

Representative Melissa G. Ballard proposes the following substitute bill:

LOCAL EDUCATION AGENCY EMPLOYEE PAID LEAVE

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires a local education agency (LEA) to develop certain paid leave policies.

Highlighted Provisions:

This bill:

- ▶ defines relevant terms;
- ▶ outlines the criteria of a required parental and postpartum recovery leave policy; and
- ▶ requires the state board to make rules for grants to an LEA with a qualifying policy.

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. Paid leave -- Parental leave -- Postpartum recovery leave -- Leave



26 **sharing -- Rulemaking.**

27 (1) As used in this section:

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

30 (b) "Parental leave eligible employee" means an LEA employee who accrues paid leave
31 benefits in accordance with the LEA's leave policies and is:

32 (i) a birth parent as defined in Section 78B-6-103;

33 (ii) legally adopting a minor child, unless the individual is the spouse of the
34 pre-existing parent;

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

37 (iv) appointed the legal guardian of a minor child or incapacitated adult.

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

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

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

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

43 (iii) who gives birth to a child.

44 (e) "Qualified employee" means:

45 (i) a parental leave eligible employee; or

46 (ii) a postpartum recovery leave eligible employee.

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

48 (i) dismiss the employee;

49 (ii) reduce the employee's compensation;

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

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

54 (v) threaten to take an action described in Subsections (1)(f)(i) through (iv).

55 (2) Beginning July 1, 2027, an LEA shall:

56 (a) develop leave policies that:

57 (i) provides for the use and administration of parental leave and postpartum recovery
58 leave by a qualified employee under this section in a manner that is not more restrictive than
59 the parental and postpartum recovery leave available to state employees under Section
60 63A-17-511; and

61 (ii) allow a qualified employee who is part-time or who works in excess of a 40-hour
62 work week or the equivalent of a 40-hour work week to use the amount of parental leave or
63 postpartum recovery leave available to the qualified employee under this section on a pro rata
64 basis; and

65 (iii) provides a mechanism for leave sharing between employees of the same school for
66 all types of leave including, sick leave, annual leave, parental leave, and postpartum recovery
67 leave; and

68 (b) provide each employee written information regarding:

69 (i) a qualified employee's right to use parental leave or postpartum recovery leave
70 under this section; and

71 (ii) the availability of and process for using or contributing to the LEA's leave sharing
72 mechanism described in Subsection (2)(a)(iii).

73 (3) Subject to legislative appropriations and in accordance with Title 63G, Chapter 3,
74 Utah Administrative Rulemaking Act, the state board shall make rules establishing a funding
75 formula to:

76 (a) award grants to an LEA with a leave policy containing the elements described in
77 this section; and

78 (b) prioritize awards for an LEA:

79 (i) in a rural area as determined by the state board; or

80 (ii) that demonstrates a true hardship in attracting substitute teachers.

81 (4) The state board shall distribute the awards in the order of the applications the state
82 board receives until all funds have been expended.

83 (5) An LEA shall use a grant awarded under Subsection (3) to offset expenses related
84 to the hiring of a substitute teacher to cover parental or postpartum recovery leave.

85 (6) An LEA may not take retaliatory action against a qualified employee for using
86 parental leave or postpartum recovery leave in accordance with this section.

87 (7) An LEA shall use leave bank sharing and other efforts to mitigate incurred costs of

88 compliance with this section including coordinating with other LEAs to share approaches or
89 policies designed to fulfill the requirements of this section in a cost effective manner.

90 Section 2. **Effective date.**

91 This bill takes effect on July 1, 2024.