

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: Ann Millner

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; and
- ▶ outlines the criteria of a required parental and postpartum recovery leave 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 sharing -- Rulemaking.



26 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

42 (iii) who gives birth to a child.

43 (e) "Qualified employee" means:

44 (i) a parental leave eligible employee; or

45 (ii) a postpartum recovery leave eligible employee.

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

47 (i) dismiss the employee;

48 (ii) reduce the employee's compensation;

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

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

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

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

55 (a) develop leave policies that:

56 (i) provides for the use and administration of parental leave and postpartum recovery

57 leave by a qualified employee under this section in a manner that is not more restrictive than
58 the parental and postpartum recovery leave available to state employees under Section
59 63A-17-511; and

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

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

67 (b) provide each employee written information regarding:

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

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

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

74 (4) An LEA shall use leave bank sharing and other efforts to mitigate incurred costs of
75 compliance with this section including coordinating with other LEAs to share approaches or
76 policies designed to fulfill the requirements of this section in a cost effective manner.

77 **Section 2. Effective date.**

78 This bill takes effect on July 1, 2024.