

Representative Elizabeth Weight proposes the following substitute bill:

FAMILY LEAVE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Elizabeth Weight

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires certain executive branch and education employers to offer and administer parental leave.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires executive branch agencies and departments and certain education employers to provide an eligible employee paid parental leave upon the birth or adoption of the employee's child; and
- ▶ requires certain entities to adopt rules to administer parental leave.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53B-1-115, Utah Code Annotated 1953

53E-3-516, Utah Code Annotated 1953



26 [67-19-14.7](#), Utah Code Annotated 1953

27

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

29 Section 1. Section **53B-1-115** is enacted to read:

30 **53B-1-115. Parental leave.**

31 The following shall comply with Section [67-19-14.7](#) regarding the availability and
32 administration of parental leave for employees of:

33 (1) an institution of higher education described in Section [53B-2-101](#);

34 (2) the State Board of Regents established in Section [53B-1-103](#); and

35 (3) the Utah System of Technical Colleges Board of Trustees established in Section
36 [53B-2a-103](#).

37 Section 2. Section **53E-3-516** is enacted to read:

38 **53E-3-516. Parental leave.**

39 The State Board of Education shall comply with Section [67-19-14.7](#) regarding the
40 availability and administration of parental leave for employees of the board.

41 Section 3. Section **67-19-14.7** is enacted to read:

42 **67-19-14.7. Parental leave -- Definitions -- Administration.**

43 (1) As used in this section:

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

45 (i) has been employed at least 12 consecutive months for the state;

46 (ii) has worked at least 1,250 hours, excluding paid time off, for the state during the
47 12-month period immediately preceding the beginning of the parental leave; and

48 (iii) is a qualified employee.

49 (b) "Executive or education employer" means:

50 (i) an executive branch:

51 (A) department;

52 (B) agency;

53 (C) board;

54 (D) commission;

55 (E) division; or

56 (F) office;

- 57 (ii) (A) an institution of higher education described in Section 53B-2-101;
58 (B) the State Board of Regents established in Section 53B-1-103; or
59 (C) the Utah System of Technical Colleges Board of Trustees established in Section
60 53B-2a-103; or
61 (iii) the State Board of Education described in Title 53E, Chapter 3, State Board of
62 Education Organization, Powers, and Duties.
- 63 (c) "Parental leave" means leave hours an executive or education employer provides to
64 an eligible employee to be used upon the birth or adoption of the employee's child.
- 65 (d) (i) "Qualified employee" means an employee who is:
66 (A) in a position that is receiving retirement benefits under Title 49, Utah State
67 Retirement and Insurance Benefit Act; and
68 (B) accruing paid leave benefits that can be used in the current and future calendar
69 years.
- 70 (ii) "Qualified employee" does not include an employee who is reemployed, as that
71 term is defined in Section 49-11-102.
- 72 (2) (a) Except as provided in Subsections (2)(c) and (d), an executive or education
73 employer shall allow an eligible employee to use up to 240 hours of paid parental leave based
74 on a 40-hour work week for the birth or adoption of the eligible employee's child.
- 75 (b) Except as provided in Subsection (2)(f), an eligible employee may only take
76 parental leave during the 12-month period beginning on the day on which the birth or
77 placement for adoption of the eligible employee's child takes place.
- 78 (c) Parental leave described in Subsection (2)(a) runs concurrently with any leave
79 authorized under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.
- 80 (d) An executive or education employer shall allow an eligible employee who is
81 part-time to use the amount of parental leave available to the eligible employee on a pro rata
82 basis as adopted by rule by the department under Subsection (9).
- 83 (e) The amount of parental leave authorized under Subsection (2)(a) does not increase
84 if an eligible employee has multiple children born from the same pregnancy or adopts multiple
85 children through an adoption process that intends to adopt or results in the adoption of more
86 than one child in the same placement decision.
- 87 (f) (i) An eligible employee may not take parental leave under this section

88 intermittently, unless the eligible employee's child for whom the eligible employee uses the
89 parental leave is hospitalized for more than five days during the eligible employee's parental
90 leave time.

91 (ii) An employee may only take intermittent parental leave under Subsection (2)(f)(i)
92 during the 12 months following the day on which the employee begins taking parental leave
93 under this section.

94 (g) An executive or education employer may not charge parental leave under this
95 section against sick, annual, compensatory, or other leave.

96 (3) (a) Except as provided in Subsection (3)(b), an eligible employee shall give the
97 executive or education employer notice at least 30 days before the day on which the eligible
98 employee plans to:

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

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

101 (b) If circumstances beyond the eligible employee's control prevent the eligible
102 employee from giving notice in accordance with Subsection (3)(a), the eligible employee shall
103 give each notice described in Subsection (3)(a) as soon as reasonably practicable.

104 (4) For the time period during which an eligible employee uses parental leave under
105 this section, the eligible employee may not provide services for compensation on a full-time
106 basis outside the scope of the eligible employee's employment with the executive or education
107 employer.

108 (5) (a) An eligible employee's decision to use parental leave under this section may not
109 adversely affect the eligible employee's employment with the executive or education employer.

110 (b) Following the expiration of an eligible employee's parental leave under this section,
111 the executive or education employer shall ensure that the eligible employee may return to:

112 (i) the position that the eligible employee held before the eligible employee used the
113 parental leave; or

114 (ii) a position within the executive or education employer that is equivalent in
115 seniority, status, benefits, and pay to the position that the eligible employee held before the
116 eligible employee used the parental leave.

117 (c) If during the time an eligible employee uses parental leave under this section the
118 executive or education employer experiences a reduction in force and, as part of the reduction

119 in force, the eligible employee would have been separated had the eligible employee not been
120 using the parental leave, the executive or education employer may separate the eligible
121 employee in accordance with any applicable process or procedure as if the eligible employee
122 were not using the parental leave.

123 (6) During the time an eligible employee uses parental leave under this section, the
124 eligible employee shall continue to receive all employment related benefits and payments at the
125 same level that the eligible employee received immediately before beginning the parental leave,
126 including:

127 (a) medical benefits;

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

129 (c) paid time off.

130 (7) An executive or education employer may not:

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

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

136 (8) Each executive or education employer shall provide each employee written
137 information regarding an eligible employee's right to parental leave under this section.

138 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
139 following shall make rules for the use and administration of parental leave under this section,
140 including a schedule that provides paid parental leave for an eligible employee who is part-time
141 on a pro rata basis:

142 (a) for an employer described in Subsection (1)(b)(i), the department;

143 (b) for an employer described in Subsections (1)(b)(ii)(A) and (B), the State Board of
144 Regents;

145 (c) for an employer described in Subsection (1)(b)(ii)(C), the Utah System of Technical
146 Colleges Board of Trustees; and

147 (d) for an employer described in Subsection (1)(b)(iii), the State Board of Education.