

State Employee Maternity and Leave Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ariel Defay

Senate Sponsor:

LONG TITLE

General Description:

This bill modifies policies related to paid leave and maternity.

Highlighted Provisions:

This bill:

- increases the amount of postpartum recovery leave available to a state employee from three to nine weeks;
- requires certain state employers to:
 - provide nine weeks of paid leave to a state employee who adopts a child younger than six years old; and
 - provide three weeks of paid leave to a state employee who fosters a child younger than six year old;
- provides that paid leave for an adoption or foster placement described above runs consecutive to the three weeks of paid leave that is currently available to a state employee who adopts or fosters a child younger than 18 years old;
- requires the Department of Human Resource Management to make rules to administer the paid leave types described above;
- establishes the LEA Optional Paid Leave Reimbursement Program (program) and requires the State Board of Education (board) to make rules to administer the program;
- specifies that the board shall reimburse an LEA under the program if:
 - the LEA develops paid leave policies that provide an LEA employee with paid leave hours for postpartum recovery leave, adoption leave, or foster leave up to the amounts described above; and
 - the LEA incurs a cost in providing the paid leave types described above to the LEA employee;
- requires the board to collect data on the program's use by LEAs and LEA employees;
- amends the Breastfeeding Protection Act to include a woman's use of a breast pump; and
- makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

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

34 **Other Special Clauses:**

35 This bill provides a special effective date.

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **13-7a-102**, as enacted by Laws of Utah 2018, Chapter 130

39 **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

41 **53G-11-209**, as last amended by Laws of Utah 2025, Chapter 426

42 **63A-17-511**, as last amended by Laws of Utah 2024, Chapter 396

43 ENACTS:

44 **53F-5-224**, Utah Code Annotated 1953

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

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

48 **13-7a-102 . Definitions.**

49 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
53 milk from the woman's breasts.

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

55 **13-7a-103 . Breastfeeding location and conduct.**

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

58 Section 3. Section **53F-5-224** is enacted to read:

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
62 reimburse an LEA for a cost incurred by the LEA in providing an LEA employee
63 paid leave hours under an optional paid leave policy described in Subsection
64 53G-11-209(2)(b).

65 (b) The state board may only issue a reimbursement under Subsection (2)(a) for a cost
66 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
72 employee under the optional paid leave policy; and
73 (c) submits an application for reimbursement to the state board in accordance with rules
74 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
79 under Subsection 53F-11-209(2)(b).

80 (5) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
81 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
84 (4), including documentation sufficient to identify the basis for the paid leave hours
85 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
89 53F-11-209(2)(a); or
90 (b) incurred by the LEA in providing paid leave hours in excess of the optional paid
91 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
95 "Public Education Economic Stabilization Restricted Account."

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

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

Fiscal Analyst:

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

other appropriations as the Legislature may designate.

(ii) other appropriations as the Legislature may designate.

(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.

(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:

(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;

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

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

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

(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).

(4)(a) The account shall earn interest.

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

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

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

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

(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

133 appropriations to:

134 (a) the cost of providing 32 paid professional hours for teachers in accordance with
135 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
138 53F-5-223; [and]

139 (d) the cost of the Rural School Sports Facilities Grant Program described in Section
140 53F-10-303[.]; and

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

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

146 Section 5. Section **53G-11-209** is amended to read:

147 **53G-11-209 . Paid leave -- Parental leave -- Postpartum recovery leave --**

148 **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
151 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 a young child, unless the employee is the spouse of the
155 pre-existing parent.

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
158 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
163 employee who accrues paid leave benefits in accordance with the LEA's leave
164 policies.

165 (ii) "Paid leave hours" includes annual, vacation, sick, paid time off, or any other type
166 of leave an employee may take while still receiving compensation.

201 (m) "Young child" means an individual younger than six years old.

202 (2) Beginning July 1, 2025, an LEA:

203 (a) shall develop leave policies that[provide for the use and administration of parental
204 leave and postpartum recovery leave by a qualified employee under this section in a
205 manner that is not more restrictive than the parental and postpartum recovery leave
206 available to state employees under Section 63A-17-511;] allow:

207 (i) a parental leave eligible employee to use up to three work weeks of parental leave;
208 and
209 (ii) a postpartum recovery leave eligible employee to use up to three work weeks of
210 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
213 of postpartum recovery leave, for a total of up to nine work weeks of postpartum
214 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;

217 [(b)] (c) may develop leave policies that provide a mechanism for leave sharing between
218 employees of the same LEA or school for all types of leave, including[;] sick leave,
219 annual leave, parental leave, [and postpartum recovery leave] postpartum recovery
220 leave, adoption leave, and foster leave;

221 [(e)] (d) shall allow a [parental leave eligible employee and a postpartum recovery leave
222 eligible] qualified employee who is part-time or who works in excess of a 40-hour
223 work week or the equivalent of a 40-hour work week to use the amount of [
224 postpartum recovery leave available] paid leave hours available to the qualified
225 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 postpartum recovery leave
228 under [this section; and] Subsection (2)(a);
229 (ii) if the LEA adopts an optional leave policy described in Subsection (2)(b), a
230 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 [(iii)] (iii) the availability of and process for using or contributing to the leave sharing

235 mechanism described in Subsection [(2)(b)] (2)(c).

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

241 (4) An LEA that adopts an optional paid leave policy described in Subsection (2)(b) may
242 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
244 parental leave[or postpartum recovery leave] , postpartum recovery leave, adoption
245 leave, or foster leave in accordance with this section.

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

249 [(5)] (7) An LEA or school may use leave bank sharing and other efforts to mitigate
250 incurred costs of compliance with this section including coordinating with other LEAs
251 or schools to share approaches or policies designed to fulfill the requirements of this
252 section in a cost effective manner.

253 [(6)] (8)(a) [An LEA may provide leave that exceeds the benefits of the state leave
254 policies described in this section] Subject to Subsection (8)(b), an LEA may provide
255 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
257 LEA in providing paid leave hours to an LEA employee that exceed the paid leave
258 hours described in Subsection (2)(b).

259 Section 6. Section **63A-17-511** is amended to read:

260 **63A-17-511 . Parental leave -- Postpartum recovery leave -- Adoption leave --**

261 **Foster leave.**

262 (1) As used in this section:

263 (a) "Adoption leave" means leave hours a state employer provides to an adoption leave
264 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
267 Retirement and Insurance Benefit Act;

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

269 years;

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

271 (iv) is the parent of a young child, unless the employee is the spouse of the
272 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
275 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
278 Retirement and Insurance Benefit Act;

279 (ii) accrues paid leave benefits that can be used in the current and future calendar
280 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 [(b)] (f) "Parental leave" means leave hours a state employer provides to a parental leave
284 eligible employee to bond with a child or, in the case of a guardianship appointment,
285 an incapacitated adult.

286 [(e)] (g) "Parental leave eligible employee" means an employee of a state employer who,
287 on the date an event described in Subsections (2)(a)(i)(A) through (D) 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
290 Retirement and Insurance Benefit Act;

291 [(iii) (ii) accrues paid leave benefits that can be used in the current and future
292 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
295 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 the child, unless the employee is the spouse of the
299 pre-existing parent;

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

303 (E) is appointed the legal guardian of the child or the incapacitated adult; or
304 (F) is the foster parent of the child.

305 [(d)] (h) "Postpartum recovery leave" means leave hours a state employer provides to a
306 postpartum recovery leave eligible employee to recover from childbirth that occurs at
307 20 weeks or greater gestation.

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

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

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

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

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
330 otherwise entitled to or was promised;

331 (iv) fail to promote the employee if the employee would have otherwise been
332 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
336 Retirement and Insurance Benefit Act;]

337 [(iii) accrues paid leave benefits that can be used in the current and future calendar
338 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
343 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:

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
358 employer shall:

359 (i) allow a parental leave eligible employee to use up to three work weeks of paid
360 parental leave for:

361 (A) the birth of the parental leave eligible employee's child;
362 (B) the adoption of a child;
363 (C) the appointment of legal guardianship of a child or incapacitated adult; or
364 (D) the foster placement of a [foster] child in the parental leave eligible
365 employee's care; [and]

366 (ii) allow a postpartum recovery leave eligible employee to use up to [three] nine
367 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
369 adoption leave for the adoption of a young child; and

370 (iv) allow a foster leave eligible employee to use up to three work weeks of paid

371 foster leave for the foster placement of a young child in the foster leave eligible
372 employee's care.

373 (b) A state employer shall allow a qualified employee who is part-time or who works in
374 excess of a 40-hour work week or its equivalent to use the amount of [parental leave
375 or postpartum recovery leave-] qualified leave that is available to the qualified
376 employee under this section on a pro rata basis as adopted by rule by the division
377 under Subsection [(12)] (14).

378 (3)(a) Parental leave described in Subsection (2)(a)(i):

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;
382 (C) the parental leave eligible employee is appointed legal guardian of a child or
383 incapacitated adult; or
384 (D) [a foster child is placed in the parental leave eligible employee's care.] a child
385 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
387 (3)(a)(i);

388 (iii) may not be used intermittently, unless:

389 (A) by mutual written agreement between the state employer and the parental
390 leave eligible employee; or
391 (B) a health care provider certifies that intermittent leave is medically necessary
392 due to a serious health condition of the child;

393 (iv) runs concurrently with any leave authorized under the Family and Medical Leave
394 Act of 1993, 29 U.S.C. Sec. 2601 et seq.; and

395 (v) runs consecutively to postpartum recovery leave.

396 (b) The amount of parental leave authorized under Subsection (2)(a)(i) does not increase
397 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;

400 (iii) has more than one [foster child placed in the parental leave eligible employee's
401 care] child placed in foster care with the parental leave eligible employee; or

402 (iv) 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
404 parental leave within a single 12-month period, regardless of whether during that

405 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;
408 (iii) has more than one [foster child placed in the parental leave eligible employee's
409 care] child placed in foster care with the parental leave eligible employee; or
410 (iv) is appointed legal guardian of more than one child or incapacitated adult.

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
413 employee gives birth, unless a health care provider certifies that an earlier start
414 date is medically necessary;
415 (ii) shall be used in a single continuous period, unless otherwise authorized in writing
416 by the director of the division;
417 (iii) runs concurrently with any leave authorized under the Family and Medical Leave
418 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)
421 does not increase if a postpartum recovery leave eligible employee has more than one
422 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
425 adopts a young child;
426 (ii) may not be used more than six months after the date described in Subsection
427 (5)(a)(i);
428 (iii) may not be used intermittently, unless:
429 (A) by mutual written agreement between the state employer and the adoption
430 leave eligible employee; or
431 (B) a health care provider certifies that intermittent leave is medically necessary
432 due to a serious health condition of the young child;
433 (iv) runs concurrently with any leave authorized under the Family and Medical Leave
434 Act of 1993, 29 U.S.C. Sec. 2601 et seq.; and
435 (v) runs consecutively to parental leave.

436 (b) The amount of adoption leave authorized under Subsection (2)(a)(iii) does not
437 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

439 adoption leave within a single 12-month period, regardless of whether during that
440 12-month period the adoption leave eligible employee adopts more than one young
441 child.

442 (d)(i) If two adoption leave eligible employees jointly adopt a young child, only one
443 of the employees may use adoption leave under this section.
444 (ii) The adoption leave eligible employees described in Subsection (5)(d)(i) shall
445 notify the state employer which employee will take adoption leave under this
446 section no later than the deadline described in Subsection (7)(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
449 with a foster leave eligible employee;
450 (ii) may not be used more than six months after the date described in Subsection
451 (6)(a)(i);
452 (iii) may not be used intermittently, unless:
453 (A) by mutual written agreement between the state employer and the foster leave
454 eligible employee; or
455 (B) a health care provider certifies that intermittent leave is medically necessary
456 due to a serious health condition of the young child;
457 (iv) runs concurrently with any leave authorized under the Family and Medical Leave
458 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
461 if a foster leave eligible employee has more than one young child placed in foster
462 care with the foster leave eligible employee.

463 (c) A foster leave eligible employee may not use more than three work weeks of paid
464 foster leave within a single 12-month period, regardless of whether during that
465 12-month period more than one young child is placed in foster care with the foster
466 leave eligible employee.

467 (d)(i) If a young child is placed in foster care with two foster leave eligible
468 employees, only one of the employees may use foster leave under this section.
469 (ii) The foster leave eligible employees described in Subsection (6)(d)(i) shall notify
470 the state employer which employee will take foster leave under this section no
471 later than the deadline described in Subsection (7)(a)(i).

472 [(5)] (7)(a) Except as provided in Subsection [(5)(b)] (7)(b), a qualified employee shall

473 give the state employer notice at least 30 days before the day on which the qualified
474 employee plans to:

475 (i) begin using [parental leave or postpartum recovery leave] qualified leave under
476 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 prevent the qualified
479 employee from giving notice in accordance with Subsection [(5)(a)] (7)(a), the
480 qualified employee shall give each notice described in Subsection [(5)(a)] (7)(a) as
481 soon as reasonably practicable.

482 [¶] (8) Except as provided in Subsections (3)(a)(iv)[~~and~~] , (4)(a)(iii), (5)(a)(iv), and
483 (6)(a)(iv), a state employer may not charge [parental leave or postpartum recovery leave]
484 qualified leave under this section against sick, annual, compensatory, excess, or other
485 leave a qualified employee is entitled to.

486 [¶] (9) A state employer may not compensate a qualified employee for any unused [
487 ~~parental leave or postpartum recovery leave~~] qualified leave upon termination of
488 employment.

489 [¶] (10)(a) Following the expiration of a qualified employee's [parental leave or
490 ~~postpartum recovery~~] qualified leave under this section, the state employer shall
491 ensure that the qualified employee may return to:

492 (i) the position that the qualified employee held before using [parental leave or
493 ~~postpartum recovery~~] qualified leave; or
494 (ii) a position within the state employer that is equivalent in seniority, status, benefits,
495 and pay to the position that the qualified employee held before using [parental
496 ~~leave or postpartum recovery~~] qualified leave.
497 (b) If during the time a qualified employee uses [parental leave or postpartum recovery]
498 qualified leave under this section the state employer experiences a reduction in force
499 and, as part of the reduction in force, the qualified employee would have been
500 separated had the qualified employee not been using the [parental leave or
501 ~~postpartum recovery~~] qualified leave, the state employer may separate the qualified
502 employee in accordance with any applicable process or procedure as if the qualified
503 employee were not using the [parental leave or postpartum recovery] qualified leave.

504 [¶] (11) During the time a qualified employee uses [parental leave or postpartum recovery]
505 qualified leave under this section, the qualified employee shall continue to receive all
506 employment related benefits and payments at the same level that the qualified employee

507 received immediately before beginning the [parental leave or postpartum] qualified
508 leave, provided that the qualified employee pays any required employee contributions.

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

- 510 (a) interfere with or otherwise restrain a qualified employee from using [parental leave
511 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
513 postpartum recovery] qualified leave in accordance with this section.

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

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

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

524 (b) on or before July 1, 2026, make rules for the use and administration of adoption
525 leave and foster leave under this section, including a schedule that provides paid
526 adoption leave or foster leave for a qualified employee who is part-time or who
527 works in excess of a 40-hour work week on a pro rata basis.

528 Section 7. **FY 2027 Appropriations.**

529 The following sums of money are appropriated for the fiscal year beginning July 1,
530 2026, and ending June 30, 2027. These are additions to amounts previously appropriated for
531 fiscal year 2027.

532 Subsection 7(a). **Operating and Capital Budgets**

533 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
534 Legislature appropriates the following sums of money from the funds or accounts indicated for
535 the use and support of the government of the state of Utah.

536 ITEM 1 To State Board of Education - State Board and Administrative Operations

537 From Public Education Economic Stabilization

538 Restricted Account, One-time

3,000,000

539 Schedule of Programs:

540 Financial Operations

3,000,000

541 The Legislature intends that, under the LEA
542 Optional Paid Leave Reimbursement Program described
543 in Section 53F-5-224, the State Board of Education
544 reimburse eligible costs over the three fiscal years
545 beginning on July 1, 2026, and ending on June 30, 2029,
546 and administer the appropriation in a manner that results
547 in approximately equal fiscal-year expenditures over that
548 period.

549 **Section 8. Effective Date.**

550 This bill takes effect on July 1, 2026.