

PARENTAL LEAVE AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Elizabeth Weight

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires certain executive branch employers to offer and administer parental leave.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires executive branch agencies and departments to provide an eligible employee paid parental leave upon the birth or adoption of the employee's child; and
- ▶ requires the Department of Human Resource Management to adopt rules to administer parental leave.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

67-19-14.7, Utah Code Annotated 1953

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

Section 1. Section **67-19-14.7** is enacted to read:



28 67-19-14.7. Parental leave -- Definitions -- Administration.

29 (1) As used in this section:

30 (a) "Eligible employee" means an employee who:

31 (i) has been employed:

32 (A) at least 12 consecutive months for the state; and

33 (B) for at least 1,250 hours of work, excluding paid time off, with the state during the
34 previous 12-month period; and

35 (ii) is a qualified employee.

36 (b) "Executive employer" means an executive branch:

37 (i) department;

38 (ii) agency;

39 (iii) board;

40 (iv) commission;

41 (v) division; or

42 (vi) office.

43 (c) "Parental leave" means leave hours an executive employer provides to an eligible
44 employee to be used upon the birth or adoption of the employee's child.

45 (d) (i) "Qualified employee" means an employee who is:

46 (A) in a position that is receiving retirement benefits under Title 49, Utah State
47 Retirement and Insurance Benefit Act; and

48 (B) accruing paid leave benefits that can be used in the current and future calendar
49 years.

50 (ii) "Qualified employee" does not include an employee who is reemployed, as that
51 term is defined in Section [49-11-102](#).

52 (2) (a) Except as provided in Subsections (2)(b) and (c), an executive employer shall
53 allow an eligible employee to use up to 240 hours of paid parental leave based on a 40-hour
54 work week for the birth or adoption of the eligible employee's child.

55 (b) Parental leave described in Subsection (2)(a) runs concurrently with any leave
56 authorized under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.

57 (c) An executive employer shall allow an eligible employee who is part-time to use the
58 amount of parental leave available to the eligible employee on a pro rata basis as adopted by

59 rule by the department under Subsection (9).

60 (d) The amount of parental leave authorized under Subsection (2)(a) does not increase
61 if an eligible employee:

62 (i) has multiple children born from the same pregnancy; or

63 (ii) adopts multiple children through an adoption process that intends to adopt or
64 results in the adoption of more than one child in the same placement decision.

65 (e) (i) An eligible employee may not take parental leave under this section
66 intermittently, unless the eligible employee's child for whom the eligible employee uses the
67 parental leave is hospitalized for more than five days during the eligible employee's parental
68 leave time.

69 (ii) An employee may only take intermittent parental leave under Subsection (2)(e)(i)
70 during the 12 months following the day on which the employee begins taking parental leave
71 under this section.

72 (f) An executive employer may not charge parental leave under this section against
73 sick, annual, compensatory, or other leave.

74 (3) (a) Except as provided in Subsection (3)(b), an eligible employee shall give the
75 executive employer notice at least 30 days before the day on which the eligible employee plans
76 to:

77 (i) begin using parental leave under this section; and

78 (ii) stop using parental leave under this section.

79 (b) If circumstances beyond the eligible employee's control prevent the eligible
80 employee from giving notice in accordance with Subsection (3)(a), the eligible employee shall
81 give each notice described in Subsection (3)(a) as soon as reasonably practicable.

82 (4) For the time period during which an eligible employee uses parental leave under
83 this section, the eligible employee may not provide services for compensation on a full-time
84 basis outside the scope of the eligible employee's employment with the executive employer.

85 (5) (a) An eligible employee's decision to use parental leave under this section may not
86 adversely affect the eligible employee's employment with the executive employer.

87 (b) Following the expiration of an eligible employee's parental leave under this section,
88 the executive employer shall ensure that the eligible employee may return to:

89 (i) the position that the eligible employee held before the eligible employee used the

90 parental leave; or

91 (ii) a position within the executive employer that is equivalent in seniority, status,
92 benefits, and pay to the position that the eligible employee held before the eligible employee
93 used the parental leave.

94 (c) If during the time an eligible employee uses parental leave under this section the
95 executive employer experiences a reduction in force and, as part of the reduction in force, the
96 eligible employee would have been separated had the eligible employee not been using the
97 parental leave, the executive employer may separate the eligible employee in accordance with
98 any applicable process or procedure as if the eligible employee were not using the parental
99 leave.

100 (6) During the time an eligible employee uses parental leave under this section, the
101 eligible employee shall continue to receive all employment related benefits and payments at the
102 same level that the eligible employee received immediately before beginning the parental leave,
103 including:

104 (a) medical benefits;

105 (b) retirement related service credit and employer paid retirement contributions; and

106 (c) paid time off.

107 (7) An executive employer may not:

108 (a) interfere with or otherwise restrain an eligible employee from using parental leave
109 in accordance with this section; or

110 (b) take any adverse employment action against an eligible employee, including
111 discharging, fining, suspending, expelling, or disciplining for using parental leave in
112 accordance with this section.

113 (8) Each executive employer shall provide each employee written information
114 regarding an eligible employee's right to parental leave under this section.

115 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, an
116 executive employer shall make rules for the use and administration of parental leave under this
117 section, including a schedule that provides paid parental leave for an eligible employee who is
118 part-time on a pro rata basis.