

Ariel Defay proposes the following substitute bill:

State Employee Maternity and Leave Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ariel Defay

Senate Sponsor: Michael K. McKell

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 that a state employer must provide a state employee from three to six weeks;
- requires certain state employers to provide six weeks of paid leave to a state employee who adopts a child under six years old;
- provides that paid leave for an adoption described above runs consecutive to the three weeks of paid leave that is currently available to a state employee who adopts a child under 18 years old;
- clarifies that adoption leave may be used at any point during the adoption process and is not limited to the finalization of an adoption;
- clarifies that a state employee's appointment as legal guardian of a child qualifies the state employee for parental leave;
- 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;
- 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;
- clarifies that a state employee may not use foster leave after a child is no longer in foster care with the state employee;
- allows a state employee to use foster leave on an intermittent basis;
- prohibits the combined use of parental leave, foster leave, and adoption leave for the same child;
- requires the Department of Human Resource Management to make rules to administer the

29 paid leave types described above;

30 ▸ increases the amount of foster leave that an LEA must provide an LEA employee from
31 three to four weeks;

32 ▸ requires an LEA to provide three weeks of paid leave to an LEA employee who adopts a
33 child under six years old;

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

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

38 ▸ makes technical and conforming changes.

39 **Money Appropriated 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

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

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.**

53 As used in this chapter:

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

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

56 (2) "Breast pump" means a mechanical device used by a woman to express and collect
57 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.**

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

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

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

65 (1) As used in this section:

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

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

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

70 (ii) is legally adopting a young child, unless the employee is the spouse of the
 71 pre-existing parent.

72 (c) "Child" means an individual younger than 18 years old.

73 (d) "Foster leave" means paid leave hours an LEA provides to a foster leave eligible
 74 employee.

75 (e) "Foster leave eligible employee" means an LEA employee who:

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

77 (ii) is the foster parent of a child.

78 [(a)] (f)(i) "Paid leave hours" means leave hours an LEA provides to an LEA

79 employee who accrues paid leave benefits in accordance with the LEA's leave
 80 policies.

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

83 (iii) "Paid leave hours" is not limited parental leave or postpartum recovery leave.

84 [(b)] (g) "Parental leave" means paid leave hours an LEA provides to a parental leave
 85 eligible employee to bond with a child or incapacitated adult, including a child or
 86 incapacitated adult for whom the parental leave eligible employee is appointed the
 87 legal guardian.

88 [(c)] (h) "Parental leave eligible employee" means an LEA employee who:

89 (i) accrues paid leave benefits in accordance with the LEA's leave policies; and[-is:]

90 [(i)] (ii)(A) is a birth parent as defined in Section 81-13-101;

91 [(ii)] (B) [legally adopting a minor child, unless the individual] is legally adopting a
 92 child, unless the employee is the spouse of the pre-existing parent;

93 [(iii)] (C) is the intended parent of a child born under a validated gestational
 94 agreement in accordance with Title 81, Chapter 5, Part 8, Gestational
 95 Agreement; or

96 [(iv)] (D) is appointed the legal guardian of a [minor]child or incapacitated adult.

- 97 ~~[(d)]~~ (i) "Postpartum recovery leave" means ~~[leave hours a state employer]~~ paid leave
 98 hours an LEA provides to a postpartum recovery leave eligible employee to recover
 99 from childbirth.
- 100 ~~[(e)]~~ (j) "Postpartum recovery leave eligible employee" means an employee who:
 101 (i) ~~[who]~~ accrues paid leave benefits in accordance with the LEA's leave policies; and
 102 (ii) ~~[who]~~ gives birth to a child.
- 103 ~~[(f)]~~ (k) "Qualified employee" means:
 104 (i) a parental leave eligible employee;~~[-or]~~
 105 (ii) a postpartum recovery leave eligible employee~~[-]~~ ;
 106 (iii) an adoption leave eligible employee; or
 107 (iv) a foster leave eligible employee.
- 108 ~~[(g)]~~ (l) "Retaliatory action" means to do any of the following regarding an employee:
 109 (i) dismiss the employee;
 110 (ii) reduce the employee's compensation;
 111 (iii) fail to increase the employee's compensation by an amount to which the
 112 employee is otherwise entitled to or was promised;
 113 (iv) fail to promote the employee if the employee would have otherwise been
 114 promoted; or
 115 (v) threaten to take an action described in Subsections ~~[(1)(g)(i)]~~ (1)(l)(i) through (iv).
- 116 (m) "Young child" means an individual younger than six years old.
- 117 (2) Beginning July 1, ~~[2025]~~ 2026, an LEA:
 118 (a) ~~[shall develop leave policies that provide for the use and administration of parental~~
 119 ~~leave and postpartum recovery leave by a qualified employee under this section in a~~
 120 ~~manner that is not more restrictive than the parental and postpartum recovery leave~~
 121 ~~available to state employees under Section 63A-17-511;]~~ shall adopt leave policies
 122 that allow:
 123 (i) a parental leave eligible employee to use up to three work weeks of paid parental
 124 leave;
 125 (ii) a postpartum recovery leave eligible employee to use up to three work weeks of
 126 paid postpartum recovery leave;
 127 (iii) an adoption leave eligible employee to use up to three work weeks of paid
 128 adoption leave; and
 129 (iv) a foster leave eligible employee to use up to four work weeks of paid foster leave;
 130 (b) may develop leave policies that provide a mechanism for leave sharing between

131 employees of the same LEA or school for all types of leave, including~~[-]~~ sick leave,
 132 annual leave, parental leave, ~~[and postpartum recovery leave]~~ postpartum recovery
 133 leave, adoption leave, and foster leave;

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

139 (d) shall provide each LEA employee written information regarding:

140 (i) a qualified employee's right to use ~~[parental leave or]~~ parental leave, postpartum
 141 recovery leave, adoption leave, or foster leave under this section; and

142 (ii) the availability of and process for using or contributing to the leave sharing
 143 mechanism described in Subsection (2)(b).

144 (3) Except for the amount of paid leave provided under Subsection (2)(a), an LEA shall
 145 administer the LEA's parental leave, postpartum recovery leave, adoption leave, and
 146 foster leave policies in a manner that is not more restrictive than the parental leave,
 147 postpartum recovery leave, adoption leave, and foster leave that is available to a state
 148 employee under Section 63A-17-511.

149 ~~[(3)]~~ (4) An LEA may not take retaliatory action against a qualified employee for using
 150 parental leave~~[- or postpartum recovery leave-]~~, postpartum recovery leave, adoption
 151 leave, or foster leave in accordance with this section.

152 ~~[(4)]~~ (5) An LEA may not charge parental leave~~[- or postpartum recovery leave-]~~, postpartum
 153 recovery leave, adoption leave, or foster leave against paid leave hours to which a
 154 qualified employee is entitled as described in Subsection ~~[(6)]~~ (7).

155 ~~[(5)]~~ (6) An LEA or school may use leave bank sharing and other efforts to mitigate
 156 incurred costs of compliance with this section including coordinating with other LEAs
 157 or schools to share approaches or policies designed to fulfill the requirements of this
 158 section in a cost effective manner.

159 ~~[(6)]~~ (7) An LEA may provide paid leave hours that exceeds the benefits of the state leave
 160 policies described in this section.

161 Section 4. Section **63A-17-511** is amended to read:

162 **63A-17-511 . Parental leave -- Postpartum recovery leave -- Adoption leave --**
 163 **Foster leave.**

164 (1) As used in this section:

- 165 (a) "Adoption leave" means leave hours a state employer provides to an adoption leave
166 eligible employee.
- 167 (b) "Adoption leave eligible employee" means an employee of a state employer who:
168 (i) is in a position that receives retirement benefits under Title 49, Utah State
169 Retirement and Insurance Benefit Act;
170 (ii) accrues paid leave benefits that can be used in the current and future calendar
171 years;
172 (iii) is not reemployed as defined in Section 49-11-1202; and
173 (iv) is legally adopting a young child, unless the employee is the spouse of the
174 pre-existing parent.
- 175 (c) "Child" means an individual who is younger than 18 years old.
- 176 (d) "Foster leave" means leave hours a state employer provides to a foster leave eligible
177 employee.
- 178 (e) "Foster leave eligible employee" means an employee of a state employer who:
179 (i) is in a position that receives retirement benefits under Title 49, Utah State
180 Retirement and Insurance Benefit Act;
181 (ii) accrues paid leave benefits that can be used in the current and future calendar
182 years;
183 (iii) is not reemployed as defined in Section 49-11-1202; and
184 (iv) is the foster parent of a child.
- 185 ~~(f)~~ (f) "Parental leave" means leave hours a state employer provides to a parental leave
186 eligible employee to bond with a child [or, in the case of a guardianship appointment,
187 an incapacitated adult] or incapacitated adult, including a child or incapacitated adult
188 for whom the parental leave eligible employee is appointed the legal guardian.
- 189 ~~(e)~~ (g) "Parental leave eligible employee" means an employee of a state employer who,
190 on the date an event described in Subsections (2)(a)(i)(A) through ~~(D)~~ (C) occurs:
191 ~~(i) is an employee of a state employer;~~
192 ~~(ii)~~ (i) is in a position that receives retirement benefits under Title 49, Utah State
193 Retirement and Insurance Benefit Act;
194 ~~(iii)~~ (ii) accrues paid leave benefits that can be used in the current and future
195 calendar years;
196 ~~(iv)~~ (iii) is not reemployed as defined in Section 49-11-1202;
197 ~~(v)~~ (iv) is assuming a parental role with respect to ~~the child or the~~ a child or an
198 incapacitated adult for which parental leave is requested; and

- 199 ~~[(vi)]~~ (v)(A) is the child's biological parent;
- 200 (B) is the spouse of the person who gave birth to the child;
- 201 (C) is ~~[the adoptive parent of]~~ legally adopting the child, unless the employee is the
- 202 spouse of the pre-existing parent;
- 203 (D) is the intended parent of the child and the child is born under a validated
- 204 gestational agreement in accordance with ~~[Title 78B, Chapter 15]~~ Title 81,
- 205 Chapter 5, Part 8, Gestational Agreement; or
- 206 (E) is appointed the legal guardian of the child or the incapacitated adult;~~[-or]~~
- 207 ~~[(F) is the foster parent of the child.]~~
- 208 ~~[(d)]~~ (h) "Postpartum recovery leave" means leave hours a state employer provides to a
- 209 postpartum recovery leave eligible employee to recover from childbirth that occurs at
- 210 20 weeks or greater gestation.
- 211 (i) "Postpartum recovery leave eligible employee" means an employee of a state
- 212 employer who:
- 213 (i) is in a position that receives retirement benefits under Title 49, Utah State
- 214 Retirement and Insurance Benefit Act;
- 215 (ii) accrues paid leave benefits that can be used in the current and future calendar
- 216 years;
- 217 (iii) is not reemployed as defined in Section 49-11-1202; and
- 218 (iv) gives birth to a child.
- 219 (j) "Qualified employee" means:
- 220 (i) a parental leave eligible employee;
- 221 (ii) a postpartum leave eligible employee;
- 222 (iii) an adoption leave eligible employee; or
- 223 (iv) a foster leave eligible employee.
- 224 (k) "Qualified leave" means:
- 225 (i) parental leave;
- 226 (ii) postpartum recovery leave;
- 227 (iii) adoption leave; or
- 228 (iv) foster leave.
- 229 ~~[(e)]~~ (l) "Retaliatory action" means to do any of the following to an employee:
- 230 (i) dismiss the employee;
- 231 (ii) reduce the employee's compensation;
- 232 (iii) fail to increase the employee's compensation by an amount that the employee is

- 233 otherwise entitled to or was promised;
- 234 (iv) fail to promote the employee if the employee would have otherwise been
- 235 promoted; or
- 236 (v) threaten to take an action described in Subsections ~~[(1)(e)(i)]~~ (1)(l)(i) through (iv).
- 237 ~~[(f) "Postpartum recovery leave eligible employee" means an employee who:]~~
- 238 ~~[(i) is in a position that receives retirement benefits under Title 49, Utah State~~
- 239 ~~Retirement and Insurance Benefit Act;]~~
- 240 ~~[(ii) accrues paid leave benefits that can be used in the current and future calendar~~
- 241 ~~years;]~~
- 242 ~~[(iii) is not reemployed as defined in Section 49-11-1202; and]~~
- 243 ~~[(iv) gives birth to a child.]~~
- 244 ~~[(g)]~~ (m)(i) "State employer" means:
- 245 (A) a state executive branch agency, including the State Tax Commission, the
- 246 National Guard, and the Board of Pardons and Parole;
- 247 (B) the legislative branch of the state; or
- 248 (C) the judicial branch of the state.
- 249 (ii) "State employer" does not include:
- 250 (A) an institute of higher education;
- 251 (B) the Utah Board of Higher Education;
- 252 (C) an independent entity as defined in Section 63E-1-102;
- 253 (D) the ~~[Attorney General's Office]~~ Office of the Attorney General;
- 254 (E) the ~~[State Auditor's Office]~~ Office of the State Auditor; or
- 255 (F) the ~~[State Treasurer's Office]~~ Office of the State Treasurer.
- 256 ~~[(h) "Qualified employee" means:]~~
- 257 ~~[(i) a parental leave eligible employee; or]~~
- 258 ~~[(ii) a postpartum leave eligible employee.]~~
- 259 (n) "Young child" means an individual who is younger than six years old.
- 260 (2)(a) Except as provided in Subsections ~~[(4) and (5)]~~ (3), (4), (5), and (6), a state
- 261 employer shall:
- 262 (i) allow a parental leave eligible employee to use up to three work weeks of paid
- 263 parental leave for:
- 264 (A) the birth of the parental leave eligible employee's child;
- 265 (B) the adoption of a child; or
- 266 (C) the appointment of legal guardianship of a child or incapacitated adult; ~~[-or]~~

- 267 ~~[(D) the placement of a foster child in the parental leave eligible employee's care;~~
 268 and]
- 269 (ii) allow a postpartum recovery leave eligible employee to use up to ~~[three]~~ six work
 270 weeks of paid postpartum recovery leave for recovery from childbirth~~[-]~~ ;
- 271 (iii) allow an adoption leave eligible employee to use up to six work weeks of paid
 272 adoption leave for the adoption of a young child; and
- 273 (iv) allow a foster leave eligible employee to use up to four work weeks of paid foster
 274 leave for the foster placement of a child in the foster leave eligible employee's
 275 care.
- 276 (b) A state employer shall allow a qualified employee who is part-time or who works in
 277 excess of a 40-hour work week or its equivalent to use the amount of ~~[parental leave~~
 278 ~~or postpartum recovery leave-]~~ qualified leave that is available to the qualified
 279 employee under this section on a pro rata basis as adopted by rule by the division
 280 under Subsection ~~[(12)]~~ (15).
- 281 (3)(a) Parental leave described in Subsection (2)(a)(i):
- 282 (i) may not be used before the day on which:
- 283 (A) the parental leave eligible employee's child is born;
- 284 (B) the parental leave eligible employee adopts a child; or
- 285 (C) the parental leave eligible employee is appointed legal guardian of a child or
 286 incapacitated adult~~[-or]~~ ;
- 287 ~~[(D) a foster child is placed in the parental leave eligible employee's care.]~~
- 288 (ii) may not be used more than six months after the date described in Subsection
 289 (3)(a)(i);
- 290 (iii) may not be used intermittently, unless:
- 291 (A) by mutual written agreement between the state employer and the parental
 292 leave eligible employee; or
- 293 (B) a health care provider certifies that intermittent leave is medically necessary
 294 due to a serious health condition of the child;
- 295 (iv) runs ~~[concurrently]~~ concurrent with any leave authorized under the Family and
 296 Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.; and
- 297 (v) runs ~~[consecutively]~~ consecutive to postpartum recovery leave.
- 298 (b) The amount of parental leave authorized under Subsection (2)(a)(i) does not increase
 299 if a parental leave eligible employee:
- 300 (i) has more than one child born from the same pregnancy;

- 301 (ii) adopts more than one child; or
 302 [~~(iii) has more than one foster child placed in the parental leave eligible employee's~~
 303 ~~care; or~~]
 304 [~~(iv)~~] (iii) is appointed legal guardian of more than one child or incapacitated adult.
- 305 (c) A parental leave eligible employee may not use more than three work weeks of paid
 306 parental leave within a single 12-month period, regardless of whether during that
 307 12-month period the parental leave eligible employee:
 308 (i) becomes the parent of more than one child;
 309 (ii) adopts more than one child; or
 310 [~~(iii) has more than one foster child placed in the parental leave eligible employee's~~
 311 ~~care; or~~]
 312 [~~(iv)~~] (iii) is appointed legal guardian of more than one child or incapacitated adult.
- 313 (4)(a) Postpartum recovery leave described in Subsection (2)(a)(ii):
 314 (i) shall be used starting on the day on which the postpartum recovery leave eligible
 315 employee gives birth, unless a health care provider certifies that an earlier start
 316 date is medically necessary;
 317 (ii) shall be used in a single continuous period, unless otherwise authorized in writing
 318 by the director of the division; and
 319 (iii) runs [~~concurrently~~] concurrent with any leave authorized under the Family and
 320 Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq. [~~; and~~]
 321 [~~(iv) runs consecutively to parental leave.~~]
- 322 (b) The amount of postpartum recovery leave authorized under Subsection (2)(a)(ii)
 323 does not increase if a postpartum recovery leave eligible employee has more than one
 324 child born from the same pregnancy.
- 325 (5)(a) Adoption leave described in Subsection (2)(a)(iii):
 326 (i) may not be used before the day on which the adoption leave eligible employee
 327 adopts a young child;
 328 (ii) may not be used more than six months after the date described in Subsection
 329 (5)(a)(i);
 330 (iii) may not be used intermittently, unless:
 331 (A) by mutual written agreement between the state employer and the adoption
 332 leave eligible employee; or
 333 (B) a health care provider certifies that intermittent leave is medically necessary
 334 due to a serious health condition of the young child;

- 335 (iv) runs concurrent with any leave authorized under the Family and Medical Leave
336 Act of 1993, 29 U.S.C. Sec. 2601 et seq.; and
- 337 (v) runs consecutive to parental leave taken for the adoption of a child.
- 338 (b) The amount of adoption leave authorized under Subsection (2)(a)(iii) does not
339 increase if an adoption leave eligible employee adopts more than one young child.
- 340 (c) An adoption leave eligible employee may not use more than six work weeks of paid
341 adoption leave within a single 12-month period, regardless of whether during that
342 12-month period the adoption leave eligible employee adopts more than one young
343 child.
- 344 (d)(i) If a young child is legally adopted by two adoption leave eligible employees,
345 the adoption leave eligible employees are entitled to use a single six-work-week
346 period of paid adoption leave under this section, which the employees may
347 allocate between themselves.
- 348 (ii) The adoption leave eligible employees described in Subsection (5)(d)(i) shall
349 notify the state employer that the employees intend to allocate adoption leave
350 under Subsection (5)(d)(i) no later than the deadline described in Subsection
351 (8)(a)(i).
- 352 (6)(a) Foster leave described in Subsection (2)(a)(iv):
- 353 (i) may not be used before the day on which a child is placed in foster care with a
354 foster leave eligible employee;
- 355 (ii) may not be used more than six months after the date described in Subsection
356 (6)(a)(i);
- 357 (iii) may not be used after the child is no longer placed in foster care with the foster
358 leave eligible employee;
- 359 (iv) may be used intermittently; and
- 360 (v) runs concurrent with any leave authorized under the Family and Medical Leave
361 Act of 1993, 29 U.S.C. Sec. 2601 et seq.
- 362 (b) The amount of foster leave authorized under Subsection (2)(a)(iv) does not increase
363 if a foster leave eligible employee has more than one child placed in foster care with
364 the foster leave eligible employee.
- 365 (c) A foster leave eligible employee may not use more than four work weeks of paid
366 foster leave within a single 12-month period, regardless of whether during that
367 12-month period more than one child is placed in foster care with the foster leave
368 eligible employee.

369 (d)(i) If a child is placed in foster care with two foster leave eligible employees, the
 370 foster eligible employees are entitled to use a single four-work-week period of
 371 paid foster leave under this section, which the employees may allocate between
 372 themselves.

373 (ii) The foster leave eligible employees described in Subsection (6)(d)(i) shall notify
 374 the state employer that the employees intend to allocate foster leave under
 375 Subsection (6)(d)(i) no later than the deadline described in Subsection (8)(a)(i).

376 (7) 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)]~~ (8)(b), a qualified employee shall
 380 give the state employer notice at least 30 days before the day on which the qualified
 381 employee plans to:

382 (i) begin using ~~[parental leave or postpartum recovery leave]~~ qualified leave under
 383 this section; and

384 (ii) stop using ~~[postpartum recovery leave]~~ qualified leave under this section.

385 (b) If circumstances beyond the qualified employee's control, including an emergency
 386 foster placement, prevent the qualified employee from giving notice in accordance
 387 with Subsection ~~[(5)(a)]~~ (8)(a), the qualified employee shall give each notice
 388 described in Subsection ~~[(5)(a)]~~ (8)(a) as soon as reasonably practicable.

389 ~~[(6)]~~ (9) Except as provided in Subsections (3)(a)(iv)~~[-and-]~~, (4)(a)(iii), (5)(a)(iv), and
 390 (6)(a)(v), a state employer may not charge ~~[parental leave or postpartum recovery leave-]~~
 391 qualified leave under this section against sick, annual, compensatory, excess, or other
 392 leave a qualified employee is entitled to.

393 ~~[(7)]~~ (10) A state employer may not compensate a qualified employee for any unused [
 394 ~~parental leave or postpartum recovery leave]~~ qualified leave upon termination of
 395 employment.

396 ~~[(8)]~~ (11)(a) Following the expiration of a qualified employee's ~~[parental leave or~~
 397 ~~postpartum recovery]~~ qualified leave under this section, the state employer shall
 398 ensure that the qualified employee may return to:

399 (i) the position that the qualified employee held before using ~~[parental leave or~~
 400 ~~postpartum recovery]~~ qualified leave; or

401 (ii) a position within the state employer that is equivalent in seniority, status, benefits,
 402 and pay to the position that the qualified employee held before using ~~[parental~~

403 ~~leave or postpartum recovery]~~ qualified leave.

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

411 [(9)] (12) During the time a qualified employee uses [~~parental leave or postpartum recovery]~~
 412 qualified leave under this section, the qualified employee shall continue to receive all
 413 employment related benefits and payments at the same level that the qualified employee
 414 received immediately before beginning the [~~parental leave or postpartum]~~ qualified
 415 leave, provided that the qualified employee pays any required employee contributions.

416 [(10)] (13) A state employer may not:

- 417 (a) interfere with or otherwise restrain a qualified employee from using [~~parental leave~~
 418 ~~or postpartum recovery]~~ qualified leave in accordance with this section; or
 419 (b) take retaliatory action against a qualified employee for using [~~parental leave or~~
 420 ~~postpartum recovery]~~ qualified leave in accordance with this section.

421 [(11)] (14) A state employer shall provide each employee written information regarding a
 422 qualified employee's right to use [~~parental leave or postpartum recovery]~~ qualified leave
 423 under this section.

424 [(12)] (15) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 425 the division shall[;] :

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

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

435 Section 5. **Effective Date.**

436 This bill takes effect on July 1, 2026.