

## HB0192S02 compared with HB0192S01

~~text~~ shows text that was in HB0192S01 but was deleted in HB0192S02.

text shows text that was not in HB0192S01 but was inserted into HB0192S02.

**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: \_\_\_\_\_

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#### 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 ~~and~~ 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.

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### Utah Code Sections Affected:

ENACTS:

53G-11-208, Utah Code Annotated 1953

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*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.**

(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;

(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 regarding an employee:

(i) dismiss the employee;

(ii) reduce the employee's compensation;

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(iii) fail to increase the employee's compensation by an amount 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) Beginning July 1, 2027, an LEA 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; and

(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

(iii) provides a mechanism for leave sharing 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)(iii).

~~{~~ (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 leave policy containing the elements described in 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.

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~~———— (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 hiring of a substitute teacher to cover parental or postpartum recovery leave.~~

‡ ~~(~~6~~3)~~ 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~~4) 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 in a cost effective manner.~~

Section 2. **Effective date.**

This bill takes effect on July 1, 2024.