

1 **LOCAL EDUCATION AGENCY EMPLOYEE PAID LEAVE**
 2024 GENERAL SESSION
 STATE OF UTAH

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2
 3 **LONG TITLE**

4 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines relevant terms; and
- 9 ▶ outlines the criteria of a required parental and postpartum recovery leave policy.

10 **Money Appropriated in this Bill:**

11 None

12 **Other Special Clauses:**

13 This bill provides a special effective date.

14 **Utah Code Sections Affected:**

15 ENACTS:

16 **53G-11-208**, as Utah Code Annotated 1953

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18 *Be it enacted by the Legislature of the state of Utah:*19 Section 1. Section **53G-11-208** is enacted to read:20 **53G-11-208 . Paid leave -- Parental leave -- Postpartum recovery leave -- Leave**
21 **sharing -- Rulemaking.**22 (1) As used in this section:23 (a) "Parental leave" means leave hours an LEA provides to a parental leave eligible
24 employee.25 (b) "Parental leave eligible employee" means an LEA employee who accrues paid leave
26 benefits in accordance with the LEA's leave policies, and is:27 (i) a birth parent as defined in Section 78B-6-103;28 (ii) legally adopting a minor child, unless the individual is the spouse of the
29 pre-existing parent;30 (iii) the intended parent of a child born under a validated gestational agreement in
31 accordance with Title 78B, Chapter 15, Part 8, Gestational Agreement; or32 (iv) appointed the legal guardian of a minor child or incapacitated adult.33 (c) "Postpartum recovery leave" means leave hours a state employer provides to a
34 postpartum recovery leave eligible employee to recover from childbirth.35 (d) "Postpartum recovery leave eligible employee" means an employee:36 (i) who accrues paid leave benefits in accordance with the LEA's leave policies; and37 (ii) who gives birth to a child.38 (e) "Qualified employee" means:39 (i) a parental leave eligible employee; or40 (ii) a postpartum recovery leave eligible employee.41 (f) "Retaliatory action" means to do any of the following regarding an employee:42 (i) dismiss the employee;43 (ii) reduce the employee's compensation;44 (iii) fail to increase the employee's compensation by an amount to which the
45 employee is otherwise entitled to or was promised;46 (iv) fail to promote the employee if the employee would have otherwise been
47 promoted; or

- 48 (v) threaten to take an action described in Subsections (1)(f)(i) through (iv).
- 49 (2) Beginning July 1, 2025, an LEA:
- 50 (a) shall develop leave policies that provide for the use and administration of parental
- 51 leave and postpartum recovery leave by a qualified employee under this section in a
- 52 manner that is not more restrictive than the parental and postpartum recovery leave
- 53 available to state employees under Section 63A-17-511; and
- 54 (b) may develop leave policies that provide a mechanism for leave sharing between
- 55 employees of the same LEA or school for all types of leave, including sick leave,
- 56 annual leave, parental leave, and postpartum recovery leave; and
- 57 (c) shall provide each employee written information regarding:
- 58 (i) a qualified employee's right to use parental leave or postpartum recovery leave
- 59 under this section; and
- 60 (ii) the availability of and process for using or contributing to the leave sharing
- 61 mechanism described in Subsection (2)(b).
- 62 (3) An LEA may not take retaliatory action against a qualified employee for using parental
- 63 leave or postpartum recovery leave in accordance with this section.
- 64 (4) An LEA or school may use leave bank sharing and other efforts to mitigate incurred
- 65 costs of compliance with this section, including coordinating with other LEAs or schools
- 66 to share approaches or policies designed to fulfill the requirements of this section in a
- 67 cost effective manner.

68 Section 2. **Effective date.**

69 This bill takes effect on July 1, 2024.