SPONSOR: Rep. Heffernan & Rep. Longhurst & Sen. McDowell & Sen. Henry
Reps. Baumbach, Bennett, Bentz, Bolden, Brady, Keeley, Kowalko, Lynn, Paradee, Potter, B. Short, K. Williams; Sens. Cloutier, Lopez, Marshall, Townsend

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

# HOUSE BILL NO. 3

AN ACT TO AMEND TITLES 14 AND 29 OF THE DELAWARE CODE RELATING TO FAMILY LEAVE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1333, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1333. Paid leave for birth of a child or adoption of a child.

~~For child care purposes, a full-time or part-time employee of a reorganized school district shall be entitled to utilize accumulated sick leave upon the birth of a child of the employee or the employee's spouse, or upon the adoption by the employee of a pre-kindergarten age child for maternity leave.~~

(a) Any full-time employee, who has been employed by a reorganized school district for at least one year, shall be entitled to 12 weeks of paid leave upon the birth of a child of the employee or the employee's spouse, or upon the adoption by the employee of a child who is 6 years of age or younger.

(b) The entitlement to leave under subsection (a) of this section shall expire at the end of the 12-month period beginning on the date of such birth or adoption.

(c) Without regard to length of employment, a full-time or part-time employee of a reorganized school district shall be entitled to use accumulated sick leave upon the birth of a child of the employee or the employee's spouse, or upon the adoption of a child who is 6 years of age or younger.

(d) The rights and benefits described in this section are intended to run concurrently with any rights and benefits available under the Family Medical Leave Act, 29 U.S.C. 2601, et. seq.

Section 2. Amend Section 5116, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5116. Leave of absence upon adoption of child.

(a) Any employee of the State who has been continuously employed on a full-time basis for at least 1 year at the time of application for leave under this section is entitled to 6 weeks unpaid leave upon the adoption of a minor child who is over 6 years of age. Said employee shall be entitled to be reinstated in the position held at the time of the granting of the



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leave of absence. Neither vacation leave nor sick leave shall be accumulated during such leave of absence without pay under this section.

Section 3. Amend Section 5120, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5120. Paid leave for birth of a child or adoption of a child.

~~For child care purposes, a full-time or part-time employee shall be entitled to utilize accumulated sick leave upon the birth of a child of the employee or the employee's spouse, or upon the adoption by the employee of a pre-kindergarten age child as per the rules and regulations adopted by the Merit Employee Relations Board or State Personnel Office for maternity leave. Said regulations shall be issued within 30 days of July 16, 1999.~~

(a) Any full-time employee, who has been employed by the State for at least one year, shall be entitled to 12 weeks of paid leave upon the birth of a child of the employee or the employee's spouse, or upon the adoption by the employee of a child who is 6 years of age or younger.

(b) The entitlement to leave under subsection (a) of this section shall expire at the end of the 12-month period beginning on the date of such birth or adoption.

(c) Without regard to length of employment, a full-time or part-time employee of the State shall be entitled to use accumulated sick leave upon the birth of a child of the employee or the employee's spouse, or upon the adoption of a child who is 6 years of age or younger pursuant to the rules adopted by the Merit Employee Relations Board or State Personnel Office.

(d) The rights and benefits described in this section are intended to run concurrently with any rights and benefits available under the Family Medical Leave Act, 29 U.S.C. 2601, et. seq.

Section 4. This Act shall take effect January 1, 2019.

Section 5. The Office of Management and Budget shall, by the effective date of this Act, establish guidelines for state agencies governing the application and granting of leave under this Act, including required notice and documentation and shall distribute such guidelines to all affected state agencies.

SYNOPSIS

This legislation requires that all full-time employees of the State, including employees of school districts, continuously in the employ of the state for at least one year, shall be eligible for 12 weeks of paid leave upon the birth or adoption of a child 6 years of age or younger. Both parents would be eligible for such leave. Employees shall continue to have the right, as they do under current law, to use accrued sick leave for maternity and paternity purposes. This legislation leaves intact the rights of persons adopting a child over 6 years of age to take unpaid leave. Due to lack of adequate paid family leave policies, many parents must return to work sooner than is optimal for the health of mothers (in the case of biological birth) and children. Granting paid leave will contribute to the establishment of parent-child bonds, breastfeeding establishment, and allow infants to receive vaccines and develop stronger immune systems prior to entering daycare. Further, a more generous leave policy will increase the productivity of workers and reduce employee turnover.

This Act takes effect January 1, 2019. The Office of Management and Budget is directed to establish guidelines for the implementation of this Act.