

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding in Chapter 12 of Title 2.2 a section numbered
3 2.2-1210, relating to parental leave.

4 [S 1581]

5 Approved

6 Be it enacted by the General Assembly of Virginia:

7 1. That the Code of Virginia is amended by adding in Chapter 12 of Title 2.2 a section numbered
8 2.2-1210 as follows:

9 § 2.2-1210. Parental leave.

10 A. As used in this section:

11 "Eligible employee" means a classified or at-will state employee who has been employed by the
12 Commonwealth for a minimum of 12 consecutive months.

13 "Parental leave" means paid leave provided at 100 percent of an eligible employee's regular salary.

14 B. The Department shall implement and administer parental leave for eligible employees. Following
15 the birth or adoption of a child younger than age 18, an eligible employee shall receive eight weeks
16 (320 hours) of parental leave. If both parents of such child are eligible employees, each shall receive
17 parental leave, which may be taken concurrently, consecutively, or at different times.

18 C. Parental leave shall be taken within six months following the birth or adoption of the child.
19 Parental leave shall be taken only once in a 12-month period and only once per child.

20 D. Parental leave shall be in addition to other leave benefits available to state employees, including
21 the Virginia Sickness and Disability Program under Chapter 11 (§ 51.1-1100 et seq.) of Title 51.1, sick
22 leave under Article 2 (§ 51.1-1104) of Chapter 11 of Title 51.1, annual leave, and leave under the
23 Family and Medical Leave Act (29 U.S.C. § 2601 et seq.), and shall not be counted against leave under
24 such programs. Parental leave shall run concurrently with any leave provided to an eligible employee
25 under the Family and Medical Leave Act. Parental leave may run concurrently or sequentially with
26 leave provided under the Virginia Sickness and Disability Program if an eligible employee is eligible for
27 such leave. All legal holidays designated pursuant to § 2.2-3300 shall not be counted against parental
28 leave.

29 E. On July 1, 2020, and every July 1 thereafter, each state agency's human resource manager shall
30 submit to the Department, in a form and containing such data as prescribed by the Department, a
31 report on the use of parental leave by agency employees for the preceding fiscal year.

32 F. The Department shall develop and publish guidelines on parental leave that shall be exempt from
33 the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

ENROLLED

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