

**PARENTAL LEAVE AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Elizabeth Weight**

Senate Sponsor: Todd Weiler

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires executive branch agencies and departments 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

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

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



28 67-19-14.7. Parental leave -- Definitions -- Administration.

29 (1) As used in this section:

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

31 (i) has been employed:

32 (A) at least 12 consecutive months for the state; and

33 (B) for at least 1,250 hours of work, excluding paid time off, with the state during the  
34 previous 12-month period; and

35 (ii) is a qualified employee.

36 (b) "Executive employer" means an executive branch:

37 (i) department;

38 (ii) agency;

39 (iii) board;

40 (iv) commission;

41 (v) division; or

42 (vi) office.

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

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

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

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

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

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

55 (b) Parental leave described in Subsection (2)(a) runs concurrently with any leave  
56 authorized under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.

57 (c) An executive employer shall allow an eligible employee who is part-time to use the  
58 amount of parental leave available to the eligible employee on a pro rata basis as adopted by

59 rule by the department under Subsection (9).

60 (d) The amount of parental leave authorized under Subsection (2)(a) does not increase  
61 if an eligible employee:

62 (i) has multiple children born from the same pregnancy; or

63 (ii) adopts multiple children through an adoption process that intends to adopt or  
64 results in the adoption of more than one child in the same placement decision.

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

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

72 (f) An executive employer may not charge parental leave under this section against  
73 sick, annual, compensatory, or other leave.

74 (3) (a) Except as provided in Subsection (3)(b), an eligible employee shall give the  
75 executive employer 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 (3)(a), the eligible employee shall  
81 give each notice described in Subsection (3)(a) as soon as reasonably practicable.

82 (4) 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 employer.

85 (5) (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 employer.

87 (b) Following the expiration of an eligible employee's parental leave under this section,  
88 the executive employer 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 employer that is equivalent in seniority, status,  
92 benefits, and pay to the position that the eligible employee held before the eligible employee  
93 used the parental leave.

94 (c) If during the time an eligible employee uses parental leave under this section the  
95 executive employer 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 employer may separate the eligible employee in accordance with  
98 any applicable process or procedure as if the eligible employee were not using the parental  
99 leave.

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

104 (a) medical benefits;

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

106 (c) paid time off.

107 (7) An executive employer may not:

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

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

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

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