

1                   **FAMILY AND MEDICAL LEAVE AMENDMENTS**

2                                   2017 GENERAL SESSION

3                                   STATE OF UTAH

4                   **Chief Sponsor: Dixon M. Pitcher**

5                   Senate Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9           This bill enacts provisions related to parental and family leave.

10 **Highlighted Provisions:**

11           This bill:

12           ▶ defines terms;

13           ▶ provides that a state-eligible employer is subject to the provisions of the Family and

14 Medical Leave Act; and

15           ▶ addresses enforcement of the provisions of this bill.

16 **Money Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 ENACTS:

22           **34-52-101**, Utah Code Annotated 1953

23           **34-52-102**, Utah Code Annotated 1953

24           **34-52-201**, Utah Code Annotated 1953

25           **34-52-301**, Utah Code Annotated 1953

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27 *Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section 34-52-101 is enacted to read:

29 **CHAPTER 52. PARENTAL AND FAMILY LEAVE**

30 **Part 1. General Provisions**

31 **34-52-101. Title.**

32 This chapter is known as "Parental and Family Leave."

33 Section 2. Section 34-52-102 is enacted to read:

34 **34-52-102. Definitions.**

35 As used in this chapter:

36 (1) "Eligible employee" means the same as that term is defined in 29 U.S.C. Sec. 2611.

37 (2) "FMLA" means the Family and Medical Leave Act, 29 U.S.C. Sec. 2601, et seq.

38 (3) (a) "State-eligible employer" means a public or private person who employs at least  
39 30 and fewer than 50 employees in the state for each working day during each of 20 or more  
40 calendar work weeks in the current or preceding calendar year.

41 (b) "State-eligible employer" includes:

42 (i) a person who acts, directly or indirectly, in the interest of a person described in  
43 Subsection (3)(a) to an employee of the person described in Subsection (3)(a); and

44 (ii) any successor in interest of a person described in Subsection (3)(a).

45 Section 3. Section 34-52-201 is enacted to read:

46 **Part 2. Applicability of the Family and Medical Leave Act**

47 **34-52-201. Eligible state employers.**

48 The provisions of the FMLA apply to each state-eligible employer as if the  
49 state-eligible employer were an employer as defined in 29 U.S.C. Sec. 2611.

50 Section 4. Section 34-52-301 is enacted to read:

51 **Part 3. Enforcement**

52 **34-52-301. Right to damages or equitable relief.**

53 An eligible employee may recover damages or equitable relief against a state-eligible  
54 employer for a violation of the FMLA in accordance with the provisions of the FMLA.