

FAMILY AND MEDICAL LEAVE AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dixon M. Pitcher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to parental and family leave.

Highlighted Provisions:

This bill:

▶ defines terms;

▶ provides that a state-eligible employer is subject to ~~H~~→ [the] certain ←~~H~~ provisions

of the Family and

Medical Leave Act; and

▶ addresses enforcement of the provisions of this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

34-52-101, Utah Code Annotated 1953

34-52-102, Utah Code Annotated 1953

34-52-201, Utah Code Annotated 1953

34-52-301, Utah Code Annotated 1953

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



28 Section 1. Section 34-52-101 is enacted to read:

29 **CHAPTER 52. PARENTAL AND FAMILY LEAVE**

30 **Part 1. General Provisions**

31 **34-52-101. Title.**

32 This chapter is known as "Parental and Family Leave."

33 Section 2. Section 34-52-102 is enacted to read:

34 **34-52-102. Definitions.**

35 As used in this chapter:

36 (1) "Eligible employee" means the same as that term is defined in 29 U.S.C. Sec. 2611.

37 (2) "FMLA" means the Family and Medical Leave Act, 29 U.S.C. Sec. 2601, et seq.

37a Ĥ→ (3) "FMLA leave" means the type of leave to which an eligible employee is entitled
 37b under the FMLA.

38 [~~(3)~~] (4) ←Ĥ (a) "State-eligible employer" means a public or private person who employs
 38a at least

39 30 and fewer than 50 employees in the state for each working day during each of 20 or more
 40 calendar work weeks in the current or preceding calendar year.

41 (b) "State-eligible employer" includes:

42 (i) a person who acts, directly or indirectly, in the interest of a person described in

43 Subsection Ĥ→ [~~(3)~~] (4) ←Ĥ (a) to an employee of the person described in

43a Subsection Ĥ→ [~~(3)~~] (4) ←Ĥ (a); and

44 (ii) any successor in interest of a person described in Subsection Ĥ→ [~~(3)~~] (4) ←Ĥ (a).

45 Section 3. Section 34-52-201 is enacted to read:

46 **Part 2. Applicability of the Family and Medical Leave Act**

47 **34-52-201. Eligible state employers.**

48 Ĥ→ [~~The~~] (1) Except as provided in Subsection (2), the ←Ĥ provisions of the FMLA
 48a apply to each state-eligible employer as if the
 49 state-eligible employer were an employer as defined in 29 U.S.C. Sec. 2611.

49a Ĥ→ (2) (a) For a state-eligible employer with no more than 39 employees, each eligible
 49b employee is entitled to six workweeks of FMLA leave during any 12-month period.

49c (b) For a state-eligible employer with at least 40 and no more than 49 employees,
 49d each eligible employee is entitled to nine workweeks of FMLA leave during any 12-month
 49e period. ←Ĥ

50 Section 4. Section 34-52-301 is enacted to read:

51 **Part 3. Enforcement**

52 **34-52-301. Right to damages or equitable relief.**

53 An eligible employee may recover damages or equitable relief against a state-eligible
 54 employer for a violation of Ĥ→ this section or ←Ĥ the FMLA in accordance with the provisions of
 54a the FMLA.