

PAID FAMILY LEAVE

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: Luz Escamilla

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 paid parental leave upon the birth or adoption of the employee's child; 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:

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

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



28 (1) As used in this section:
29 (a) "Eligible employee" means an employee who:
30 (i) has been employed:
31 (A) at least 12 months for the executive agency to whom leave is requested under this
32 section; and
33 (B) for at least 1,250 hours of service with the executive agency during the previous
34 12-month period; and
35 (ii) is a qualified employee.
36 (b) "Executive agency" means:
37 (i) an executive branch:
38 (A) department;
39 (B) agency;
40 (C) board;
41 (D) commission;
42 (E) division; or
43 (F) office; or
44 (ii) a state institution of higher education as described in Section [53B-2-101](#).
45 (c) "Parental leave" means leave hours an executive agency provides to an eligible
46 employee to be used upon the birth or adoption of the employee's child.
47 (d) (i) "Qualified employee" means an employee who is:
48 (A) in a position that is receiving retirement benefits under Title 49, Utah State
49 Retirement and Insurance Benefit Act; and
50 (B) accruing paid leave benefits that can be used in the current and future calendar
51 years.
52 (ii) "Qualified employee" does not include an employee who is reemployed as that term
53 is defined in Section [49-11-102](#).
54 (2) (a) Except as provided in Subsections (2)(b) and (c), an executive agency shall
55 allow an eligible employee to use up to 240 hours of paid parental leave based on a 40-hour
56 work week for the birth or adoption of the eligible employee's child.
57 (b) Parental leave described in Subsection (2)(a) shall run concurrently with any leave
58 authorized under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.

59 (c) An executive agency shall allow an eligible employee who is part-time to use the
60 amount of parental leave available to the eligible employee on a pro rata basis as adopted by
61 rule by the department under Subsection (10).

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

66 (e) An eligible employee may not take parental leave under this section intermittently,
67 unless the eligible employee's child for whom the eligible employee uses the parental leave is
68 hospitalized for more than five days during the eligible employee's parental leave time.

69 (f) An executive agency may not charge parental leave under this section against sick,
70 annual compensatory, or other leave.

71 (3) An executive agency may require an eligible employee to provide a written
72 certification from the eligible employee's physician that states the expected duration of the
73 eligible employee's need for parental leave.

74 (4) (a) Except as provided in Subsection (4)(b), an eligible employee shall give the
75 executive agency notice at least 30 days before the day on which the eligible employee plans
76 to:

77 (i) begin using parental leave under this section; and

78 (ii) stop using parental leave under this section.

79 (b) If circumstances beyond the eligible employee's control prevent the eligible
80 employee from giving notice in accordance with Subsection (4)(a), the eligible employee shall
81 give each notice described in Subsection (4)(a) as soon as reasonably practicable.

82 (5) For the time period during which an eligible employee uses parental leave under
83 this section, the eligible employee may not provide services for compensation on a full-time
84 basis outside the scope of the eligible employee's employment with the executive agency.

85 (6) (a) An eligible employee's decision to use parental leave under this section may not
86 adversely affect the eligible employee's employment with the executive agency.

87 (b) Following the expiration of an eligible employee's parental leave under this section,
88 the executive agency shall ensure that the eligible employee may return to:

89 (i) the position that the eligible employee held before the eligible employee used the

90 parental leave; or

91 (ii) a position within the executive agency that is equivalent to the position that the
92 eligible employee held before the eligible employee used the parental leave, including equal in
93 seniority, status, benefits, and pay.

94 (c) If during the time an eligible employee uses parental leave under this section, the
95 executive agency experiences a reduction in force and, as part of the reduction in force, the
96 eligible employee would have been separated had the eligible employee not been using the
97 parental leave, the executive agency may separate the eligible employee in accordance with any
98 applicable process or procedure as if the eligible employee were not using the parental leave.

99 (7) During the time an eligible employee uses parental leave under this section, the
100 eligible employee shall continue to receive all employment related benefits and payments at the
101 same level that the eligible employee received immediately before beginning the parental leave,
102 including:

103 (a) medical benefits;

104 (b) retirement related service credit and employer paid retirement contributions; and

105 (c) paid time off.

106 (8) An executive agency may not:

107 (a) interfere with or otherwise restrain an eligible employee from using parental leave
108 in accordance with this section; or

109 (b) take any adverse employment action against an eligible employee, including
110 discharging, fining, suspending, expelling, or disciplining for using parental leave in
111 accordance with this section.

112 (9) Each executive agency shall provide each employee written information regarding
113 an eligible employee's right to parental leave under this section.

114 (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
115 the department shall make rules for the use and administration of parental leave under this
116 section, including a schedule that provides paid parental leave for an eligible employee who is
117 part-time on a pro rata basis.