

**MATERNITY LEAVE FOR SCHOOL EMPLOYEES**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Janice M. Fisher**

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

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**LONG TITLE**

**General Description:**

This bill enacts provisions relating to public school employee accrued leave.

**Highlighted Provisions:**

This bill:

- requires a school district or charter school to allow a public school employee to use up to six weeks of accrued leave for the birth or adoption of a child;

- requires a public school employee to give a school district or charter school 30 days notice before taking accrued leave for the birth or adoption of a child;

- provides certain requirements to be met before taking certain accrued leave; and

- defines terms.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2010.

**Utah Code Sections Affected:**

ENACTS:

**53A-3-429**, Utah Code Annotated 1953

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

Section 1. Section **53A-3-429** is enacted to read:



28 53A-3-429. Public school employee leave related to a newborn or adopted child.

29 (1) As used in this section:

30 (a) "Accrued leave" means any personal leave, sick leave, vacation leave, or  
31 compensatory leave earned or accrued by a public school employee.

32 (b) "Public school employee" means an employee of a school district or charter school.

33 (2) (a) Subject to the other requirements of this section and to the extent not prohibited  
34 by federal law, a school district or charter school shall allow a public school employee to use  
35 up to six weeks of the public school employee's accrued leave for the birth or adoption of a  
36 child and for the care of a newborn or adopted child.

37 (b) The accrued leave described in Subsection (2)(a) shall run concurrently and will be  
38 counted against leave granted pursuant to the Family and Medical Leave Act of 1993, 29  
39 U.S.C. Sec. 2601 et seq.

40 (3) Before using accrued leave pursuant to Subsection (2), a public school employee  
41 shall:

42 (a) notify the school district or charter school:

43 (i) that the public school employee intends to use the employee's accrued leave;

44 (ii) of the number of days of accrued leave, not to exceed six weeks, the public school  
45 employee elects to use; and

46 (iii) of the day the public school employee would like the accrued leave to begin; and

47 (b) sign a waiver described in Subsection (5).

48 (4) A public school employee shall provide the information described in Subsection  
49 (3)(a) to the school district or charter school at least 30 days before using accrued leave when  
50 the leave is foreseeable.

51 (5) A public school employee using accrued leave pursuant to Subsection (2) shall sign  
52 a waiver that includes:

53 (a) the amount of accrued leave, up to six weeks, the employee will use;

54 (b) a statement acknowledging that, regardless of the original stated purpose of the  
55 accrued leave, the employee voluntarily chooses to use the accrued leave:

56 (i) for the birth and care of a newborn; or

57 (ii) for the adoption and care of an adopted child; and

58 (c) if applicable, a statement acknowledging that the employee is using the accrued

59 leave concurrently with, and that the accrued leave will count against, leave granted pursuant to  
60 the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.

61 Section 2. **Effective date.**

62 This bill takes effect on July 1, 2010.

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**Legislative Review Note**  
as of 2-22-10 8:46 AM

**Office of Legislative Research and General Counsel**

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**H.B. 454 - Maternity Leave for School Employees**

**Fiscal Note**

2010 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for businesses, or local governments. Qualifying individuals would benefit.

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