

HB0192S01 compared with HB0192

~~{deleted text}~~ shows text that was in HB0192 but was deleted in HB0192S01.

inserted text shows text that was not in HB0192 but was inserted into HB0192S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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 ~~{creates a grant program for}~~ requires a local education agency (LEA) ~~{that has a parental}~~ to develop certain paid leave ~~{policy which meets certain criteria}~~ policies.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

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None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

~~{AMENDS:~~

~~———— **63I-2-253 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 7, 21, 33, 142, 167, 168, 380, 383, and 467~~

~~———— **63I-2-253 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 7, 21, 33, 142, 167, 168, 310, 380, 383, and 467~~

~~}ENACTS:~~

~~{**53F-5-222**}**53G-11-208**, Utah Code Annotated 1953~~

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

Section 1. Section ~~{**53F-5-222**}~~**53G-11-208** is enacted to read:

~~**53F-5-222**~~**53G-11-208.**~~{ Grant for}~~ **Paid leave -- Parental leave** ~~{or}~~**==**

Postpartum recovery leave ~~{policy}~~**-- Leave sharing -- Rulemaking.**

(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 who accrues paid leave benefits in accordance with the LEA's leave policies and is:

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

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

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

(iv) 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;

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- (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~~ regarding an employee:
 - (i) dismiss the employee;
 - (ii) reduce the employee's compensation;
 - (iii) fail to increase the employee's compensation by an amount ~~that~~ to which 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)(f)(i) through (iv).
- (2) ~~An~~ Beginning July 1, 2027, an LEA ~~may~~ shall:
 - (a) develop leave policies that:
 - (i) provides for the use and administration of parental leave and postpartum recovery leave by a qualified employee 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;
 - ~~(ii) provides the following types of paid leave:~~
 - ~~(A) for a parental leave eligible employee, at least three work weeks of paid parental leave for:~~
 - ~~(I) the birth of the parental leave eligible employee's child;~~
 - ~~(II) the adoption of a minor child; or~~
 - ~~(III) the appointment of legal guardianship of a minor child or incapacitated adult;~~
 - ~~(B) for a postpartum recovery leave eligible employee, at least three work weeks of paid postpartum recovery leave for recovery from childbirth;~~
 - ~~(iii)~~ (ii) 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; and

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~~(iv)iii~~ provides a mechanism for leave sharing ~~where practicable~~ between employees of the same school for all types of leave including, sick leave, annual leave, parental leave, and postpartum recovery leave; and

(b) provide each employee written information regarding:

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

(ii) the availability of and process for using or contributing to the LEA's leave sharing mechanism described in Subsection (2)(a)(~~iv~~)iii ~~if the LEA has created a leave sharing mechanism~~.

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

(a) award grants to an LEA with a ~~parental~~ leave policy containing the elements described in ~~f~~:

~~— (a) Subsections (2)(a)(i) through (iii) and (2)(b)(i); and~~

~~— (b) Subsections (2)(a)(iv) and (2)(b)(ii);~~

~~— (4) this section; and~~

(b) prioritize awards for an LEA:

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

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

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

(5) An LEA shall use a grant awarded under Subsection (3) to offset expenses related to the ~~LEA's parental leave policy including the~~ hiring of a substitute teacher ~~f~~:

~~— (5) Nothing in this section prohibits or otherwise limits an LEA's coordination with another LEA ~~f~~ to cover parental or postpartum recovery leave.~~

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

(7) An LEA shall use leave bank sharing and other efforts to mitigate incurred costs of compliance with this section including coordinating with other LEAs to share approaches or policies designed to fulfill the requirements of this section ~~f~~.

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- ~~Section 2. Section **63I-2-253 (Superseded 07/01/24)** is amended to read:~~
- ~~**63I-2-253 (Superseded 07/01/24). Repeal dates: Titles 53 through 53G.**~~
- ~~(1) Section 53-1-118 is repealed on July 1, 2024.~~
- ~~(2) Section 53-1-120 is repealed on July 1, 2024.~~
- ~~(3) Section 53-7-109 is repealed on July 1, 2024.~~
- ~~(4) Section 53-22-104 is repealed December 31, 2023.~~
- ~~(5) Section 53B-6-105.7 is repealed July 1, 2024.~~
- ~~(6) Section 53B-7-707 regarding performance metrics for technical colleges is repealed July 1, 2023.~~
- ~~(7) Section 53B-8-114 is repealed July 1, 2024.~~
- ~~(8) The following provisions, regarding the Regents' scholarship program, are repealed on July 1, 2023:~~
- ~~(a) in Subsection 53B-8-105(12), the language that states, "or any scholarship established under Sections 53B-8-202 through 53B-8-205";~~
- ~~(b) Section 53B-8-202;~~
- ~~(c) Section 53B-8-203;~~
- ~~(d) Section 53B-8-204; and~~
- ~~(e) Section 53B-8-205.~~
- ~~(9) Section 53B-10-101 is repealed on July 1, 2027.~~
- ~~(10) Subsection 53E-1-201(1)(s) regarding the report by the Educational Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024.~~
- ~~(11) Section 53E-1-202.2, regarding a Public Education Appropriations Subcommittee evaluation and recommendations, is repealed January 1, 2024.~~
- ~~(12) Section 53F-2-209, regarding local education agency budgetary flexibility, is repealed July 1, 2024.~~
- ~~(13) Subsection 53F-2-314(4), relating to a one-time expenditure between the at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.~~
- ~~(14) Section 53F-2-524, regarding teacher bonuses for extra work assignments, is repealed July 1, 2024.~~
- ~~(15) Section 53F-5-221, regarding a management of energy and water pilot program, is repealed July 1, 2028.~~

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~~— (16) Section 53F-5-222, grant for parental leave or postpartum recovery leave policy, is repealed July 1, 2027.~~

~~— [(16)] (17) Section 53F-9-401 is repealed on July 1, 2024.~~

~~— [(17)] (18) Section 53F-9-403 is repealed on July 1, 2024.~~

~~— [(18)] (19) On July 1, 2023, when making changes in this section, the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Section 36-12-12, make corrections necessary to ensure that sections and subsections identified in this section are complete sentences and accurately reflect the office's perception of the Legislature's intent.~~

~~— Section 3. Section **63I-2-253 (Effective 07/01/24)** is amended to read:~~

~~— **63I-2-253 (Effective 07/01/24). Repeal dates: Titles 53 through 53G.**~~

~~— (1) Subsection 53-1-104(1)(b), regarding the Air Ambulance Committee, is repealed July 1, 2024.~~

~~— (2) Section 53-1-118 is repealed on July 1, 2024.~~

~~— (3) Section 53-1-120 is repealed on July 1, 2024.~~

~~— (4) Section 53-2d-107, regarding the Air Ambulance Committee, is repealed July 1, 2024.~~

~~— (5) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection 53-2d-702(1)(a) is amended to read:~~

~~— "(a) provide the patient or the patient's representative with the following information before contacting an air medical transport provider:~~

~~— (i) which health insurers in the state the air medical transport provider contracts with;~~

~~— (ii) if sufficient data is available, the average charge for air medical transport services for a patient who is uninsured or out of network; and~~

~~— (iii) whether the air medical transport provider balance bills a patient for any charge not paid by the patient's health insurer; and"~~

~~— (6) Section 53-7-109 is repealed on July 1, 2024.~~

~~— (7) Section 53-22-104 is repealed December 31, 2023.~~

~~— (8) Section 53B-6-105.7 is repealed July 1, 2024.~~

~~— (9) Section 53B-7-707 regarding performance metrics for technical colleges is repealed July 1, 2023.~~

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- ~~—— (10) Section 53B-8-114 is repealed July 1, 2024.~~
- ~~—— (11) The following provisions, regarding the Regents' scholarship program, are repealed on July 1, 2023:~~
 - ~~—— (a) in Subsection 53B-8-105(12), the language that states, "or any scholarship established under Sections 53B-8-202 through 53B-8-205";~~
 - ~~—— (b) Section 53B-8-202;~~
 - ~~—— (c) Section 53B-8-203;~~
 - ~~—— (d) Section 53B-8-204; and~~
 - ~~—— (e) Section 53B-8-205.~~
- ~~—— (12) Section 53B-10-101 is repealed on July 1, 2027.~~
- ~~—— (13) Subsection 53E-1-201(1)(s) regarding the report by the Educational Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024.~~
- ~~—— (14) Section 53E-1-202.2, regarding a Public Education Appropriations Subcommittee evaluation and recommendations, is repealed January 1, 2024.~~
- ~~—— (15) Section 53F-2-209, regarding local education agency budgetary flexibility, is repealed July 1, 2024.~~
- ~~—— (16) Subsection 53F-2-314(4), relating to a one-time expenditure between the at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.~~
- ~~—— (17) Section 53F-2-524, regarding teacher bonuses for extra work assignments, is repealed July 1, 2024.~~
- ~~—— (18) Section 53F-5-221, regarding a management of energy and water pilot program, is repealed July 1, 2028.~~
- ~~—— (19) Section 53F-5-222, grant for parental leave or postpartum recovery leave policy, is repealed July 1, 2027.~~
- ~~—— [(19)] (20) Section 53F-9-401 is repealed on July 1, 2024.~~
- ~~—— [(20)] (21) Section 53F-9-403 is repealed on July 1, 2024.~~
- ~~—— [(21)] (22) On July 1, 2023, when making changes in this section, the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Section 36-12-12, make corrections necessary to ensure that sections and subsections identified in this section are complete sentences and accurately reflect the office's perception of the Legislature's intent.~~

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~~Section 4~~ in a cost effective manner.

Section 2. **Effective date.**

~~{(1) Except as provided in Subsection (2), this}~~ This bill takes ~~{ effect on May 1, 2024.~~

~~(2) The actions affecting Section 631-2-253 take}~~ effect on July 1, 2024.