17105676D

1   **SENATE BILL NO. 1412**
2   AMENDMENT IN THE NATURE OF A SUBSTITUTE
3   (Proposed by the House Committee on Appropriations
4   on February 20, 2017)
5   (Patron Prior to Substitute—Senator Suetterlein)

6 *A BILL to amend the Code of Virginia by adding in Chapter 12 of Title 2.2 a section numbered*
7   *2.2-1209, relating to parental leave benefits.*

8   **Be it enacted by the General Assembly of Virginia:**
9 **1. That the Code of Virginia is amended by adding in Chapter 12 of Title 2.2 a section numbered**
10 **2.2-1209 as follows:**

11   *§ 2.2-1209. Parental leave benefits.*
12   *A. On and after July 1, 2018, the Department shall implement and administer a program for*
13 *parental leave benefits, which shall consist of adoption leave and leave for a natural father, for full-time*
14 *state employees with one or more years of continuous employment with the Commonwealth who (i)*
15 *adopt an infant under one year of age or (ii) are the natural father of an infant under one year of age.*
16 *Such employees shall be eligible to receive six weeks of parental leave, comparable to the amount of*
17 *leave awarded for maternity leave under the Sickness and Disability Program pursuant to Chapter 11*
18 *(§ 51.1-1100 et seq.) of Title 51.1, as provided in subsection B to account for absence due to the care of*
19 *the infant, provided that the employee gives reasonable prior notice to his agency head of the intent to*
20 *adopt and take parental leave. The eligibility of a natural father to receive leave coverage shall expire*
21 *on the day that the infant reaches one year of age.*
22   *B. Parental leave coverage shall provide income replacement for a percentage of an eligible*
23 *employee's creditable compensation for the remainder of the six-week period as specified in subdivisions*
24 *1 and 2. Parental leave coverage shall commence upon the expiration of a seven-day waiting period.*
25 *Such waiting period shall commence for adoption leave coverage on the day that the employee takes*
26 *custody of the infant and for leave coverage for a natural father on the day that the child is born.*
27   *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*

33   *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*

39   *C. If two state employees are eligible for adoption leave for the same infant, only one such employee*
40 *shall be eligible for leave pursuant to this section. If a state employee is eligible for leave coverage for*
41 *a natural father pursuant to this section and another state employee is eligible for maternity leave under*
42 *the Sickness and Disability Program pursuant to Chapter 11 (§ 51.1-1100 et seq.) for the same infant,*
43 *only one such employee shall be eligible for paid leave under such programs.*
44   *D. The Department shall develop guidelines and policies for the implementation of parental leave*
45 *benefits.*
46 **2. That the provisions of this act providing parental leave coverage shall apply only to an eligible**
47 **state employee who takes custody of an infant in the course of an adoption on or after July 1,**
48 **2018, or, for a natural father, for an infant born on or after July 1, 2018. The benefits provided**
49 **by this act shall not apply retroactively to adoptions occurring prior to July 1, 2018, or, for a**
50 **natural father, for a child born prior to July 1, 2018.**
51 **3. That the Joint Legislative Audit and Review Commission shall include in its study of total**
52 **compensation to employees of the Commonwealth, as authorized by the Commission by resolution**
53 **on January 13, 2017, analysis of parental leave benefits for state employees in other states and the**
54 **cost of providing parental leave benefits to employees of the Commonwealth.**
55 **4. That the provisions of the first and second enactments of this act shall not become effective**
56 **unless reenacted by the 2018 Session of the General Assembly.**

8/28/22 17:8

HOUSE SUBSTITUTE

SB1412H1