



MATERNAL BIRTH LEAVE (MBL) FREQUENTLY ASKED QUESTIONS

The answers in these FAQs are intended to provide guidance to Executive Branch agencies in the State of Georgia.

(1) What is the effective date of the maternal birth leave law?

The state law establishing maternal birth leave for eligible state employees went into effect July 1, 2026.

(2) Is MBL retroactive?

Maternal birth leave cannot be granted for absences that occurred prior to the effective date of the state law (July 1, 2026), but the leave can be taken based on a qualifying life event (QLE) that occurs prior to the effective date. Leave must be taken in the three-week period immediately following the qualifying event (but, again, the leave cannot occur before the July 1, 2026, effective date).

For example, a qualifying employee whose QLE is June 22, 2026, could not take MBL until July 1, 2026, and could not take MBL after July 13, 2026.

(3) Which employees are eligible for MBL?

To be eligible for MBL, a full-time, salaried employee must have six continuous months of employment with an employing entity (as defined in O.C.G.A. § 45-20-23(a)(2)(A)). A full-time hourly employee establishes eligibility by working 700 hours for an employing entity (as defined in O.C.G.A. § 45-20-23 (a)(2)(A)) in the six months immediately preceding the first requested MBL date.

The relevant state statute (O.C.G.A. § 45-18-1(3)) defines "person who works full-time" as "an individual who works at least 30 hours per week and whose employment is intended to be a continuing employment." This definition excludes student, seasonal, intermittent, or part-time employment, as well as employment "intended for only a very limited duration."

(4) What is a qualifying life event for MBL?

The statute establishing MBL states that the leave is available only for the QLE of "giving birth to one or more children in a single or multiple pregnancy." MBL is defined in statute as "a period of paid time off from work necessary to recuperate as a result of a qualifying life event." The intent of this leave is to aid employees with the physical recovery from childbirth, while other leave, such as Paid Parental Leave (PPL), may be used for bonding. MBL is not available to non-birthing parents, nor is it available for adoption or foster care.

(5) If an employee qualifies for both MBL and FMLA leave, what is the total number of weeks that can be taken?

State Personnel Board Rule 16, *Absence from Work*, includes the following provision concerning paid parental leave:

If an employee eligible for paid parental leave is also eligible for leave under the federal Family and Medical Leave Act (FMLA) (see Rule 478-1-.23, *Family and Medical Leave*), an agency may, by written policy, require paid parental leave to run concurrently with FMLA leave.

Proposed modifications to Rule 16 incorporate maternal birth leave into this provision.

If the agency adopts such a policy, and the employee is eligible for FMLA leave at the time MBL begins, the total of MBL and FMLA leave could not exceed 12 weeks. However, because an employee could be eligible for MBL before she becomes eligible for FMLA leave, a new employee who takes MBL prior to becoming eligible for FMLA leave may be entitled to as much as 15 weeks.

(6) If an employee is eligible for FMLA leave for childbirth and also has accrued leave to apply to the absence, in what order should the agency apply paid leave? Should the agency apply MBL and PPL before accrued paid leave?

An agency should accommodate an employee's preference of order between the use of accrued leave, MBL, or PPL to cover the FMLA-eligible absence for the birth of a child, but the employee should be advised that MBL can be taken only in the three weeks immediately following childbirth. If an employee expresses no preference of order, MBL should be applied first, followed by PPL.

(7) What are the leave codes for MBL?

Information regarding leave codes for MBL in GA@WORK will be provided by SAO by October 1, 2026. Prior to that date, MBL should be coded as "Admin Leave - Commissioner."

(8) Does the leave management system load MBL the way it loads education support leave?

No. MBL is not based on the fiscal year, so the leave does not automatically appear in the system at the beginning of each fiscal year.

(9) State Personnel Board Rule 23, *Family and Medical Leave*, contains a statement that, for the purpose of eligibility determination, the state is considered one employer. Is that the same for MBL?

Yes. An employee could combine service across more than one employing entity to meet the eligibility requirement.

(10) Is an eligible employee limited to a maximum allotment of 120 hours of MBL if transferring to another employing entity within the state, or would the 120 hours start over if an eligible employee transfers?

An eligible employee is limited to a maximum allotment of 120 hours of MBL per qualifying life event, which must be taken in the three-week period immediately following the qualifying event, across all state employers. Transfer during that three-week period would not increase the amount of MBL available.

(11) Does MBL apply toward the 1,250 hours of work necessary for eligibility for FMLA leave?

No. State Personnel Board Rule 23, *Family and Medical Leave*, states that "holidays and time spent on paid or unpaid leave or suspension do not count toward the 1,250 hours."

(12) May an agency require an employee to take MBL only in a continuous block?

No. Although an agency may have a policy requiring FMLA leave for the birth of a child or for placement of a child for adoption or foster care to be taken in a continuous block, the state law establishing MBL contains no such limitation. However, because of the three-week MBL, an employee who does not use leave in a continuous block will not be able to use the full allotment of leave.

(13) Is there a limitation on approving MBL to be taken on an intermittent basis?

Because of the three-week limitation on use of MBL, an employee who does not use leave in a continuous block will not be able to use the full allotment of leave.

(14) Do full-time hourly employees receive less than 120 hours?

It depends. If the work schedule of the full-time hourly employee would not have been 120 hours in the three-week period, the employee would only be approved the number of hours listed in their work schedule.

(15) Can an employee receive MBL while on short-term disability?

Yes. The State's short-term disability provider has indicated that an employee may receive short-term disability and MBL and PPL benefits at the same time. See Appendix A on the following page, which contains a memo from the State's short-term disability provider.

(16) If a state holiday falls during an employee's MBL, does the employee receive paid leave as well as holiday pay?

If a paid state holiday takes place during an eligible employee's maternal birth leave, the employee will be compensated only for the state holiday.

(17) How should an agency communicate the availability of MBL?

The law establishing MBL requires agencies to inform employees of the potential availability of MBL upon hire, and annually thereafter. Agencies have discretion to determine the form of the communication.

APPENDIX A



State of Georgia

Topic: Maternal Birth Leave (MBL) and Paid Parental Leave (PPL) Interaction with Short-Term Disability (STD)

Purpose: outline how the STD policy will interact with the SOG Maternal Birth Leave and Paid Parental Leave for both birth and non-birth parents

Policy: 642967

Policy Language Applicable: Limitations

(B under the above provision in Certificate of Insurance)

Sick Leave, Donated Leave, Special Injury Leave, or Any Other Salary Continuation

Effective July 1, 2026, the Standard amended its STD certificate/policy regarding Sick Leave, Donated Leave, Special Injury Leave or Any Other Salary Continuation to state:

*No STD Benefits will be paid for Eligible Employees (excluding members of the General Assembly, Constitutional Officers, and employees of an appropriate Judicial Branch) for any period when you are receiving sick leave, donated leave, special injury leave, or any other salary continuation (but not vacation pay, **Paid Parental Leave or Maternal Birth Leave**) from your Employer.*

(The above language would apply to any of SOG's paid leave programs if disability were involved at the same time.

Basic Information: Short-Term Disability may be payable during the antepartum period and/or postpartum period associated with pregnancy disability for eligible birth parents.

Effective July 1, 2026:

Birth Parent during disability:

During the period of disability for childbirth, if eligible, The Standard would pay the disability benefit if the claimant is receiving income from Paid Parental Leave and/or Maternal Birth Leave.

Birth Parent after disability ends:

Following the end of the disability period, the Paid Parental Leave would not impact the STD benefit.

Non-birth parent after disability ends:

Paid Parental Leave would not interact with Standard, as no disability benefit is involved.

Non-birth Parent No disability:

Paid Parental Leave would not interact with Standard, as no disability benefit is involved.

Has the Standard changed how the STD policy interacts with the SOG Paid Parental Leave?

Yes, effective July 1, 2026, the STD policy has been amended. Eligible employees can receive STD benefits while receiving Paid Parental Leave and/or Maternal Birth Leave.

**** Important Point of Interest**

An employee can receive monies for STD benefits, PPL and/or MBL at the same time.