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59	(D) is the intended parent of the child and the child is born under a validated
60	gestational agreement in accordance with Title 78B, Chapter 15, Part 8, Gestational
61	Agreement;
62	(E) is appointed the legal guardian of the child or the incapacitated adult; or
63	(F) is the foster parent of the child.
64	[(c)] (d) "Postpartum recovery leave" means leave hours a state employer provides to a
65	postpartum recovery leave eligible employee to recover from childbirth that occurs at 20 weeks
66	or greater gestation.
67	[(d)] (e) "Retaliatory action" means to do any of the following to an employee:
68	(i) dismiss the employee;
69	(ii) reduce the employee's compensation;
70	(iii) fail to increase the employee's compensation by an amount that the employee is
71	otherwise entitled to or was promised;
72	(iv) fail to promote the employee if the employee would have otherwise been
73	promoted; or
74	(v) threaten to take an action described in Subsections $[(1)(d)(i)] (1)(e)(i)$ through (iv).
75	[(e)] (f) "Postpartum recovery leave eligible employee" means an employee who:
76	(i) is in a position that receives retirement benefits under Title 49, Utah State
77	Retirement and Insurance Benefit Act;
78	(ii) accrues paid leave benefits that can be used in the current and future calendar years;
79	(iii) is not reemployed as defined in Section 49-11-1202; and
80	(iv) gives birth to a child.
81	[(f)] (g) (i) "State employer" means:
82	(A) a state executive branch agency, including the State Tax Commission, the National
83	Guard, and the Board of Pardons and Parole;
84	(B) the legislative branch of the state; or
85	(C) the judicial branch of the state.
86	(ii) "State employer" does not include:
87	(A) an institute of higher education;
88	(B) the Utah Board of Higher Education;
89	Ŝ→ [(C) the State Board of Education; €

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90	$ \Theta(\mathbf{D})$] (C) \leftarrow $\hat{\mathbf{S}}$ an independent entity as defined in Section 63E-1-102;
91	$\hat{S} \rightarrow [(E)] (D) \leftarrow \hat{S}$ the Attorney General's Office;
92	$\hat{S} \rightarrow [(F)]$ (E) $\leftarrow \hat{S}$ the State Auditor's Office; or
93	$\hat{S} \rightarrow [(G)] (F) \leftarrow \hat{S}$ the State Treasurer's Office.
94	[(g)] (h) "Qualified employee" means:
95	(i) a parental leave eligible employee; or
96	(ii) a postpartum leave eligible employee.
97	(2) (a) Except as provided in Subsections (4) and (5), a state employer shall:
98	(i) allow a parental leave eligible employee to use up to three work weeks of paid
99	parental leave for:
100	(A) the birth of the parental leave eligible employee's child;
101	(B) the adoption of a [minor] child; [or]
102	(C) the appointment of legal guardianship of a [minor] child or incapacitated adult;
103	[and] <u>or</u>
104	(D) the placement of a foster child in the parental leave eligible employee's care; and
105	(ii) allow a postpartum recovery leave eligible employee to use up to three work weeks
106	of paid postpartum recovery leave for recovery from childbirth.
107	(b) A state employer shall allow a qualified employee who is part-time or who works in
108	excess of a 40-hour work week or its equivalent to use the amount of parental leave or
109	postpartum recovery leave available to the qualified employee under this section on a pro rata
110	basis as adopted by rule by the division under Subsection (12).
111	(3) (a) Parental leave described in Subsection (2)(a)(i):
112	(i) may not be used before the day on which:
113	(A) the parental leave eligible employee's child is born;
114	(B) the parental leave eligible employee adopts a [minor] child; [or]
115	(C) the parental leave eligible employee is appointed legal guardian of a [minor] child
116	or incapacitated adult; or
117	(D) a foster child is placed in the parental leave eligible employee's care.
118	(ii) may not be used more than six months after the date described in Subsection
119	(3)(a)(i);
120	(iii) may not be used intermittently, unless: