

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.