

PARENTAL LEAVE FOR STATE EMPLOYEES

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Justin J. Miller

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts language related to parental leave.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires an executive agency to provide an eligible employee parental leave upon the birth or adoption of the employee's child;
- ▶ prohibits an executive agency from charging parental leave against sick or annual leave; and
- ▶ requires the Department of Human Resource Management to adopt rules to administer parental leave.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

67-19-14.7, Utah Code Annotated 1953

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



28 Section 1. Section **67-19-14.7** is enacted to read:

29 **67-19-14.7. Parental leave -- Definitions -- Administration.**

30 (1) As used in this section:

31 (a) "Eligible employee" means an employee who:

32 (i) has been employed:

33 (A) at least 12 months for the executive agency to whom leave is requested under this
34 section; and

35 (B) for at least 1,250 hours of service with the executive agency during the previous
36 12-month period; and

37 (ii) is a qualified employee.

38 (b) "Executive agency" means an executive branch:

39 (i) department;

40 (ii) agency;

41 (iii) board;

42 (iv) commission;

43 (v) division;

44 (vi) office; or

45 (vii) state educational institution.

46 (c) "Parental leave" means leave hours an executive agency provides to an eligible
47 employee to be used upon the birth or adoption of the employee's child.

48 (d) (i) "Qualified employee" means an employee who is:

49 (A) in a position that is receiving retirement benefits under Title 49, Utah State
50 Retirement and Insurance Benefit Act; and

51 (B) accruing paid leave benefits that can be used in the current and future calendar
52 years.

53 (ii) "Qualified employee" does not include an employee who is reemployed as that term
54 is defined in Section [49-11-102](#).

55 (2) (a) An executive agency shall allow an eligible employee to use, except as provided
56 for a part-time eligible employee under Subsection (2)(b), 240 hours of paid parental leave
57 based on a 40-hour work week:

58 (i) for the birth or adoption of a child by the eligible employee; and

59 (ii) before an eligible employee uses leave authorized, if applicable, under the Family
60 and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.

61 (b) An executive agency shall allow an eligible employee who is part-time to use the
62 amount of parental leave available to the eligible employee on a pro rata basis as adopted by
63 rule by the department under Subsection (4).

64 (c) An eligible employee may, at the employee's discretion, begin parental leave no
65 earlier than five days before the birth or adoption of the eligible employee's child.

66 (d) The amount of parental leave authorized under Subsection (2)(a) does not increase
67 if an eligible employee has multiple children born from the same pregnancy or adopts multiple
68 children through an adoption process that intends to adopt or results in the adoption of more
69 than one child in the same placement decision.

70 (e) An eligible employee may not take leave under Subsection (2)(a) intermittently.

71 (3) An executive agency may not charge parental leave against sick or annual leave.

72 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
73 department shall make rules for the use and administration of parental leave under this section,
74 including adopting rules and a schedule that provide parental leave for an eligible employee
75 who is part-time on a pro rata basis.

Legislative Review Note
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Office of Legislative Research and General Counsel