year of age. Such employees shall be eligible to receive six weeks of parental leave, comparable to the amount of leave awarded for maternity leave under the Sickness and Disability Program pursuant to Chapter 11 (§ 51.1-1100 et seq.) of Title 51.1, as provided in subsection B to account for absence due to the care of the infant, provided that the employee gives reasonable prior notice to his agency head of the intent to adopt and take parental leave. The eligibility of a natural father to receive leave coverage shall expire on the day that the infant reaches one year of age.

B. Parental leave coverage shall provide income replacement for a percentage of an eligible employee's creditable compensation for the remainder of the six-week period as specified in subdivisions 1 and 2. Parental leave coverage shall commence upon the expiration of a seven-day waiting period. Such waiting period shall commence for adoption leave coverage on the day that the employee takes custody of the infant and for leave coverage for a natural father on the day that the child is born.

1. Except as provided in subdivision 2:

Months of state service	Work days of 100% replacement of creditable compensation	Work days of 80% replacement of creditable compensation
Less than 60	5	20
60 or more	25	0

2. For eligible employees commencing employment or reemployment on or after July 1, 2009:

Months of state service	Work days of 100% replacement of creditable compensation	Work days of 60% replacement of creditable compensation
Less than 60	0	25
60 or more	25	0

C. If two state employees are eligible for adoption leave for the same infant, only one such employee shall be eligible for leave pursuant to this section. If a state employee is eligible for leave coverage for a natural father pursuant to this section and another state employee is eligible for maternity leave under the Sickness and Disability Program pursuant to Chapter 11 (§ 51.1-1100 et seq.) for the same infant, only one such employee shall be eligible for paid leave under such programs.

D. The Department shall develop guidelines and policies for the implementation of parental leave benefits.

2. That the provisions of this act providing parental leave coverage shall apply only to an eligible state employee who takes custody of an infant in the course of an adoption on or after July 1, 2018, or, for a natural father, for an infant born on or after July 1, 2018. The benefits provided by this act shall not apply retroactively to adoptions occurring prior to July 1, 2018, or, for a natural father, for a child born prior to July 1, 2018.

3. That the Joint Legislative Audit and Review Commission shall include in its study of total compensation to employees of the Commonwealth, as authorized by the Commission by resolution on January 13, 2017, analysis of parental leave benefits for state employees in other states and the cost of providing parental leave benefits to employees of the Commonwealth.

4. That the provisions of the first and second enactments of this act shall not become effective unless reenacted by the 2018 Session of the General Assembly.