



## HB0329 compared with HB0329S02

clarifies that adoption leave may be used at any point during the adoption process and is not limited to the finalization of an adoption;

17       ▶ clarifies that a state employee's appointment as legal guardian of a child qualifies the state employee for parental leave;

19       ▶ removes foster placement as an event making a state employee eligible for paid parental leave and creates a separate foster leave category with a four-week paid-leave duration;

21       ▶ allows two state employees who jointly adopt or foster a child to share a single paid leave period rather than each receiving a separate leave entitlement;

23       ▶ clarifies that a state employee may not use foster leave after a child is no longer in foster care with the state employee;

25       ▶ allows a state employee to use foster leave on an intermittent basis;

26       ▶ prohibits the combined use of parental leave, foster leave, and adoption leave for the same child;

18       ▶ requires the Department of Human Resource Management to make rules to administer the paid leave types described above;

20       ▶ ~~{establishes the LEA Optional Paid Leave Reimbursement Program (program) and requires the State Board of Education (board) to make rules to administer the program;-}~~

22       ▶ ~~{specifies that the board shall reimburse an LEA under the program if:}~~

23             • ~~{the LEA develops paid-}~~ increases the amount of foster leave ~~{policies-}~~ that an LEA must provide an LEA employee ~~{with paid leave hours for postpartum recovery leave, adoption leave, or foster leave up to the amounts described above; and}~~ from three to four weeks;

26             • ~~{the-}~~ requires an LEA ~~{incurs a cost in providing the-}~~ to provide three weeks of paid leave ~~{types described above-}~~ to ~~{the-}~~ an LEA employee who adopts a child under six years old;

28       ▶ ~~{requires the board to collect data on the program's use by LEAs and LEA employees;-}~~

34       ▶ provides that paid leave for an adoption described above runs consecutive to the three weeks of paid leave that is currently available to an LEA employee who adopts a child under 18 years old;

29       ▶ amends the Breastfeeding Protection Act to include a woman's use of a breast pump; and

30       ▶ makes technical and conforming changes.

### 39 Money Appropriated in this Bill:

32       ▶ {

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~~This bill appropriates \$3,000,000 in operating and capital budgets for fiscal year 2027,  
all  
of which is from the various sources as detailed in this bill.~~

}

40 None

## 41 Other Special Clauses:

42 This bill provides a special effective date.

## 43 Utah Code Sections Affected:

44 AMENDS:

45 **13-7a-102** , as enacted by Laws of Utah 2018, Chapter 130

46 **13-7a-103** , as enacted by Laws of Utah 2018, Chapter 130

40 ~~{53F-9-204 , as last amended by Laws of Utah 2025, Chapters 413, 433}~~

47 **53G-11-209** , as last amended by Laws of Utah 2025, Chapter 426

48 **63A-17-511** , as last amended by Laws of Utah 2024, Chapter 396

ENACTS:

44 ~~{53F-5-224 , Utah Code Annotated 1953}~~

49

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

51 Section 1. Section **13-7a-102** is amended to read:

52 **13-7a-102. Definitions.**

As used in this chapter:

50 (1)

(a) "~~[Breastfeeding]~~ Breastfeed" means the act of a woman breastfeeding a child.

51 ~~[(2)]~~ (b) "~~[Breastfeeding]~~ Breastfeed" includes lactation.

52 (2) "Breast pump" means a mechanical device used by a woman to express and collect milk from the  
woman's breasts.

58 Section 2. Section **13-7a-103** is amended to read:

59 **13-7a-103. Breastfeeding location and conduct.**

A woman may breastfeed or use a breast pump in any place of public accommodation,  
as defined in Section 13-7-2.

58 Section 3. Section **3** is enacted to read:

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- 59 **53F-5-224. LEA Optional Paid Leave Reimbursement Program.**
- 60 (1) This section creates the LEA Optional Paid Leave Reimbursement Program.
- 61 (2)
- (a) Subject to legislative appropriations and this section, the state board shall reimburse an LEA for a cost incurred by the LEA in providing an LEA employee paid leave hours under an optional paid leave policy described in Subsection 53G-11-209(2)(b).
- 65 (b) The state board may only issue a reimbursement under Subsection (2)(a) for a cost that is:
- 67 (i) described in Subsection (4); and
- 68 (ii) incurred by an LEA on or after July 1, 2026, and before July 1, 2029.
- 69 (3) An LEA is eligible for reimbursement under this section if the LEA:
- 70 (a) adopts an optional paid leave policy described in Subsection 53G-11-209(2)(b);
- 71 (b) incurs a cost because an LEA employee has taken paid leave provided to the LEA employee under the optional paid leave policy; and
- 73 (c) submits an application for reimbursement to the state board in accordance with rules made by the state board under Subsection (5).
- 75 (4) A reimbursement issued under this section may only cover:
- 76 (a) a cost incurred above the annual budgeted amount for an LEA employee;
- 77 (b) the cost to hire a substitute for a licensed educator with a classroom assignment; or
- 78 (c) another cost that is directly attributable to an LEA's provision of optional paid leave under Subsection 53F-11-209(2)(b).
- 80 (5) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing:
- 82 (a) application requirements and timelines for reimbursement;
- 83 (b) standards for documenting a cost that is eligible for reimbursement under Subsection (4), including documentation sufficient to identify the basis for the paid leave hours for which the cost was incurred; and
- 86 (c) procedures for issuing a reimbursement to an LEA.
- 87 (6) The state board may not reimburse an LEA for a cost that is:
- 88 (a) incurred by the LEA under the mandatory paid leave policy described in Subsection 53F-11-209(2)  
(a); or

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(b) incurred by the LEA in providing paid leave hours in excess of the optional paid leave policies described in Subsection 53F-11-209(2)(b).

92            {Section 4. ~~Section 53F-9-204 is amended to read:~~}

93            **53F-9-204. Public Education Economic Stabilization Restricted Account.**

94            (1) There is created within the Uniform School Fund a restricted account known as the "Public Education Economic Stabilization Restricted Account."

96            (2)

(a) Except as provided in Subsection (2)(b), the account shall be funded from the following revenue sources:

98            (i) 15% of the difference between, as determined by the Office of the Legislative Fiscal Analyst:

100           (A) the estimated amount of ongoing Income Tax Fund and Uniform School Fund revenue available for the Legislature to appropriate for the next fiscal year; and

102           (B) the amount of ongoing appropriations from the Income Tax Fund and Uniform School Fund in the current fiscal year; and

104           (ii) other appropriations as the Legislature may designate.

105           (b) If the appropriation described in Subsection (2)(a) would cause the ongoing appropriations to the account to exceed 11% of Uniform School Fund appropriations described in Section 53F-9-201.1 for the same fiscal year, the Legislature shall appropriate only those funds necessary to ensure that the ongoing appropriations to the account equal 11% of Uniform School Fund appropriations for that fiscal year.

110           (3) Subject to the availability of ongoing appropriations to the account, in accordance with Utah Constitution, Article X, Section 5, Subsection (4), the ongoing appropriation to the account shall be used to fund:

113           (a) except for a year described in Subsection (3)(b) or (c), one-time appropriations to the public education system, including at least \$65,000,000 to the Catalyst Center Grant Program described in Section 53E-3-507.1;

116           (b) the Minimum School Program for a year in which Income Tax Fund revenue and Uniform School Fund revenue are insufficient to fund:

118           (i) ongoing appropriations to the public education system; and

119           (ii) enrollment growth and inflation estimates, as defined in Section 53F-9-201.1; and

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(c) the minimum basic local amount as defined in Section 53F-2-301 for a year in which the minimum basic tax rate, as defined in Section 53F-2-301, is insufficient to generate the amount described in Subsection 53F-2-301(2)(a).

123 (4)

(a) The account shall earn interest.

124 (b) All interest earned on account money shall be deposited in the account.

125 (5) On or before December 31, 2023, and every three years thereafter, the Office of the Legislative Fiscal Analyst shall:

127 (a) review the percentages described in Subsections (2)(a)(i) and (2)(b); and

128 (b) recommend to the Executive Appropriations Committee any changes based on the review described in Subsection (5)(a).

130 (6) In preparing budget bills for a given fiscal year, the Executive Appropriations Committee shall make the one-time appropriations described in Subsection (3)(a) by appropriating at least the lesser of 10% of the total amount of the one-time appropriations to:

134 (a) the cost of providing 32 paid professional hours for teachers in accordance with Section 53F-7-203;

136 (b) the amount to make the distribution required under Section 53F-2-527;

137 (c) the cost of the Stipends for Future Educators Grant Program described in Section 53F-5-223; [and]

139 (d) the cost of the Rural School Sports Facilities Grant Program described in Section 53F-10-303[-] ;  
and

141 (e) the cost of the LEA Optional Paid Leave Reimbursement Program described in Section 53F-5-224.

143 (7) No later than October 15 of each year, the state board shall report to the Office of the Legislative Fiscal Analyst an estimated cost for each of the one-time appropriations described in Subsection (6).

62 Section 3. Section **53G-11-209** is amended to read:

63 **53G-11-209. Paid leave -- Parental leave -- Postpartum recovery leave -- Adoption leave -- Foster leave -- Leave sharing -- Rulemaking.**

149 (1) As used in this section:

150 (a) "Adoption leave" means paid leave hours an LEA provides to an adoption leave eligible employee.

152 (b) "Adoption leave eligible employee" means an LEA employee who:

153 (i) accrues paid leave benefits in accordance with the LEA's leave policies; and

154 (ii) is { ~~the adoptive parent of~~ } legally adopting a young child, unless the employee is the spouse of the pre-existing parent.

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- 156 (c) "Child" means an individual younger than 18 years old.
- 157 (d) "Foster leave" means paid leave hours an LEA provides to a foster leave eligible employee.
- 159 (e) "Foster leave eligible employee" means an LEA employee who:
- 160 (i) accrues paid leave benefits in accordance with the LEA's leave policies; and
- 161 (ii) is the foster parent of a {young-} child.
- 162 [(a)] (f)
- (i) "Paid leave hours" means leave hours an LEA provides to an LEA employee who accrues paid leave benefits in accordance with the LEA's leave policies.
- 165 (ii) "Paid leave hours" includes annual, vacation, sick, paid time off, or any other type of leave an employee may take while still receiving compensation.
- 167 (iii) "Paid leave hours" is not limited parental leave or postpartum recovery leave.
- 168 [(b)] (g) "Parental leave" means paid leave hours an LEA provides to a parental leave eligible employee to bond with a child or ~~incapacitated adult~~, {in the case of } including a {guardianship appointment, an } child or incapacitated adult for whom the parental leave eligible employee is appointed the legal guardian.
- 171 [(e)] (h) "Parental leave eligible employee" means an LEA employee who:
- 172 (i) accrues paid leave benefits in accordance with the LEA's leave policies; and ~~[{f} is:]~~
- 173 [(i)] (ii)
- (A) is a birth parent as defined in Section 81-13-101;
- 174 [(ii)] (B) ~~[legally adopting a minor child, unless the individual]~~ is {the adoptive parent of } legally adopting a child, unless the employee is the spouse of the pre-existing parent;
- 176 [(iii)] (C) is the intended parent of a child born under a validated gestational agreement in accordance with Title 81, Chapter 5, Part 8, Gestational Agreement; {or}
- 179 [(iv)] (D) is appointed the legal guardian of a [minor-]child or incapacitated adult ~~{f.} ; or~~
- 181 ~~{(E) is the foster parent of a child.}~~
- 182 [(d)] (i) "Postpartum recovery leave" means ~~[leave hours a state employer]~~ paid leave hours an LEA provides to a postpartum recovery leave eligible employee to recover from childbirth.
- 185 [(e)] (j) "Postpartum recovery leave eligible employee" means an employee who:
- 186 (i) ~~[who-]~~ accrues paid leave benefits in accordance with the LEA's leave policies; and
- 187 (ii) ~~[who-]~~ gives birth to a child.
- 188 [(f)] (k) "Qualified employee" means:

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- 189 (i) a parental leave eligible employee;~~[-{f} or]~~  
190 (ii) a postpartum recovery leave eligible employee[-:] ;  
191 (iii) an adoption leave eligible employee; or  
192 (iv) a foster leave eligible employee.
- 193 ~~[(g)]~~ (l) "Retaliatory action" means to do any of the following regarding an employee:  
194 (i) dismiss the employee;  
195 (ii) reduce the employee's compensation;  
196 (iii) fail to increase the employee's compensation by an amount to which the employee is otherwise  
entitled to or was promised;  
198 (iv) fail to promote the employee if the employee would have otherwise been promoted; or  
200 (v) threaten to take an action described in Subsections ~~[(1)(g)(i)]~~ (1)(l)(i) through (iv).  
201 (m) "Young child" means an individual younger than six years old.
- 202 (2) Beginning July 1, ~~[2025]~~ 2026, an LEA:  
203 (a) ~~[shall develop leave policies that {f} provide for the use and administration of parental leave and  
postpartum recovery leave by a qualified employee under this section in a manner that is not more  
restrictive than the parental and postpartum recovery leave available to state employees under  
Section 63A-17-511;]~~ shall adopt leave policies that allow:
- 207 ~~{(i) a parental leave eligible employee to use up to three work weeks of parental leave; and }~~  
209 ~~{(ii) a postpartum recovery leave eligible employee to use up to three work weeks of postpartum  
recovery leave; }~~
- 211 ~~{(b) may develop an optional paid leave policy that provides: }~~  
212 ~~{(i) a postpartum recovery leave eligible employee up to an additional six work weeks of postpartum  
recovery leave, for a total of up to nine work weeks of postpartum recovery leave; }~~
- 215 ~~{(ii) { an adoption leave eligible employee up to nine work weeks of adoption leave; or }~~  
216 ~~{(iii)} a foster leave eligible employee up to three work weeks of foster leave; }~~
- 123 (i) a parental leave eligible employee to use up to three work weeks of paid parental leave;  
125 (ii) a postpartum recovery leave eligible employee to use up to three work weeks of paid postpartum  
recovery leave;
- 127 (iii) an adoption leave eligible employee to use up to three work weeks of paid adoption leave; and  
129 (iv) a foster leave eligible employee to use up to four work weeks of paid foster leave;  
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~~{(b){}}~~ ~~{(e)+}~~ may develop leave policies that provide a mechanism for leave sharing between employees of the same LEA or school for all types of leave, including[,;] sick leave, annual leave, parental leave, [~~and postpartum recovery leave~~] postpartum recovery leave, adoption leave, and foster leave;

221 ~~{(c){}}~~ ~~{(d)+}~~ shall allow a [~~parental leave eligible employee and a postpartum recovery leave eligible~~] qualified employee who is part-time or who works in excess of a 40-hour work week or the equivalent of a 40-hour work week to use the amount of [~~postpartum recovery leave available~~] paid leave hours available to the qualified employee under this section on a pro rata basis; and

226 ~~{(d){}}~~ ~~{(e)+}~~ shall provide each LEA employee written information regarding:

227 (i) a qualified employee's right to use [~~parental leave or~~] parental leave, postpartum recovery leave, adoption leave, or foster leave under ~~{[this section; and]}~~ Subsection (2)(a);

229 ~~{(ii) if the LEA adopts an optional leave policy described in Subsection (2)(b), a qualified employee's right to use:}~~

231 ~~{(A) additional paid leave hours for postpartum recovery leave;}~~

232 ~~{(B) adoption leave; or}~~

233 ~~{(C) foster leave; and}~~

234 ~~{(ii){}}~~ ~~{(iii)+}~~ the availability of and process for using or contributing to the leave sharing mechanism described in Subsection ~~{(2)(b){}}~~ ~~(2)(e)~~.

236 (3) ~~Except {with respect to} for~~ the amount of paid leave ~~{hours described in}~~ provided under Subsection ~~{(2)(b)}~~ (2)(a), an LEA shall administer the LEA's parental leave, postpartum recovery leave, adoption leave, and foster leave policies in a manner that is not more restrictive than the parental leave, postpartum recovery leave, adoption leave, and foster leave that is available to a state employee under Section 63A-17-511.

149 ~~{(3) (4)}~~ {An LEA that adopts an optional paid leave policy described in Subsection (2)(b) may apply to the state board for reimbursement under Section 53F-5-224.}

243 ~~{(3){}}~~ ~~{(5)+}~~ An LEA may not take retaliatory action against a qualified employee for using parental leave~~[-or postpartum recovery leave-]~~ , postpartum recovery leave, adoption leave, or foster leave in accordance with this section.

246 ~~{(4)}~~ ~~(6)~~ (5) An LEA may not charge parental leave~~[-or postpartum recovery leave-]~~ , postpartum recovery leave, adoption leave, or foster leave against paid leave hours to which a qualified employee is entitled as described in Subsection ~~{(6)}~~ ~~{(8)}~~ (7).

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- 249 [(5)] (7){(6)} An LEA or school may use leave bank sharing and other efforts to mitigate incurred  
costs of compliance with this section including coordinating with other LEAs or schools to share  
approaches or policies designed to fulfill the requirements of this section in a cost effective manner.
- 253 [(6)] (8){(7)}  
{(a)} {f} An LEA may provide }paid {leave }hours {that exceeds the benefits of the state leave policies  
described in this section{}} ~~Subject to Subsection (8)(b), an LEA may provide paid leave hours that  
exceed the paid leave hours described in this section}.~~
- 256 ~~{(b) An LEA may not be reimbursed under Section 53F-5-224 for a cost incurred by the LEA in  
providing paid leave hours to an LEA employee that exceed the paid leave hours described in  
Subsection (2)(b).}~~
- 161 Section 4. Section **63A-17-511** is amended to read:
- 162 **63A-17-511. Parental leave -- Postpartum recovery leave -- Adoption leave -- Foster leave.**
- 262 (1) As used in this section:
- 263 (a) "Adoption leave" means leave hours a state employer provides to an adoption leave eligible  
employee.
- 265 (b) "Adoption leave eligible employee" means an employee of a state employer who:
- 266 (i) is in a position that receives retirement benefits under Title 49, Utah State Retirement and Insurance  
Benefit Act;
- 268 (ii) accrues paid leave benefits that can be used in the current and future calendar years;
- 270 (iii) is not reemployed as defined in Section 49-11-1202; and
- 271 (iv) is {the parent of} legally adopting a young child, unless the employee is the spouse of the pre-  
existing parent.
- 273 (c) "Child" means an individual who is younger than 18 years old.
- 274 (d) "Foster leave" means leave hours a state employer provides to a foster leave eligible employee.
- 276 (e) "Foster leave eligible employee" means an employee of a state employer who:
- 277 (i) is in a position that receives retirement benefits under Title 49, Utah State Retirement and Insurance  
Benefit Act;
- 279 (ii) accrues paid leave benefits that can be used in the current and future calendar years;
- 281 (iii) is not reemployed as defined in Section 49-11-1202; and
- 282 (iv) is the foster parent of a {young} child.
- 283

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[~~(b)~~] (f) "Parental leave" means leave hours a state employer provides to a parental leave eligible employee to bond with a child ~~[or, in the case of a guardianship appointment, an incapacitated adult]~~ or incapacitated adult, including a child or incapacitated adult for whom the parental leave eligible employee is appointed the legal guardian.

286 [(e)] (g) "Parental leave eligible employee" means an employee of a state employer who, on the date an event described in Subsections (2)(a)(i)(A) through ~~[(D)]~~ (C) occurs:

288 [(i)] ~~is an employee of a state employer;~~

289 [(ii)] (i) is in a position that receives retirement benefits under Title 49, Utah State Retirement and Insurance Benefit Act;

291 [(iii)] (ii) accrues paid leave benefits that can be used in the current and future calendar years;

293 [(iv)] (iii) is not reemployed as defined in Section 49-11-1202;

294 [(v)] (iv) is assuming a parental role with respect to ~~[the child or the]~~ a child or an incapacitated adult for which parental leave is requested; and

296 [(vi)] (v)

(A) is the child's biological parent;

297 (B) is the spouse of the person who gave birth to the child;

298 (C) is ~~[the adoptive parent of]~~ legally adopting the child, unless the employee is the spouse of the pre-existing parent;

300 (D) is the intended parent of the child and the child is born under a validated gestational agreement in accordance with ~~[Title 78B, Chapter 15]~~ Title 81, Chapter 5, Part 8, Gestational Agreement;

303 {~~(E)~~} or

206 (E) is appointed the legal guardian of the child or the incapacitated adult;~~[(F)]~~

304 ~~[(F) is the foster parent of the child.]~~

305 [(d)] (h) "Postpartum recovery leave" means leave hours a state employer provides to a postpartum recovery leave eligible employee to recover from childbirth that occurs at 20 weeks or greater gestation.

308 (i) "Postpartum recovery leave eligible employee" means an employee of a state employer who:

310 (i) is in a position that receives retirement benefits under Title 49, Utah State Retirement and Insurance Benefit Act;

312 (ii) accrues paid leave benefits that can be used in the current and future calendar years;

314 (iii) is not reemployed as defined in Section 49-11-1202; and

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- 315 (iv) gives birth to a child.
- 316 (j) "Qualified employee" means:
- 317 (i) a parental leave eligible employee;
- 318 (ii) a postpartum leave eligible employee;
- 319 (iii) an adoption leave eligible employee; or
- 320 (iv) a foster leave eligible employee.
- 321 (k) "Qualified leave" means:
- 322 (i) parental leave;
- 323 (ii) postpartum recovery leave;
- 324 (iii) adoption leave; or
- 325 (iv) foster leave.
- 326 [(e)] (l) "Retaliatory action" means to do any of the following to an employee:
- 327 (i) dismiss the employee;
- 328 (ii) reduce the employee's compensation;
- 329 (iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled  
to or was promised;
- 331 (iv) fail to promote the employee if the employee would have otherwise been promoted; or
- 333 (v) threaten to take an action described in Subsections [(1)(e)(i)] (1)(l)(i) through (iv).
- 334 [(f) "Postpartum recovery leave eligible employee" means an employee who:]
- 335 [(i) is in a position that receives retirement benefits under Title 49, Utah State Retirement and Insurance  
Benefit Act;]
- 337 [(ii) accrues paid leave benefits that can be used in the current and future calendar years;]
- 339 [(iii) is not reemployed as defined in Section 49-11-1202; and]
- 340 [(iv) gives birth to a child.]
- 341 [(g)] (m)
- (i) "State employer" means:
- 342 (A) a state executive branch agency, including the State Tax Commission, the National Guard, and  
the Board of Pardons and Parole;
- 344 (B) the legislative branch of the state; or
- 345 (C) the judicial branch of the state.
- 346 (ii) "State employer" does not include:

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- 347 (A) an institute of higher education;
- 348 (B) the Utah Board of Higher Education;
- 349 (C) an independent entity as defined in Section 63E-1-102;
- 350 (D) the ~~[Attorney General's Office]~~ Office of the Attorney General;
- 351 (E) the ~~[State Auditor's Office]~~ Office of the State Auditor; or
- 352 (F) the ~~[State Treasurer's Office]~~ Office of the State Treasurer.
- 353 [(h) "Qualified employee" means:]
- 354 [(i) a parental leave eligible employee; or]
- 355 [(ii) a postpartum leave eligible employee.]
- 356 (n) "Young child" means an individual who is younger than six years old.
- 357 (2)
- (a) Except as provided in Subsections ~~[(4) and (5)]~~ (3), (4), (5), and (6), a state employer shall:
- 359 (i) allow a parental leave eligible employee to use up to three work weeks of paid parental leave for:
- 361 (A) the birth of the parental leave eligible employee's child;
- 362 (B) the adoption of a child; or
- 363 (C) the appointment of legal guardianship of a child or incapacitated adult; or
- 364 [~~(D) the {foster} placement of a {f} foster {f} child in the parental leave eligible employee's care; {f} and]~~
- 366 (ii) allow a postpartum recovery leave eligible employee to use up to ~~[three]~~ nine work weeks of paid postpartum recovery leave for recovery from childbirth[-] ;
- 368 (iii) allow an adoption leave eligible employee to use up to nine work weeks of paid adoption leave for the adoption of a young child; and
- 370 (iv) allow a foster leave eligible employee to use up to ~~{three}~~ four work weeks of paid foster leave for the foster placement of a {young} child in the foster leave eligible employee's care.
- 373 (b) A state employer shall allow a qualified employee who is part-time or who works in excess of a 40-hour work week or its equivalent to use the amount of ~~[parental leave or postpartum recovery leave]~~ qualified leave that is available to the qualified employee under this section on a pro rata basis as adopted by rule by the division under Subsection [(12)] ~~{(14)}~~ (15).
- 378 (3)
- (a) Parental leave described in Subsection (2)(a)(i):

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- 379 (i) may not be used before the day on which:
- 380 (A) the parental leave eligible employee's child is born;
- 381 (B) the parental leave eligible employee adopts a child; or
- 382 (C) the parental leave eligible employee is appointed legal guardian of a child or incapacitated adult~~;~~  
or;
- 384 ~~[(D)]~~ {f} a foster child is placed in the parental leave eligible employee's care.]
- 288 (ii) {a child is placed in foster care with the parental leave eligible employee;
- 386 (ii) may not be used more than six months after the date described in Subsection (3)(a)(i);
- 388 (iii) may not be used intermittently, unless:
- 389 (A) by mutual written agreement between the state employer and the parental leave eligible employee;  
or
- 391 (B) a health care provider certifies that intermittent leave is medically necessary due to a serious health  
condition of the child;
- 393 (iv) runs ~~concurrently~~ concurrent with any leave authorized under the Family and Medical Leave  
Act of 1993, 29 U.S.C. Sec. 2601 et seq.; and
- 395 (v) runs ~~consecutively~~ consecutive to postpartum recovery leave.
- 396 (b) The amount of parental leave authorized under Subsection (2)(a)(i) does not increase if a parental  
leave eligible employee:
- 398 (i) has more than one child born from the same pregnancy;
- 399 (ii) adopts more than one child; or
- 400 ~~[(iii) has more than one {f} foster child placed in the parental leave eligible employee's care { } child  
placed in foster care with the parental leave eligible employee ]~~; or
- 402 ~~[(iv)]~~ (iii) is appointed legal guardian of more than one child or incapacitated adult.
- 403 (c) A parental leave eligible employee may not use more than three work weeks of paid parental leave  
within a single 12-month period, regardless of whether during that 12-month period the parental  
leave eligible employee:
- 406 (i) becomes the parent of more than one child;
- 407 (ii) adopts more than one child; or
- 408 ~~[(iii) has more than one {f} foster child placed in the parental leave eligible employee's care { } child  
placed in foster care with the parental leave eligible employee ]~~; or
- 410 ~~[(iv)]~~ (iii) is appointed legal guardian of more than one child or incapacitated adult.

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- 411 (4)
- (a) Postpartum recovery leave described in Subsection (2)(a)(ii):
- 412 (i) shall be used starting on the day on which the postpartum recovery leave eligible employee gives  
birth, unless a health care provider certifies that an earlier start date is medically necessary;
- 415 (ii) shall be used in a single continuous period, unless otherwise authorized in writing by the  
director of the division;
- 417 (iii) and
- 319 (iii) runs ~~[concurrently]~~ concurrent with any leave authorized under the Family and Medical Leave  
Act of 1993, 29 U.S.C. Sec. 2601 et seq. ~~[, and]~~
- 419 ~~[(iv) runs consecutively to parental leave.]~~
- 420 (b) The amount of postpartum recovery leave authorized under Subsection (2)(a)(ii) does not increase  
if a postpartum recovery leave eligible employee has more than one child born from the same  
pregnancy.
- 423 (5)
- (a) Adoption leave described in Subsection (2)(a)(iii):
- 424 (i) may not be used before the day on which the adoption leave eligible employee adopts a young  
child;
- 426 (ii) may not be used more than six months after the date described in Subsection (5)(a)(i);
- 428 (iii) may not be used intermittently, unless:
- 429 (A) by mutual written agreement between the state employer and the adoption leave eligible employee;  
or
- 431 (B) a health care provider certifies that intermittent leave is medically necessary due to a serious health  
condition of the young child;
- 433 (iv) runs {~~concurrently~~} concurrent with any leave authorized under the Family and Medical Leave  
Act of 1993, 29 U.S.C. Sec. 2601 et seq.; and
- 435 (v) runs {~~consecutively~~} consecutive to parental leave taken for the adoption of a child.
- 436 (b) The amount of adoption leave authorized under Subsection (2)(a)(iii) does not increase if an  
adoption leave eligible employee adopts more than one young child.
- 438 (c) An adoption leave eligible employee may not use more than nine work weeks of paid adoption leave  
within a single 12-month period, regardless of whether during that 12-month period the adoption  
leave eligible employee adopts more than one young child.

## HB0329 compared with HB0329S02

- 442 (d)
- (i) If a young child is legally adopted by two adoption leave eligible employees {jointly adopt a young child, only one of } , the adoption leave eligible employees {may} are entitled to use a single nine-work-week period of paid adoption leave under this section, which the employees may allocate between themselves.
- 444 (ii) The adoption leave eligible employees described in Subsection (5)(d)(i) shall notify the state employer {which employee will take} that the employees intend to allocate adoption leave under {this section} Subsection (5)(d)(i) no later than the deadline described in Subsection {~~(7)(a)(i)~~} (8)(a)(i).
- 447 (6)
- (a) Foster leave described in Subsection (2)(a)(iv):
- 448 (i) may not be used before the day on which a {young} child is placed in foster care with a foster leave eligible employee;
- 450 (ii) may not be used more than six months after the date described in Subsection (6)(a)(i);
- 357 (iii) may not be used after the child is no longer placed in foster care with the foster leave eligible employee;
- 452 (iii) {(iv)} may {not} be used intermittently{~~; unless~~} ; and
- 453 {(A) {by mutual written agreement between the state employer and the foster leave eligible employee; or} }
- 455 {(B) {a health care provider certifies that intermittent leave is medically necessary due to a serious health condition of the young child;} }
- 457 (iv) {(v)} runs {concurrently} concurrent with any leave authorized under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq{~~; and~~} .
- 459 {(v) {runs consecutively to parental leave.} }
- 460 (b) The amount of foster leave authorized under Subsection (2)(a)(iv) does not increase if a foster leave eligible employee has more than one {young} child placed in foster care with the foster leave eligible employee.
- 463 (c) A foster leave eligible employee may not use more than {three} four work weeks of paid foster leave within a single 12-month period, regardless of whether during that 12-month period more than one {young} child is placed in foster care with the foster leave eligible employee.
- 467 (d)

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- (i) If a ~~{young}~~ child is placed in foster care with two foster leave eligible employees, ~~{only one of}~~ the foster eligible employees ~~{may use}~~ are entitled to use a single four-work-week period of paid foster leave under this section, which the employees may allocate between themselves.
- 469 (ii) The foster leave eligible employees described in Subsection (6)(d)(i) shall notify the state employer ~~{which employee will take}~~ that the employees intend to allocate foster leave under ~~{this section}~~ Subsection (6)(d)(i) no later than the deadline described in Subsection ~~{(7)(a)(i)}~~ (8)(a)(i).
- 472 ~~{(5)}{(7)}~~  
~~{(a)}~~ A qualified employee may not use:
- 377 (a) both foster leave and parental leave with respect to the same child; or  
378 (b) both foster leave and adoption leave with respect to the same young child.  
379 ~~{(5)}~~ (8)
- (a) Except as provided in Subsection ~~[(5)(b)]~~ ~~{(7)(b)}~~ (8)(b), a qualified employee shall give the state employer notice at least 30 days before the day on which the qualified employee plans to:
- 475 (i) begin using ~~[parental leave or postpartum recovery leave]~~ qualified leave under this section; and  
477 (ii) stop using ~~[postpartum recovery leave]~~ qualified leave under this section.
- 478 (b) If circumstances beyond the qualified employee's control, including an emergency foster placement, prevent the qualified employee from giving notice in accordance with Subsection ~~[(5)(a)]~~ ~~{(7)(a)}~~ (8)(a), the qualified employee shall give each notice described in Subsection ~~[(5)(a)]~~ ~~{(7)(a)}~~ (8)(a) as soon as reasonably practicable.
- 482 ~~{(6)}~~ ~~(8)~~ (9) Except as provided in Subsections (3)(a)(iv)~~[-and]~~ , (4)(a)(iii), (5)(a)(iv), and ~~{(6)(a)(iv)}~~ (6)(a)(v), a state employer may not charge ~~[parental leave or postpartum recovery leave]~~ qualified leave under this section against sick, annual, compensatory, excess, or other leave a qualified employee is entitled to.
- 486 ~~{(7)}~~ ~~(9)~~ (10) A state employer may not compensate a qualified employee for any unused ~~[parental leave or postpartum recovery leave]~~ qualified leave upon termination of employment.
- 489 ~~{(8)}~~ ~~(10)~~ (11)
- (a) Following the expiration of a qualified employee's ~~[parental leave or postpartum recovery]~~ qualified leave under this section, the state employer shall ensure that the qualified employee may return to:
- 492 (i) the position that the qualified employee held before using ~~[parental leave or postpartum recovery]~~ qualified leave; or
- 494

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(ii) a position within the state employer that is equivalent in seniority, status, benefits, and pay to the position that the qualified employee held before using [~~parental leave or postpartum recovery~~] qualified leave.

497 (b) If during the time a qualified employee uses [~~parental leave or postpartum recovery~~] qualified leave under this section the state employer experiences a reduction in force and, as part of the reduction in force, the qualified employee would have been separated had the qualified employee not been using the [~~parental leave or postpartum recovery~~] qualified leave, the state employer may separate the qualified employee in accordance with any applicable process or procedure as if the qualified employee were not using the [~~parental leave or postpartum recovery~~] qualified leave.

504 [(9)] (11){(12)} During the time a qualified employee uses [~~parental leave or postpartum recovery~~] qualified leave under this section, the qualified employee shall continue to receive all employment related benefits and payments at the same level that the qualified employee received immediately before beginning the [~~parental leave or postpartum~~] qualified leave, provided that the qualified employee pays any required employee contributions.

509 [(10)] (12){(13)} A state employer may not:

510 (a) interfere with or otherwise restrain a qualified employee from using [~~parental leave or postpartum recovery~~] qualified leave in accordance with this section; or

512 (b) take retaliatory action against a qualified employee for using [~~parental leave or postpartum recovery~~] qualified leave in accordance with this section.

514 [(11)] (13){(14)} A state employer shall provide each employee written information regarding a qualified employee's right to use [~~parental leave or postpartum recovery~~] qualified leave under this section.

517 [(12)] (14){(15)} In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall[-] :

519 (a) [~~on or before July 1, 2022,~~]make rules for the use and administration of parental leave and postpartum recovery leave under this section, including a schedule that provides paid parental leave or postpartum recovery leave for a qualified employee who is part-time or who works in excess of a 40-hour work week on a pro rata basis[-] ; and

524 (b) on or before July 1, 2026, make rules for the use and administration of adoption leave and foster leave under this section, including a schedule that provides paid adoption leave or foster leave for a

