

HB0229S02 compared with HB0229

~~{deleted text}~~ shows text that was in HB0229 but was deleted in HB0229S02.

inserted text shows text that was not in HB0229 but was inserted into HB0229S02.

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Representative Melissa G. Ballard proposes the following substitute bill:

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}~~paid parental and postpartum recovery leave to employees of a local education agency and establish a leave sharing mechanism.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ requires local education agencies to:
 - provide certain paid leave to ~~{general and special}~~employees of a local education {teachers}agency that is at a minimum equivalent to leave provided

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to state employees;

- establish a leave sharing mechanism;
- establish certain leave policies, including the establishment of a leave sharing mechanism; 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

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 }~~ Paid leave -- Parental leave -- Postpartum recovery leave
-- Leave sharing.

(1) As used in this section:

(a) (i) "Paid leave hours" means leave hours an LEA provides to an LEA employee who accrues paid leave benefits in accordance with the LEA's leave policies.

(ii) "Paid leave hours" includes annual, vacation, sick, paid time off, or any other type of leave an employee may take while still receiving compensation.

(iii) "Paid leave hours" is not limited to parental leave and postpartum recovery leave.

~~{a}b~~ "Parental leave" means leave hours an LEA provides to a parental leave eligible employee.

~~{b}c~~ "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}i~~ is a birth parent as defined in Section 78B-6-103;

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

~~(fC)iii~~ 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

~~(fD)iv~~ is appointed the legal guardian of a minor child or incapacitated adult.

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

~~(fD)e~~ "Postpartum recovery leave eligible employee" means an employee:

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

~~(ii) who} of an LEA who:~~

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

~~(fiii)ii} {who} gives birth to a child.~~

~~(fE)f~~ "Qualified employee" means:

~~(i) a parental leave eligible employee; or~~

~~(ii) a postpartum recovery leave eligible employee.~~

~~(fF)g~~ "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;~~

~~(iv) fail to promote the employee if the employee would have otherwise been promoted; or~~

~~(v) threaten to take an action described in Subsections (1)(fF)g(i) through (iv).~~

~~(2) Beginning July 1, {2026}2025, each LEA shall:~~

~~(a) provide the following types of paid leave in an amount that is at least equivalent to the leave available to state employees under Section 63A-17-511:~~

~~(i) for a parental leave eligible employee {, at least three work weeks of paid parental leave} for:~~

~~(A) the birth of the parental leave eligible employee's child;~~

~~(B) the adoption of a minor child; or~~

~~(C) the appointment of legal guardianship of a minor child or incapacitated adult; and~~

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(ii) for a postpartum recovery leave eligible employee ~~{, at least three work weeks of paid postpartum recovery leave}~~ for recovery from childbirth; and

(b) allow a qualified employee who is part-time or who works in excess of a 40-hour work week or the equivalent of a 40-hour work week to use the amount of parental leave or postpartum recovery leave available to the qualified employee under this section on a pro rata basis, in accordance with LEA leave policies described in Subsection (3).

(3) Before July 1, ~~{2026}~~2025, each LEA shall:

(a) develop leave policies that:

(i) provide for the use and administration of parental leave and postpartum recovery leave under this section in a manner that is not more restrictive than the parental and postpartum recovery leave available to state employees under Section 63A-17-511, including:

(A) the prohibition on charging parental leave or postpartum recovery leave against sick, annual, compensatory, excess, or other leave to which a qualified employee is entitled as described in Subsection 63A-17-511(6); and

(B) the protections afforded to state employees described in Subsections 63A-17-511(8) through (10);

(ii) provide a mechanism of leave sharing ~~{by which general education and special education teachers or all employees of an LEA}~~:

(A) that is at least equivalent to a leave bank program that state agencies are authorized to establish for state employees; and

(B) by which employees within a school have the ability to donate ~~{leave to}~~any type of paid leave hours to the mechanism of leave sharing for use by qualified employees within the school; and

(C) through which a qualified employee who ~~{, due to exigent circumstances related to the employee's parental or postpartum recovery leave, is in need of more leave than the amounts of leave to which the employee has access}~~ has insufficient paid leave may gain additional for parental leave, medical necessities, and other needs that the LEA leave sharing policy identifies; and

(b) provide each employee written information regarding, in accordance with the LEA's policies:

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

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under this section; and

(ii) the availability of and process for using or contributing to the LEA's leave sharing mechanism described in Subsection (3)(a)(ii).

(4) Nothing in this section prohibits or otherwise limits an LEA's:

(a) coordination with another LEA to share approaches or policies designed to fulfill the requirements of this section; or

(b) leave policy that exceeds the benefits of the state leave policies described in this section.

Section 2. **Effective date.**

This bill takes effect on July 1, 2023.