

Representative Melissa G. Ballard proposes the following substitute bill:

TEACHER PARENTAL AND POSTPARTUM RECOVERY

LEAVE

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires local education agencies to provide paid parental and postpartum recovery leave to employees of a local education agency and establish a leave sharing mechanism.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ requires local education agencies to:
 - provide certain paid leave to employees of a local education agency that is at a minimum equivalent to leave provided to state employees;
 - establish a leave sharing mechanism;
 - establish certain leave policies, including the establishment of a leave sharing mechanism; and
 - provide certain notice to qualified employees.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 This bill provides a special effective date.

27 **Utah Code Sections Affected:**

28 ENACTS:

29 **53G-11-208**, Utah Code Annotated 1953

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

32 Section 1. Section **53G-11-208** is enacted to read:

33 **53G-11-208. Paid leave -- Parental leave -- Postpartum recovery leave -- Leave**
34 **sharing.**

35 (1) As used in this section:

36 (a) (i) "Paid leave hours" means leave hours an LEA provides to an LEA employee
37 who accrues paid leave benefits in accordance with the LEA's leave policies.

38 (ii) "Paid leave hours" includes annual, vacation, sick, paid time off, or any other type
39 of leave an employee may take while still receiving compensation.

40 (iii) "Paid leave hours" is not limited to parental leave and postpartum recovery leave.

41 (b) "Parental leave" means leave hours an LEA provides to a parental leave eligible
42 employee.

43 (c) "Parental leave eligible employee" means an LEA employee who accrues paid leave
44 benefits in accordance with the LEA's leave policies and:

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

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

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

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

51 (d) "Postpartum recovery leave" means leave hours a state employer provides to a
52 postpartum recovery leave eligible employee to recover from childbirth.

53 (e) "Postpartum recovery leave eligible employee" means an employee of an LEA who:

54 (i) accrues paid leave benefits in accordance with the LEA's leave policies; and

55 (ii) gives birth to a child.

56 (f) "Qualified employee" means:

- 57 (i) a parental leave eligible employee; or
- 58 (ii) a postpartum recovery leave eligible employee.
- 59 (g) "Retaliatory action" means to do any of the following to an employee:
- 60 (i) dismiss the employee;
- 61 (ii) reduce the employee's compensation;
- 62 (iii) fail to increase the employee's compensation by an amount that the employee is
- 63 otherwise entitled to or was promised;
- 64 (iv) fail to promote the employee if the employee would have otherwise been
- 65 promoted; or
- 66 (v) threaten to take an action described in Subsections (1)(g)(i) through (iv).
- 67 (2) Beginning July 1, 2025, each LEA shall:
- 68 (a) provide the following types of paid leave in an amount that is at least equivalent to
- 69 the leave available to state employees under Section [63A-17-511](#):
- 70 (i) for a parental leave eligible employee for:
- 71 (A) the birth of the parental leave eligible employee's child;
- 72 (B) the adoption of a minor child; or
- 73 (C) the appointment of legal guardianship of a minor child or incapacitated adult; and
- 74 (ii) for a postpartum recovery leave eligible employee for recovery from childbirth; and
- 75 (b) allow a qualified employee who is part-time or who works in excess of a 40-hour
- 76 work week or the equivalent of a 40-hour work week to use the amount of parental leave or
- 77 postpartum recovery leave available to the qualified employee under this section on a pro rata
- 78 basis, in accordance with LEA leave policies described in Subsection (3).
- 79 (3) Before July 1, 2025, each LEA shall:
- 80 (a) develop leave policies that:
- 81 (i) provide for the use and administration of parental leave and postpartum recovery
- 82 leave under this section in a manner that is not more restrictive than the parental and
- 83 postpartum recovery leave available to state employees under Section [63A-17-511](#), including:
- 84 (A) the prohibition on charging parental leave or postpartum recovery leave against
- 85 sick, annual, compensatory, excess, or other leave to which a qualified employee is entitled as
- 86 described in Subsection [63A-17-511](#)(6); and
- 87 (B) the protections afforded to state employees described in Subsections

88 [63A-17-511](#)(8) through (10);

89 (ii) provide a mechanism of leave sharing;

90 (A) that is at least equivalent to a leave bank program that state agencies are authorized
91 to establish for state employees; and

92 (B) by which employees within a school have the ability to donate any type of paid
93 leave hours to the mechanism of leave sharing for use by qualified employees within the
94 school; and

95 (C) through which a qualified employee who has insufficient paid leave may gain
96 additional for parental leave, medical necessities, and other needs that the LEA leave sharing
97 policy identifies; and

98 (b) provide each employee written information regarding, in accordance with the LEA's
99 policies:

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

102 (ii) the availability of and process for using or contributing to the LEA's leave sharing
103 mechanism described in Subsection (3)(a)(ii).

104 (4) Nothing in this section prohibits or otherwise limits an LEA's:

105 (a) coordination with another LEA to share approaches or policies designed to fulfill
106 the requirements of this section; or

107 (b) leave policy that exceeds the benefits of the state leave policies described in this
108 section.

109 Section 2. **Effective date.**

110 This bill takes effect on July 1, 2023.