

FAMILY MEDICAL UNPAID LEAVE PROVISIONS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel Hemmert

House Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill enacts provisions related to unpaid family and medical leave.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that a state-eligible employer is subject to certain 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:

- 34-56-101**, Utah Code Annotated 1953
- 34-56-102**, Utah Code Annotated 1953
- 34-56-201**, Utah Code Annotated 1953
- 34-56-301**, Utah Code Annotated 1953

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



28 Section 1. Section 34-56-101 is enacted to read:

29 **CHAPTER 56. FAMILY AND MEDICAL UNPAID LEAVE PROVISIONS**

30 **Part 1. General Provisions**

31 **34-56-101. Title.**

32 This chapter is known as "Family and Medical Unpaid Leave Provisions."

33 Section 2. Section 34-56-102 is enacted to read:

34 **34-56-102. 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.

38 (3) "Unpaid leave" means the type of leave to which an eligible employee is entitled
39 under the FMLA.

40 (4) (a) "State-eligible employer" means a public or private person who employs at least
41 30 and fewer than 50 employees in the state for each working day during each of 20 or more
42 calendar work weeks in the current or preceding calendar year.

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

44 (i) a person who acts, directly or indirectly, in the interest of a person described in
45 Subsection (4)(a) to an employee of the person described in Subsection (4)(a); and

46 (ii) any successor in interest of a person described in Subsection (4)(a).

47 Section 3. Section 34-56-201 is enacted to read:

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

49 **34-56-201. State-eligible employers.**

50 (1) Except as provided in Subsection (2), the provisions of the FMLA apply to each
51 state-eligible employer as if the state-eligible employer were an employer as defined in 29
52 U.S.C. Sec. 2611.

53 (2) ~~§~~→ (a) ←~~§~~ Each eligible employee of a state-eligible employer is entitled to ~~§~~→ [three]
53a two ←~~§~~ workweeks
54 of unpaid leave during any 12-month period.

54a ~~§~~→ **(b) A state-eligible employer is not subject to any recordkeeping or notice requirement**
54b **of the FMLA or the rules promulgated thereunder.** ←~~§~~

55 Section 4. Section 34-56-301 is enacted to read:

56 **Part 3. Enforcement**

57 **34-56-301. Right to damages or equitable relief.**

58 An eligible employee may recover damages or equitable relief in any state court of

59 competent jurisdiction against a state-eligible employer for a violation of this chapter.