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## HB 146: Paid Parental Leave

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## PUBLIC OFFICERS AND EMPLOYEES

***Personnel Administration: Amend Article 1 of Chapter 20 of Title 45 of the Official Code of Georgia Annotated, Relating to General Provisions Regarding Personnel Administration, so as to Provide for Paid Parental Leave for Eligible State Employees and Eligible Local Board of Education Employees; Provide for Definitions; Provide for Eligibility; Provide for Terms and Conditions; Provide for Certain Prohibitions; Provide for Rules; Provide for Related Matters; Repeal Conflicting Laws; and for Other Purposes***

|                 |   |
|-----------------|---|
| CODE SECTIONS:  | O.C.G.A. § 45-20-17 (amended)   |
| BILL NUMBER:    | HB 146  |
| ACT NUMBER:     | 225   |
| GEORGIA LAWS:   | 2021 Ga. Laws 491   |
| SUMMARY:        | The Act establishes a paid parental leave program for certain public employees of Georgia. Eligible employees include those who work for the executive, legislative, or judicial branches of the state government as well as those employed by local boards of education. The Act provides that such employees, both mothers and fathers, are eligible to receive 120 hours of paid leave per twelve-month period after birthing, adopting, or fostering a child. |
| EFFECTIVE DATE: | July 1, 2021  |

### *History*

In the United States, one of the richest, most developed countries in the world, the availability of paid parental leave as an employment benefit is lacking. Additionally, the United States is the only high-income country, as classified by the World Bank, that does not have

paid maternity leave, let alone paid paternity leave.<sup>1</sup> Although the Family and Medical Leave Act (FMLA) provides that employees can take up to twelve weeks of leave for qualified medical or family reasons without losing their job, many eligible employees do not take advantage of FMLA's unpaid leave because they cannot afford the loss of income.<sup>2</sup> In recent years, individual states have taken charge of enacting paid parental leave policies. As of 2019, however, only eight states and the District of Columbia have passed and implemented legislation in this area and only for certain types of employment, making access to paid parental leave contingent on where one lives, works, and the kind of job one holds.<sup>3</sup>

In 2020, the Federal Employee Paid Leave Act (FEPLA) attempted to address the paid parental leave void.<sup>4</sup> The Act amended the FMLA to provide up to twelve weeks of paid leave to covered federal employees regarding the birth or placement (for adoption or foster care) of a child.<sup>5</sup> In the same year, the Georgia state legislature also attempted to pass a similar bill, House Bill (HB) 1094, which would have provided three weeks of paid parental leave to full-time state employees with more than six months of service, regardless of sex.<sup>6</sup> Unfortunately, the COVID-19 pandemic forced state legislators to grapple with a rushed end to the session, and ultimately the Senate Committee on Insurance and Labor voted to approve a substitute bill

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1. Kellie Pantekoek, *Paid Parental Leave in the U.S. vs. Other Developed Countries*, FINDLAW, <https://employment.findlaw.com/family-medical-leave/paid-parental-leave-in-the-u-s-vs-other-developed-countries.html> [<https://perma.cc/EQY3-L42N>] (Apr. 10, 2020).

2. Family and Medical Leave Act (FMLA) of 1993, 29 U.S.C. § 2601; *see* SCOTT BROWN, RADHA ROY & JACOB ALEX KLERMAN, EMPLOYEE AND WORKSITE PERSPECTIVES OF THE FMLA: PAID LEAVE (2020), [https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHD\\_FMLA2018PB3PaidLeave\\_StudyBrief\\_Aug2020.pdf](https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHD_FMLA2018PB3PaidLeave_StudyBrief_Aug2020.pdf) [<https://perma.cc/B8GW-VXKL>] (“Two-thirds (66%) of employees who did not take needed family and medical leave in the past 12 months reported they did not do so because they could not afford unpaid leave.”).

3. NAT'L P'SHIP FOR WOMEN & FAMS., PAID LEAVE WORKS: EVIDENCE FROM STATE PROGRAMS: FACT SHEET (Sept. 2019), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/paid-leave-works-in-california-new-jersey-and-rhode-island.pdf> [<https://perma.cc/X2CR-7UL7>].

In addition to Washington, D.C. (and Georgia as of 2021), the following states have passed paid family leave programs: California, New Jersey, Rhode Island, New York, Washington, Massachusetts, Connecticut, and Oregon. *Id.*

4. *See generally* 5 U.S.C. § 6382.

5. *Id.* § 6382(a)(1).

6. *See generally* HB 1094, as introduced, 2020 Ga. Gen. Assemb.

that effectively “strip[ped] out the original language of the bill and replac[ed] it with a measure to reduce legislator pay.”<sup>7</sup>

In early 2021, Representative Houston Gaines (R-117th), who initially brought forth the paid parental leave bill during the previous legislative session, decided to reintroduce the bill as HB 146 this session, and it “pass[ed] [] quickly through the House.”<sup>8</sup> HB 146 was similar to HB 1094, except HB 146 added local boards of education employees to the paid parental leave eligibility pool.<sup>9</sup> Representative Gaines, the bill’s lead sponsor, specifically referenced the Trump Administration’s “leadership” in enacting paid parental leave at the federal level.<sup>10</sup> At the state level, various Georgia organizations across the political spectrum united in support of the bill, including 9to5 Georgia, Metro Atlanta Chamber of Commerce, Georgia Association of Educators, Georgia Early Education Alliance for Ready Students, and Atlanta chapter of the National Domestic Workers Alliance.<sup>11</sup> Given the bill’s politically diverse backing and HB 1094 passing in the House by a vote of 164 to 1 in the previous year, HB 146 enjoyed popular, bipartisan support.<sup>12</sup>

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7. See O.C.G.A. § 45-20-17 (2016 & Supp. 2020); *Georgia Senate Committee Strips Paid Parental Leave Bill for State Employees*, FOX5ATLANTA (June 18, 2020), <https://www.fox5atlanta.com/news/georgia-senate-committee-strips-paid-parental-leave-bill-for-state-employees> [<https://perma.cc/S2XS-A8ZG>].

8. HB 146, as introduced, 2021 Ga. Gen. Assemb.; Zoom Interview with Rep. Houston Gaines (R-117th) (May 20, 2021) (on file with the Georgia State University Law Review) [hereinafter Gaines Interview].

9. Compare HB 146, 2021 Ga. Gen. Assemb., with HB 1094, as introduced, 2020 Ga. Gen. Assemb.

10. Video Recording of House Proceedings at 1 hr., 13 min., 46 sec. (Feb. 16, 2021) (remarks by Rep. Houston Gaines (R-117th)), <https://www.youtube.com/watch?v=CpRbarufYf0&t=4349s>; see also Ivanka Trump (@IvankaTrump), TWITTER (Dec. 6, 2019, 10:33 PM), <https://twitter.com/ivankatrump/status/1203155467435937792> [<https://perma.cc/WM4M-P9JU>] (“As the country’s largest employer, the United States Government must lead by example. After 3 years of relentless advocacy, the passage of the NDAA will secure Paid Parental Leave for ALL federal employees.”).

11. Gaines Interview, *supra* note 8; Interview with Mica Whitfield, Dir., 9to5 Georgia (May 24, 2021) (on file with the Georgia State University Law Review) [hereinafter Whitfield Interview].

12. Georgia House of Representatives Voting Record, HB 1094, #557 (Mar. 10, 2020); Gaines Interview, *supra* note 8.

*Bill Tracking of HB 146**Consideration and Passage by the House*

Representative Houston Gaines (R-117th) was joined by five co-sponsors in the House: Representative Sharon Cooper (R-43rd), Representative Jan Jones (R-47th), Representative Marcus Wiedower (R-119th), Representative Deborah Silcox (R-52nd), and Representative Brett Harrell (R-106th).<sup>13</sup> The House read the bill for the first time on January 28, 2021, and for the second time on January 29, 2021.<sup>14</sup> The House Committee on Health and Human Services favorably reported the bill on February 10, 2021.<sup>15</sup> The House read the bill for the third time on February 16, 2021.<sup>16</sup> The same day, the House passed and adopted the bill by a vote of 155 to 2.<sup>17</sup>

*Consideration and Passage by the Senate*

President Pro Tempore Butch Miller (R-49th) sponsored the legislation in the Senate.<sup>18</sup> The Senate first read the bill on February 17, 2021, and referred the bill to the Senate Committee on Insurance and Labor.<sup>19</sup> The Senate Committee on Insurance and Labor then favorably reported the bill by substitute on March 17, 2021.<sup>20</sup> To better align with FMLA language, the substitute changed the leave period from a “rolling 365 day period” to a “rolling 12 month period” at the request of state agencies that would be implementing the paid leave program.<sup>21</sup> The substitute also removed language, which provided that

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13. See Georgia General Assembly, HB 146, Bill Tracking [hereinafter HB 146, Bill Tracking], <https://www.legis.ga.gov/legislation/59021>.

14. *Id.*; State of Georgia Final Composite Status Sheet, HB 146, May 13, 2021.

15. HB 146, Bill Tracking, *supra* note 13; State of Georgia Final Composite Status Sheet, HB 146, May 13, 2021.

16. HB 146, Bill Tracking, *supra* note 13; State of Georgia Final Composite Status Sheet, HB 146, May 13, 2021.

17. Georgia House of Representatives Voting Record, HB 146, #43 (Feb. 16, 2021).

18. HB 146, Bill Tracking, *supra* note 13.

19. *Id.*; State of Georgia Final Composite Status Sheet, HB 146, May 13, 2021.

20. HB 146, Bill Tracking, *supra* note 13; State of Georgia Final Composite Status Sheet, HB 146, May 13, 2021.

21. Compare HB 146 (SCS), § 1, p. 2, ll. 32–34, 2021 Ga. Gen. Assemb., with HB 146, as introduced, § 1, p. 2, ll. 32–34, 2021 Ga. Gen. Assemb.; see also Gaines Interview, *supra* note 8.

the “leave [did] not have to be used in a block” if “such leave [] [did] not unduly disrupt the operations of the [] employing entity” and added a provision, which stated that the rolling twelve-month period “shall be measured backward from the date an eligible employee first uses parental leave.”<sup>22</sup>

The Senate read the bill for the second time on March 18, 2021.<sup>23</sup> The Senate read the bill for the third time on March 25, 2021.<sup>24</sup> On that same day, the Senate passed and adopted the bill by substitute by a vote of 52 to 0.<sup>25</sup> The House then agreed to the Senate substitute on March 29, 2021.<sup>26</sup> The House sent the bill to Governor Brian Kemp (R) on April 6, 2021, and he signed the bill into law as Act 225 on March 5, 2021.<sup>27</sup> The Act’s effective date is July 1, 2021.<sup>28</sup>

### *The Act*

The Act amends the following portions of the Official Code of Georgia Annotated: Article 1 of Chapter 20 of Title 45, relating to general provisions regarding personnel administration, to provide for paid parental leave for eligible state employees and eligible local boards of education employees.<sup>29</sup> The Act’s overall purpose is to provide for definitions, eligibility, terms and conditions, prohibitions, and to repeal conflicting laws.<sup>30</sup>

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22. Compare HB 146 (SCS), § 1, p. 2, ll. 34–35, 2021 Ga. Gen. Assemb., with HB 146, as introduced, § 1, p. 2, ll. 34–36, 2021 Ga. Gen. Assemb.

23. HB 146, Bill Tracking, *supra* note 13; State of Georgia Final Composite Status Sheet, HB 146, May 13, 2021.

24. HB 146, Bill Tracking, *supra* note 13; State of Georgia Final Composite Status Sheet, HB 146, May 13, 2021.

25. Georgia Senate Voting Record, HB 146, #267 (Mar. 25, 2021).

26. HB 146, Bill Tracking, *supra* note 13; State of Georgia Final Composite Status Sheet, HB 146, May 13, 2021.

27. HB 146, Bill Tracking, *supra* note 13; State of Georgia Final Composite Status Sheet, HB 146, May 13, 2021.

28. HB 146, Bill Tracking, *supra* note 13; State of Georgia Final Composite Status Sheet, HB 146, May 13, 2021.

29. See 2021 Ga. Laws 491 (codified at O.C.G.A. § 45-20-17(a)(1)(A)-(B) (Supp. 2021)).

30. *Id.*

*Section 1(a)*

Section 1(a) provides revised definitions for “eligible employee,” “employing entity,” and “qualifying life event” as used in the Code section.<sup>31</sup> “Eligible employee” is defined as “any individual identified in subparagraph (A), (E), (F), (G), or (L) of paragraph (2) of Code section 45-18-1 who is classified as full-time by the applicable state employing entity,” and “[a]ny individual identified in paragraph (4) of Code section 20-2-880 or paragraph (3) of Code section 20-2-910 who is classified as full-time by the applicable local board of education.”<sup>32</sup> An “employing entity” is defined as either the “executive, legislative, or judicial branch of state government” or a “local board of education.”<sup>33</sup> Lastly, a “qualifying life event” is defined as either the “birth of a child of an eligible employee,” the “placement of a minor child for adoption with an eligible employee,” or the “placement of a minor child for foster care with an eligible employee.”<sup>34</sup>

*Section 1(b)*

Section 1(b) qualifies that eligibility for paid parental leave under the Act will only become active for eligible employees of an employing entity “after six continuous months of employment with the employing entity regardless of whether the employee is eligible for paid or unpaid leave under federal law.”<sup>35</sup>

*Section 1(c)*

Section 1(c) provides that eligible employees may take a maximum of 120 hours of paid parental leave during any rolling twelve-month period, “regardless of the number of qualifying life events that occur within such period.”<sup>36</sup> A rolling twelve-month period is measured backward from the date an eligible employee first uses parental

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31. 2021 Ga. Laws 491, § 1, at 492 (codified at O.C.G.A. § 45-20-17(a) (Supp. 2021)).

32. *Id.* (codified at § 45-20-17(a)(1)).

33. *Id.* (codified at § 45-20-17(a)(2)).

34. *Id.* (codified at § 45-20-17(a)(3)).

35. *Id.* (codified at § 45-20-17(b)).

36. *Id.* (codified at § 45-20-17(c)).

leave.<sup>37</sup> Further, “[s]uch leave may be used as needed and may be taken in increments of less than eight hours,” although “any such leave that remains 12 months after the qualifying life event shall not carry over for future use.”<sup>38</sup>

*Section 1(d)*

Section 1(d) indicates that any unused paid parental leave is to have “no cash value at the time of the eligible employee’s separation from employment with the employing entity.”<sup>39</sup>

*Section 1(e)*

Section 1(e) places responsibility on each employing entity to “promulgate rules for the administration of paid parental leave under this Code section for eligible employees which are not in conflict with this Code section.”<sup>40</sup> Section 1(e) provides that, at a minimum, the employing entity’s rules should address “[w]hether paid parental leave under this Code section shall run concurrently with any leave provided under federal law,” and “[t]he documentation, if any, that an eligible employee shall be required to provide to establish the existence of a qualifying life event.”<sup>41</sup>

*Section 1(f)*

Section 1(f) authorizes the State Accounting Office to make all needed adjustments to its current and future “human capital management software, websites, and platforms used by participating employing entities to ensure that paid parental leave appears as a new benefit leave category not later than the effective date of this Code section.”<sup>42</sup>

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37. 2021 Ga. Laws 491, § 1, at 492 (codified at § 45-20-17(e)).

38. *Id.*

39. *Id.* (codified at § 45-20-17(d)).

40. *Id.* (codified at § 45-20-17(e)).

41. *Id.*

42. *Id.* (codified at § 45-20-17(f)).



*Section 1(g)*

Section 1(g) outlines paid parental leave for eligible hourly employees.<sup>43</sup> “Eligible hourly employees who have worked a minimum of 700 hours within the six-month period immediately preceding their requested paid parental leave date are eligible for paid parental leave under the Act.”<sup>44</sup>

*Section 1(h)*

Section 1(h) concludes with several prohibitions and rules regarding the implementation of the Act. First, Section 1(h) provides that, as long as the use of paid parental leave is not likely to disrupt the operations of an employing entity, “no employing entity shall interfere with, restrain, or deny the exercise of or the attempt to exercise the provisions of this Code section by any eligible employee.”<sup>45</sup>

Second, Section 1(h) prohibits any employing entity from “discharg[ing] . . . discriminat[ing] or retaliat[ing] against any eligible employee for lawfully exercising the provisions of this Code section.”<sup>46</sup> Finally, Section 1(h) notes that, notwithstanding any other provisions of the Code, nothing “shall prevent an employing entity from taking an adverse employment action against an eligible employee who submits a false or fraudulent document or otherwise provides false or fraudulent information in an attempt to obtain paid parental leave under this Code section.”<sup>47</sup>

*Analysis**Comparison to Other State Family Leave Laws*

Georgia joins several states in enacting paid parental leave laws.<sup>48</sup> In addition to Georgia, legislators in North Carolina, South Carolina,

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43. 2021 Ga. Laws 491, § 1, at 493 (codified at § 45-20-17(g)).

44. *Id.*

45. *Id.* (codified at § 45-20-17(h)).

46. *Id.*

47. *Id.*

48. NAT’L P’SHP FOR WOMEN & FAMS., *supra* note 3.

and Kentucky have all introduced parental leave legislation within the last two years.<sup>49</sup> Although a growing number of states have made paid parental leave a priority, state policies differ in benefit coverage, the amount of benefit afforded, and the implementation of leave programs.

First, Georgia does not mandate that private employers provide paid parental leave. In contrast, California, Connecticut, Colorado, Massachusetts, New Jersey, New York, Oregon, Rhode Island, Washington, and Washington, D.C. mandate that private employers offer paid parental leave.<sup>50</sup> Georgia's paid parental leave program applies only to government employees who work in the state's executive, legislative, and judicial branches as well as to those who work for local boards of education.<sup>51</sup> Representative Houston Gaines (R-117th) acknowledged that although private employers in Georgia, such as The Home Depot, have led the way in instituting paid parental leave programs without governmental mandate, Georgia can still "set an example" for private employers who have not yet created paid parental leave programs.<sup>52</sup> With Georgia's focus on encouraging a positive business environment, it is not surprising that state lawmakers would wish for government employment practices to mirror the leading private employers' leave policies and inspire other private employers who have yet to implement them.<sup>53</sup>

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49. SB 564, as introduced, 2021 Gen. Assemb., 2021 Sess. (N.C. 2021), available at <https://www.ncleg.gov/Sessions/2021/Bills/Senate/PDF/S564v0.pdf> [<https://perma.cc/95SZ-PH7R>]; H 3560, as introduced, Gen. Assemb., 124th Sess. (S.C. 2021), available at [https://www.scstatehouse.gov/sess124\\_2021-2022/prever/3560\\_20201216.htm](https://www.scstatehouse.gov/sess124_2021-2022/prever/3560_20201216.htm) [<https://perma.cc/6DD5-EP6U>]; HB 176, as introduced, 2020 Gen. Assemb., 2020 Reg. Sess. (Ky. 2020), available at [https://apps.legislature.ky.gov/recorddocuments/bill/20RS/hb176/orig\\_bill.pdf](https://apps.legislature.ky.gov/recorddocuments/bill/20RS/hb176/orig_bill.pdf) [<https://perma.cc/ES77-AMMU>].

50. CAL. UNEMP. INS. CODE § 3303 (West, Westlaw through ch. 159 2021 Reg. Sess.); CONN. GEN. STAT. ANN. § 31-49e (West, Westlaw through 2021 Reg. Sess.); COLO. REV. STAT. ANN. § 8-13.3-503 (West, Westlaw through First Reg. Sess. of 73rd Gen. Assemb.); MASS. GEN. LAWS ANN. ch. 175M, § 1 (West, Westlaw through ch. 29 of the 2021 1st Ann. Sess.); N.J. STAT. ANN. § 43:21-27 (West, Westlaw through 2021 legislation, c. 159 and J.R. No. 3); N.Y. WORKERS' COMP. LAW § 202 (McKinney, Westlaw through 2021 legislation chs. 1 to 416); OR. REV. STAT. ANN. § 657B.015 (West, Westlaw through 2021 Reg. Sess. of 81st Legis. Assemb.); 28 R.I. GEN. LAWS ANN. § 28-39-2 (West, Westlaw through Ch. 161 of the 2021 Reg. Sess.); WASH. REV. CODE ANN. § 50A.05.010 (West, Westlaw through 2021 Reg. Sess.); D.C. CODE ANN. § 32-541.01 (West, Westlaw through August 6, 2021).

51. See generally 2021 Ga. Laws 491.

52. Gaines Interview, *supra* note 8.

53. See *Pro-Business Environment*, GA. DEP'T OF ECON. DEV., <https://www.georgia.org/competitive-advantages/pro-business-environment> [<https://perma.cc/CL35-PWVA>].

States differ in the amount of paid leave that new parents receive after birthing, fostering, or adopting a child. For example, Connecticut (beginning in 2022) provides sixteen weeks of paid leave per twenty-four-month period.<sup>54</sup> Colorado (beginning in 2024), Massachusetts, New Jersey, New York, Oregon (beginning in 2023), and Washington provide up to twelve weeks of paid leave per year.<sup>55</sup> California and Washington, D.C., allow for eight weeks of paid leave per year.<sup>56</sup> Rhode Island provides up to four weeks of paid leave per year.<sup>57</sup> Georgia allows for three weeks of paid leave.<sup>58</sup>

There was debate over how many weeks of paid parental leave Georgia would provide. Organizations, such as 9to5 Georgia, the Georgia Early Education Alliance for Ready Students, and the Metro Atlanta Chamber of Commerce, had been coordinating grassroots outreach efforts and coalition building before the passage of the law, and these organizations originally advocated for longer periods of paid parental leave.<sup>59</sup> Representative Gaines explained that the sponsors of HB 146 settled on the three-week duration because it is a period of time “that would be broadly supported” by both Republicans and Democrats within the legislature and pointed to the overwhelmingly positive vote totals that the bill received.<sup>60</sup> Advocates within Georgia have signaled that they will continue to push for additional weeks of paid parental leave, and Representative Gaines acknowledged that he would consider such conversations once the new law has been

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54. CONN. GEN. STAT. ANN. § 31-511(a)(1) (Westlaw through 2021 Reg. Sess.).

55. COLO. REV. STAT. ANN. § 8-13.3-505 (West, Westlaw through First Reg. Sess. of 73rd Gen. Assemb.); MASS. GEN. LAWS ANN. ch. 175M, § 2 (West, Westlaw through ch. 29 of the 2021 1st Ann. Sess.); N.J. STAT. ANN. § 43:21-39 (West, Westlaw through 2021 legislation, c. 159 and J.R. No. 3); N.Y. WORKERS' COMP. LAW § 204 (McKinney, Westlaw through 2021 legislation, chs. 1 to 416); OR. REV. STAT. ANN. § 657B.020 (West, Westlaw through 2021 Reg. Sess. of 81st Legis. Assemb.); WASH. REV. CODE ANN. § 50A.15.020 (West, Westlaw through 2021 Reg. Sess.).

56. CAL. UNEMP. INS. CODE § 3301 (West, Westlaw through Ch. 159 of 2021 Reg. Sess.); D.C. CODE ANN. § 32-541.01 (West, Westlaw through Aug. 6, 2021).

57. 28 R.I. GEN. LAWS ANN. § 28-41-35 (West, Westlaw through Ch. 161 of the 2021 Reg. Sess.).

58. 2021 Ga. Laws 491, § 1, at 492.

59. See Whitfield Interview, *supra* note 11 (9to5 Georgia originally pushed for twelve weeks of paid parental leave); HANAH GOLDBERG & JESSICA WOLTJEN, GEEARS & TIM CAIRL, METRO ATLANTA CHAMBER, ADVANCING OPPORTUNITY: PARENTS' SOLUTIONS TO GEORGIA'S CHILD CARE CHALLENGES, RECOMMENDATIONS FOR POLICYMAKERS, EMPLOYERS, AND HIGHER EDUCATION 18 (2019), <https://geears.org/wp-content/uploads/Advancing-Opportunity-FINAL-1.pdf> [<https://perma.cc/9XC4-6X9T>] (advocating for eight weeks of paid parental leave).

60. Gaines Interview, *supra* note 8.

implemented and state employers can see how paid parental leave works in practice.<sup>61</sup>

Importantly, how Georgia employers will implement and fund the paid parental leave program remains to be seen. States with existing paid parental leave programs administer these programs through a single government agency as part of larger paid medical leave programs and use a sophisticated disability benefits insurance system funded by employer and employee contributions.<sup>62</sup> The Georgia law states only that “employing entit[ies]” as well as the “State Personnel Board” “shall promulgate” rules that delineate the specificities of the program.”<sup>63</sup> Given that other states operate their paid parental leave benefit programs under a larger employment disability insurance umbrella, Georgia could consider looking to either its own unemployment insurance statutory scheme or its workers’ compensation laws for guidance on implementation.<sup>64</sup>

### *Conclusion*

Regardless of whether one thinks that legislators could have written HB 146 to include more than three weeks of paid parental leave, about 423,000 state government and local boards of education employees in Georgia that lacked access to paid parental leave before this year can now spend time with their new children without fearing a loss of income.<sup>65</sup> The bill’s overwhelming support in the legislature, coupled with Governor Kemp’s quick signature, reinforces Georgia’s commitment to fostering a positive business environment by protecting some of the state’s most important workers.

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61. Whitfield Interview, *supra* note 11; Zoom Interview with Yosha Dotson, Lobbyist & Advoc., 9to5 Georgia (May 19, 2021) (on file with the Georgia State University Law Review); Gaines Interview, *supra* note 8.

62. *E.g.*, CAL. UNEMP. INS. CODE § 3300 (West, Westlaw through 2021 Reg. Sess.); MASS. GEN. LAWS ANN. Ch. 175M, § 6 (Westlaw through 2021 1st Ann. Sess.); WASH. REV. CODE ANN. § 50A.10.030 (West, Westlaw through 2021 Reg. Sess.).

63. 2021 Ga. Laws 491, § 1, at 492 (codified at O.C.G.A. § 45-20-17(e) (Supp. 2021)).

64. *See* O.C.G.A. § 34-8-1 (2017); O.C.G.A. § 34-9-1 (2017).

65. 9TO5 GEORGIA, FACT SHEET: PAID PARENTAL LEAVE FOR GEORGIA STATE EMPLOYEES (2021), [https://www.abetterbalance.org/wp-content/uploads/2021/03/2021\\_-GA\\_Paid-Leave-Fact-Sheet\\_1.pdf](https://www.abetterbalance.org/wp-content/uploads/2021/03/2021_-GA_Paid-Leave-Fact-Sheet_1.pdf) [<https://perma.cc/CYX5-DV9S>].

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