

1 AN ACT relating to paid maternity leave for state employees.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Full-time position" has the same meaning as in KRS 18A.005; and

7 (b) "Qualifying employee" means an employee of the:

8 1. Executive branch of state government;

9 2. Judicial branch of state government; or

10 3. Legislative branch of state government.

11 (2) (a) A qualifying employee employed in a full-time position shall be eligible for
12 up to thirty (30) days of paid maternity leave upon the birth of a child. Any
13 time designed for paid maternity leave shall be used without deduction of
14 salary.

15 (b) If a qualifying employee gives birth to more than one (1) child during a
16 single pregnancy, the leave for each child shall be taken concurrently, and
17 treated as one (1) birth.

18 (3) A qualifying employee shall use the thirty (30) days of paid maternity leave within
19 one (1) year of a child's birth. Any paid maternity leave not used during the one
20 (1) year period shall not carry over to the following year and shall not convert
21 into other types of leave or benefits.

22 (4) A qualifying employee shall be authorized to use the thirty (30) day allotment of
23 paid maternity leave as a continuous:

24 (a) Thirty (30) day block; or

25 (b) Twenty (20) day block, with the remaining ten (10) days to be used:

26 1. As a separate continuous block; or

27 2. Intermittently, but taken as entire working days.

1 (5) A qualifying employee shall request advance approval to use paid maternity leave.

2 If the employee cannot provide advance notice, she shall provide notice as soon
3 as practicable.

4 (6) Leave that qualifies as paid maternity leave shall be so designated and shall be
5 exhausted prior to the qualifying employee's use of other accrued leave. Upon
6 exhaustion of paid maternity leave, additional leave usage shall comply with the
7 other provisions of applicable law or policy, including the requirement for
8 medical documentation signed by a licensed medical provider certifying the
9 employee's continued need for leave.

10 (7) Paid maternity leave shall comply with the requirements of the Family and
11 Medical Leave Act of 1993, 29 U.S.C. sec. 2601 et seq., and the federal
12 regulations implementing the act, 29 C.F.R. pt. 825. Any leave entitlements
13 provided by the Family and Medical Leave Act that are not specifically listed in
14 this section shall not qualify for paid maternity leave.

15 (8) Upon separation from state service, a qualifying employee shall not be paid for
16 any unused paid maternity leave, and the unused balance of leave shall not be
17 converted to any other type of leave or benefits, including but not limited to
18 compensation, retirement benefits, or any other type of compensation or benefit
19 otherwise available to state employees.

20 ➔Section 2. Any administrative regulations in conflict with Section 1 of this Act,
21 including but not limited to 101 KAR 2:102 and 101 KAR 3:015, shall be amended,
22 withdrawn, or repealed by the administrative body within 90 days of the effective date of
23 this Act for compliance.