

HB0156S01 compared with HB0156

~~{deleted text}~~ shows text that was in HB0156 but was deleted in HB0156S01.

Inserted text shows text that was not in HB0156 but was inserted into HB0156S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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 ~~{higher}~~ education employers to offer and administer parental leave.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires executive branch agencies and departments and ~~{higher}~~certain education employers 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 and the State Board of Regents}~~certain entities to adopt rules to administer parental leave.

Money Appropriated in this Bill:

HB0156S01 compared with HB0156

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53B-1-115, Utah Code Annotated 1953

53E-3-516, Utah Code Annotated 1953

67-19-14.7, Utah Code Annotated 1953

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

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

53B-1-115. Parental leave~~{-- Definitions -- Administration}~~.

The following shall comply with Section 67-19-14.7 regarding the availability and administration of parental leave for employees of:

- (1) an institution of higher education described in Section 53B-2-101;
- (2) the State Board of Regents established in Section 53B-1-103; and
- (3) the Utah System of Technical Colleges Board of Trustees established in Section 53B-2a-103.

Section 2. Section ~~{67-19-14.7}~~**53E-3-516** is enacted to read:

53E-3-516. Parental leave.

The State Board of Education shall comply with Section 67-19-14.7 regarding the availability and administration of parental leave for employees of the board.

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

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

(1) As used in this section:

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

(i) has been employed~~;~~

~~(A) }~~ at least 12 consecutive months for the state;~~{ and }~~

~~(B) ii) }~~ ~~{ for }~~ has worked at least 1,250 hours~~{ of work }~~, excluding paid time off,
~~{ with }~~ for the state during the ~~{ previous }~~ 12-month period immediately preceding the beginning of the parental leave; and

HB0156S01 compared with HB0156

(~~fi~~iii) is a qualified employee.

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

(i) an executive branch:

(A) department;

(B) agency;

(C) board;

(D) commission;

(E) division; or

(F) office; ~~or~~

(ii) (A) an institution of higher education described in Section 53B-2-101;

(B) the State Board of Regents established in Section 53B-1-103; or

(C) the Utah System of Technical Colleges Board of Trustees established in Section 53B-2a-103 ~~or~~; or

(iii) the State Board of Education described in Title 53E, Chapter 3, State Board of Education Organization, Powers, and Duties.

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

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

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

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

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

(2) (a) Except as provided in Subsections (2)(~~b~~c) and (~~c~~d), an executive or higher education employer shall allow an eligible employee to use up to 240 hours of paid parental leave based on a 40-hour work week for the birth or adoption of the eligible employee's child.

(b) Except as provided in Subsection (2)(f), an eligible employee may only take parental leave during the 12-month period beginning on the day on which the birth or placement for adoption of the eligible employee's child takes place.

(~~b~~c) Parental leave described in Subsection (2)(a) runs concurrently with any leave

HB0156S01 compared with HB0156

authorized under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.

(~~f~~~~c~~~~d~~) An executive or ~~f~~~~h~~~~i~~~~g~~~~h~~~~e~~~~r~~ education employer shall allow an eligible employee who is part-time to use the amount of parental leave available to the eligible employee on a pro rata basis as adopted by rule by the department under Subsection (9).

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

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

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

(~~f~~~~f~~~~g~~) An executive or ~~f~~~~h~~~~i~~~~g~~~~h~~~~e~~~~r~~ education employer may not charge parental leave under this section against sick, annual, compensatory, or other leave.

(3) (a) Except as provided in Subsection (3)(b), an eligible employee shall give the executive or ~~f~~~~h~~~~i~~~~g~~~~h~~~~e~~~~r~~ education employer notice at least 30 days before the day on which the eligible employee plans to:

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

(ii) stop using parental leave under this section.

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

(4) For the time period during which an eligible employee uses parental leave under this section, the eligible employee may not provide services for compensation on a full-time basis outside the scope of the eligible employee's employment with the executive or ~~f~~~~h~~~~i~~~~g~~~~h~~~~e~~~~r~~ education employer.

(5) (a) An eligible employee's decision to use parental leave under this section may not adversely affect the eligible employee's employment with the executive or ~~f~~~~h~~~~i~~~~g~~~~h~~~~e~~~~r~~ education

HB0156S01 compared with HB0156

employer.

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

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

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

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

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

(a) medical benefits;

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

(c) paid time off.

(7) An executive or {higher} education employer may not:

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

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

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

(9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

HB0156S01 compared with HB0156

following shall make rules for the use and administration of parental leave under this section, including a schedule that provides paid parental leave for an eligible employee who is part-time on a pro rata basis:

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

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

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

Legislative Review Note

Office of Legislative Research and General Counsel; and

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