

TEACHER PARENTAL AND POSTPARTUM RECOVERY

LEAVE

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires local education agencies to provide certain paid leave to general and special education teachers.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ requires local education agencies to:
 - provide certain paid leave to general and special education teachers that is at a minimum equivalent to leave provided to state employees;
 - establish a leave sharing mechanism;
 - establish certain leave policies; and
 - provide certain notice to qualified employees.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

53G-11-208, Utah Code Annotated 1953



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

Section 1. Section **53G-11-208** is enacted to read:

53G-11-208. Parental leave -- Postpartum recovery leave -- Leave sharing.

(1) As used in this section:

(a) "Parental leave" means leave hours an LEA provides to a parental leave eligible employee.

(b) "Parental leave eligible employee" means an LEA employee:

(i) whom an LEA employs as a general education or special education teacher;

(ii) who accrues paid leave benefits in accordance with the LEA's leave policies; and

(iii) who:

(A) is a birth parent as defined in Section [78B-6-103](#);

(B) legally adopts a minor child, unless the individual is the spouse of the pre-existing parent;

(C) is the intended parent of a child born under a validated gestational agreement in accordance with Title 78B, Chapter 15, Part 8, Gestational Agreement; or

(D) is appointed the legal guardian of a minor child or incapacitated adult.

(c) "Postpartum recovery leave" means leave hours a state employer provides to a postpartum recovery leave eligible employee to recover from childbirth.

(d) "Postpartum recovery leave eligible employee" means an employee:

(i) whom an LEA employs as a general education or special education teacher;

(ii) who accrues paid leave benefits in accordance with the LEA's leave policies; and

(iii) who gives birth to a child.

(e) "Qualified employee" means:

(i) a parental leave eligible employee; or

(ii) a postpartum recovery leave eligible employee.

(f) "Retaliatory action" means to do any of the following to an employee:

(i) dismiss the employee;

(ii) reduce the employee's compensation;

(iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised;

59 (iv) fail to promote the employee if the employee would have otherwise been
60 promoted; or
61 (v) threaten to take an action described in Subsections (1)(f)(i) through (iv).
62 (2) Beginning July 1, 2026, each LEA shall:
63 (a) provide the following types of paid leave:
64 (i) for a parental leave eligible employee, at least three work weeks of paid parental
65 leave for:
66 (A) the birth of the parental leave eligible employee's child;
67 (B) the adoption of a minor child; or
68 (C) the appointment of legal guardianship of a minor child or incapacitated adult; and
69 (ii) for a postpartum recovery leave eligible employee, at least three work weeks of
70 paid postpartum recovery leave for recovery from childbirth; and
71 (b) allow a qualified employee who is part-time or who works in excess of a 40-hour
72 work week or the equivalent of a 40-hour work week to use the amount of parental leave or
73 postpartum recovery leave available to the qualified employee under this section on a pro rata
74 basis, in accordance with LEA leave policies described in Subsection (3).
75 (3) Before July 1, 2026, each LEA shall:
76 (a) develop leave policies that:
77 (i) provide for the use and administration of parental leave and postpartum recovery
78 leave under this section in a manner that is not more restrictive than the parental and
79 postpartum recovery leave available to state employees under Section [63A-17-511](#), including:
80 (A) the prohibition on charging parental leave or postpartum recovery leave against
81 sick, annual, compensatory, excess, or other leave to which a qualified employee is entitled as
82 described in Subsection [63A-17-511](#)(6); and
83 (B) the protections afforded to state employees described in Subsections
84 [63A-17-511](#)(8) through (10);
85 (ii) provide a mechanism of leave sharing by which general education and special
86 education teachers or all employees of an LEA have the ability to donate leave to a qualified
87 employee who, due to exigent circumstances related to the employee's parental or postpartum
88 recovery leave, is in need of more leave than the amounts of leave to which the employee has
89 access; and

90 (b) provide each employee written information regarding:

91 (i) a qualified employee's right to use parental leave or postpartum recovery leave

92 under this section; and

93 (ii) the availability of and process for using or contributing to the LEA's leave sharing

94 mechanism described in Subsection (3)(a)(ii).

95 (4) Nothing in this section prohibits or otherwise limits an LEA's coordination with

96 another LEA to share approaches or policies designed to fulfill the requirements of this section.

97 **Section 2. Effective date.**

98 This bill takes effect on July 1, 2023.