HB0329S02 compared with HB0329S01

~~{Omitted text}~~ shows text that was in HB0329S01 but was omitted in HB0329S02
inserted text shows text that was not in HB0329S01 but was inserted into HB0329S02

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.

1 **State Employee Maternity and Leave Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ariel Defay

Senate Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This bill modifies policies related to paid leave and maternity.

6 **Highlighted Provisions:**

7 This bill:

8 ‣ increases the amount of postpartum recovery leave {~~available to~~} that a state employer must provide a state employee from three to nine weeks;

10 ‣ {~~**requires certain state employers to:**~~}

11 • requires certain state employers to provide nine weeks of paid leave to a state employee who adopts a child {~~younger than~~} under six years old; {~~and~~}

13 • {~~**provide three weeks of paid leave to a state employee who fosters a child younger than six year old;**~~}

15 ‣ provides that paid leave for an adoption {~~or foster placement~~} described above runs consecutive to the three weeks of paid leave that is currently available to a state employee who adopts {~~or fosters~~} a child {~~younger than~~} under 18 years old;

15 ‣

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clarifies that adoption leave may be used at any point during the adoption process and is not limited to the finalization of an adoption;

17 ‣ **clarifies that a state employee's appointment as legal guardian of a child qualifies the state employee for parental leave;**

19 ‣ **removes foster placement as an event making a state employee eligible for paid parental leave and creates a separate foster leave category with a four-week paid-leave duration;**

21 ‣ **allows two state employees who jointly adopt or foster a child to share a single paid leave period rather than each receiving a separate leave entitlement;**

23 ‣ **clarifies that a state employee may not use foster leave after a child is no longer in foster care with the state employee;**

25 ‣ **allows a state employee to use foster leave on an intermittent basis;**

26 ‣ **prohibits the combined use of parental leave, foster leave, and adoption leave for the same child;**

18 ‣ requires the Department of Human Resource Management to make rules to administer the paid leave types described above;

30 ‣ **increases the amount of foster leave that an LEA must provide an LEA employee from three to four weeks;**

32 ‣ **requires an LEA to provide three weeks of paid leave to an LEA employee who adopts a child under six years old;**

20 ‣ {~~requires LEAs to develop leave policies~~} provides that {~~provide LEA employees with~~} paid leave {~~hours~~} for {~~postpartum recovery leave,~~} an adoption {~~leave, or foster leave up~~} described above runs consecutive to the three weeks of paid leave {~~amounts for state employees described above~~} that is currently available to an LEA employee who adopts a child under 18 years old;

23 ‣ amends the Breastfeeding Protection Act to include a woman's use of a breast pump; and

24 ‣ makes technical and conforming changes.

39 **Money Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 This bill provides a special effective date.

43 **Utah Code Sections Affected:**

44 AMENDS:

45 **13-7a-102** , as enacted by Laws of Utah 2018, Chapter 130
46 **13-7a-103** , as enacted by Laws of Utah 2018, Chapter 130
47 **53G-11-209** , as last amended by Laws of Utah 2025, Chapter 426
48 **63A-17-511** , as last amended by Laws of Utah 2024, Chapter 396
49

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50 *Be it enacted by the Legislature of the state of Utah:*
51 Section 1. Section **13-7a-102** is amended to read:
52 **13-7a-102. Definitions.**
As used in this chapter:
40 (1)
(a) "[~~Breastfeeding~~] Breastfeed" means the act of a woman breastfeeding a child.
41 [~~(2)~~] (b) "[~~Breastfeeding~~] Breastfeed" includes lactation.
42 (2) "Breast pump" means a mechanical device used by a woman to express and collect milk from the woman's breasts.
58 Section 2. Section **13-7a-103** is amended to read:
59 **13-7a-103. Breastfeeding location and conduct.**
A woman may breastfeed or use a breast pump in any place of public accommodation, as defined in Section 13-7-2.
62 Section 3. Section **53G-11-209** is amended to read:
63 **53G-11-209. Paid leave -- Parental leave -- Postpartum recovery leave -- Adoption leave -- Foster leave -- Leave sharing -- Rulemaking.**
51 (1) As used in this section:
52 (a) "Adoption leave" means paid leave hours an LEA provides to an adoption leave eligible employee.
54 (b) "Adoption leave eligible employee" means an LEA employee who:
55 (i) accrues paid leave benefits in accordance with the LEA's leave policies; and
56 (ii) is legally adopting a young child, unless the employee is the spouse of the pre-existing parent.
58 (c) "Child" means an individual younger than 18 years old.
59 (d) "Foster leave" means paid leave hours an LEA provides to a foster leave eligible employee.
61 (e) "Foster leave eligible employee" means an LEA employee who:
62 (i) accrues paid leave benefits in accordance with the LEA's leave policies; and
63 (ii) is the foster parent of a {~~young~~ } child.

64 [~~(a)~~] (f)

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

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

69 (iii) "Paid leave hours" is not limited parental leave or postpartum recovery leave.

70 [~~(b)~~] (g) "Parental leave" means paid leave hours an LEA provides to a parental leave eligible employee to bond with a child orincapacitated adult, {~~in the case of~~} including a {~~guardianship appointment, an~~} child or incapacitated adultfor whom the parental leave eligible employee is appointed the legal guardian.

73 [~~(c)~~] (h) "Parental leave eligible employee" means an LEA employee who:

74 (i) accrues paid leave benefits in accordance with the LEA's leave policies; and[~~-~~{~~[~~} ~~is:~~]

75 [~~(i)~~] (ii)

(A) is a birth parent as defined in Section 81-13-101;

76 [~~(ii)~~] (B) [~~legally adopting a minor child, unless the individual~~] is legally adopting a child, unless the employee is the spouse of the pre-existing parent;

78 [~~(iii)~~] (C) is the intended parent of a child born under a validated gestational agreement in accordance with Title 81, Chapter 5, Part 8, Gestational Agreement; {~~[~~or~~]~~}

81 [~~(iv)~~] (D) is appointed the legal guardian of a [~~minor~~]child or incapacitated adult{~~[~~.{~~]~~} ~~; or~~}

83 {~~(E) is the foster parent of a child.~~}

84 [~~(d)~~] (i) "Postpartum recovery leave" means [~~leave hours a state employer~~] paid leave hours an LEA provides to a postpartum recovery leave eligible employee to recover from childbirth.

87 [~~(e)~~] (j) "Postpartum recovery leave eligible employee" means an employee who:

88 (i) [~~who~~]accrues paid leave benefits in accordance with the LEA's leave policies; and

89 (ii) [~~who~~]gives birth to a child.

90 [~~(f)~~] (k) "Qualified employee" means:

91 (i) a parental leave eligible employee;[~~-~~{~~[~~} ~~or~~]

92 (ii) a postpartum recovery leave eligible employee[~~.~~] ;

93 (iii) an adoption leave eligible employee; or

94 (iv) a foster leave eligible employee.

95 [~~(g)~~] (l) "Retaliatory action" means to do any of the following regarding an employee:

96 (i) dismiss the employee;

97 (ii) reduce the employee's compensation;

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

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

102 (v) threaten to take an action described in Subsections [~~(1)(g)(i)~~] (1)(l)(i) through (iv).

103 (m) "Young child" means an individual younger than six years old.

104 (2) Beginning July 1, [~~2025~~] 2026, an LEA:

105 (a) [~~shall develop leave policies that provide for the use and administration of~~ {~~[~~} ~~parental leave and postpartum recovery leave~~{~~]~~ ~~parental leave, postpartum recovery leave, adoption leave, and foster leave~~} ~~by a qualified employee under this section in a manner that is not more restrictive than the~~ {~~[~~} ~~parental and postpartum recovery~~{~~]~~ ~~parental leave, postpartum recovery leave, adoption leave, and foster~~} ~~leave available to state employees under Section 63A-17-511;~~] shall adopt leave policies that allow:

123 (i) a parental leave eligible employee to use up to three work weeks of paid parental leave;

125 (ii) a postpartum recovery leave eligible employee to use up to three work weeks of paid postpartum recovery leave;

127 (iii) an adoption leave eligible employee to use up to three work weeks of paid adoption leave; and

129 (iv) a foster leave eligible employee to use up to four work weeks of paid foster leave;

111 (b) may develop leave policies that provide a mechanism for leave sharing between employees of the same LEA or school for all types of leave, including[~~,~~] sick leave, annual leave, parental leave, [~~and postpartum recovery leave~~] postpartum recovery leave, adoption leave, and foster leave;

115 (c) shall allow a [~~parental leave eligible employee and a postpartum recovery leave eligible~~] 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 [~~postpartum recovery leave available~~] paid leave hours available to the qualified employee under this section on a pro rata basis; and

120 (d) shall provide each LEA employee written information regarding:

121 (i) a qualified employee's right to use [~~parental leave or~~] parental leave, {postpartum recovery{~~]~~} ~~parental leave, postpartum recovery leave, adoption leave, and foster~~} leave, adoption leave, or foster leave under this section; and

124

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

144 (3) Except for the amount of paid leave provided under Subsection (2)(a), an LEA shall administer the LEA's parental leave, postpartum recovery leave, adoption leave, and foster leave policies in a manner that is not more restrictive than the parental leave, postpartum recovery leave, adoption leave, and foster leave that is available to a state employee under Section 63A-17-511.

126 [~~(3)~~] (4) An LEA may not take retaliatory action against a qualified employee for using parental leave[~~or postpartum recovery leave~~] , postpartum recovery leave, adoption leave, or foster leave in accordance with this section.

129 [~~(4)~~] (5) An LEA may not charge parental leave[~~or postpartum recovery leave~~] , postpartum recovery leave, adoption leave, or foster leave against paid leave hours to which a qualified employee is entitled as described in Subsection [~~(6)~~] (7).

132 [~~(5)~~] (6) An LEA or school may use leave bank sharing and other efforts to mitigate incurred costs of compliance with this section including coordinating with other LEAs or schools to share approaches or policies designed to fulfill the requirements of this section in a cost effective manner.

136 [~~(6)~~] (7) An LEA may provide paid leave hours that exceeds the benefits of the state leave policies described in this section.

161 Section 4. Section **63A-17-511** is amended to read:

162 **63A-17-511. Parental leave -- Postpartum recovery leave -- Adoption leave -- Foster leave.**

141 (1) As used in this section:

142 (a) "Adoption leave" means leave hours a state employer provides to an adoption leave eligible employee.

144 (b) "Adoption leave eligible employee" means an employee of a state employer who:

145 (i) is in a position that receives retirement benefits under Title 49, Utah State Retirement and Insurance Benefit Act;

147 (ii) accrues paid leave benefits that can be used in the current and future calendar years;

149 (iii) is not reemployed as defined in Section 49-11-1202; and

150 (iv) is legally adopting a young child, unless the employee is the spouse of the pre-existing parent.

152 (c) "Child" means an individual who is younger than 18 years old.

153 (d) "Foster leave" means leave hours a state employer provides to a foster leave eligible employee.

155 (e) "Foster leave eligible employee" means an employee of a state employer who:

156 (i) is in a position that receives retirement benefits under Title 49, Utah State Retirement and Insurance Benefit Act;

158 (ii) accrues paid leave benefits that can be used in the current and future calendar years;

160 (iii) is not reemployed as defined in Section 49-11-1202; and

161 (iv) is the foster parent of a {young } child.

162 [(b)] (f) "Parental leave" means leave hours a state employer provides to a parental leave eligible employee to bond with a child [or, in the case of a guardianship appointment, an incapacitated adult] or incapacitated adult, including a child or incapacitated adult for whom the parental leave eligible employee is appointed the legal guardian.

165 [(c)] (g) "Parental leave eligible employee" means an employee of a state employer who, on the date an event described in Subsections (2)(a)(i)(A) through [(D)] (C) occurs:

167 [(i) is an employee of a state employer;]

168 [(ii)] (i) is in a position that receives retirement benefits under Title 49, Utah State Retirement and Insurance Benefit Act;

170 [(iii)] (ii) accrues paid leave benefits that can be used in the current and future calendar years;

172 [(iv)] (iii) is not reemployed as defined in Section 49-11-1202;

173 [(v)] (iv) is assuming a parental role with respect to [the child or the] a child or an incapacitated adult for which parental leave is requested; and

175 [(vi)] (v)

(A) is the child's biological parent;

176 (B) is the spouse of the person who gave birth to the child;

177 (C) is [the adoptive parent of] legally adopting the child, unless the employee is the spouse of the pre-existing parent;

179 (D) is the intended parent of the child and the child is born under a validated gestational agreement in accordance with [Title 78B, Chapter 15] Title 81, Chapter 5, Part 8, Gestational Agreement;

182 {(E)} or

206 (E) is appointed the legal guardian of the child or the incapacitated adult;[or]

183 [(F) is the foster parent of the child.]

184 [(d)] (h) "Postpartum recovery leave" means leave hours a state employer provides to a postpartum recovery leave eligible employee to recover from childbirth that occurs at 20 weeks or greater gestation.

187 (i) "Postpartum recovery leave eligible employee" means an employee of a state employer who:
189 (i) is in a position that receives retirement benefits under Title 49, Utah State Retirement and Insurance Benefit Act;
191 (ii) accrues paid leave benefits that can be used in the current and future calendar years;
193 (iii) is not reemployed as defined in Section 49-11-1202; and
194 (iv) gives birth to a child.
195 (j) "Qualified employee" means:
196 (i) a parental leave eligible employee;
197 (ii) a postpartum leave eligible employee;
198 (iii) an adoption leave eligible employee; or
199 (iv) a foster leave eligible employee.
200 (k) "Qualified leave" means:
201 (i) parental leave;
202 (ii) postpartum recovery leave;
203 (iii) adoption leave; or
204 (iv) foster leave.
205 [~~(e)~~] (l) "Retaliatory action" means to do any of the following to an employee:
206 (i) dismiss the employee;
207 (ii) reduce the employee's compensation;
208 (iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised;
210 (iv) fail to promote the employee if the employee would have otherwise been promoted; or
212 (v) threaten to take an action described in Subsections [~~(1)(e)(i)~~] (1)(l)(i) through (iv).
213 [~~(f) "Postpartum recovery leave eligible employee" means an employee who:~~]
214 [~~(i) is in a position that receives retirement benefits under Title 49, Utah State Retirement and Insurance Benefit Act;~~]
216 [~~(ii) accrues paid leave benefits that can be used in the current and future calendar years;~~]
218 [~~(iii) is not reemployed as defined in Section 49-11-1202; and~~]
219 [~~(iv) gives birth to a child.~~]
220 [~~(g)~~] (m)
(i) "State employer" means:

221 (A) a state executive branch agency, including the State Tax Commission, the National Guard, and the Board of Pardons and Parole;

223 (B) the legislative branch of the state; or

224 (C) the judicial branch of the state.

225 (ii) "State employer" does not include:

226 (A) an institute of higher education;

227 (B) the Utah Board of Higher Education;

228 (C) an independent entity as defined in Section 63E-1-102;

229 (D) the [~~Attorney General's Office~~] Office of the Attorney General;

230 (E) the [~~State Auditor's Office~~] Office of the State Auditor; or

231 (F) the [~~State Treasurer's Office~~] Office of the State Treasurer.

232 [~~(h) "Qualified employee" means:~~]

233 [~~(i) a parental leave eligible employee; or~~]

234 [~~(ii) a postpartum leave eligible employee.~~]

235 (n) "Young child" means an individual who is younger than six years old.

236 (2)

(a) Except as provided in Subsections [~~(4) and (5)~~] (3), (4), (5), and (6), a state employer shall:

238 (i) allow a parental leave eligible employee to use up to three work weeks of paid parental leave for:

240 (A) the birth of the parental leave eligible employee's child;

241 (B) the adoption of a child; or

242 (C) the appointment of legal guardianship of a child or incapacitated adult;[~~ or~~]

243 [~~(D) the~~ {~~foster~~ }~~placement of a~~ {[} ~~foster~~ {]} ~~child in the parental leave eligible employee's care;~~ {[} ~~and~~]

245 (ii) allow a postpartum recovery leave eligible employee to use up to [~~three~~] nine work weeks of paid postpartum recovery leave for recovery from childbirth[~~.~~] ;

247 (iii) allow an adoption leave eligible employee to use up to nine work weeks of paid adoption leave for the adoption of a young child; and

249 (iv) allow a foster leave eligible employee to use up to {~~three~~ } four work weeks of paid foster leave for the foster placement of a {~~young~~ } child in the foster leave eligible employee's care.

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(b) A state employer shall allow a qualified employee who is part-time or who works in excess of a 40-hour work week or its equivalent to use the amount of [~~parental leave or postpartum recovery leave~~] qualified leave that is available to the qualified employee under this section on a pro rata basis as adopted by rule by the division under Subsection [~~(12)~~] {~~(14)~~} (15).

257 (3)

(a) Parental leave described in Subsection (2)(a)(i):

258 (i) may not be used before the day on which:

259 (A) the parental leave eligible employee's child is born;

260 (B) the parental leave eligible employee adopts a child; or

261 (C) the parental leave eligible employee is appointed legal guardian of a child or incapacitated adult[~~; or~~] ;

263 [~~(D)~~ {[} ~~a foster child is placed in the parental leave eligible employee's care.~~]

288 (ii) {~~a child is placed in foster care with the parental leave eligible employee;~~

265 (ii) may not be used more than six months after the date described in Subsection (3)(a)(i);

267 (iii) may not be used intermittently, unless:

268 (A) by mutual written agreement between the state employer and the parental leave eligible employee; or

270 (B) a health care provider certifies that intermittent leave is medically necessary due to a serious health condition of the child;

272 (iv) runs [~~concurrently~~] concurrent with any leave authorized under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.; and

274 (v) runs [~~consecutively~~] consecutive to postpartum recovery leave.

275 (b) The amount of parental leave authorized under Subsection (2)(a)(i) does not increase if a parental leave eligible employee:

277 (i) has more than one child born from the same pregnancy;

278 (ii) adopts more than one child; or

279 [~~(iii)~~ ~~has more than one~~ {[} ~~foster child placed in the parental leave eligible employee's care~~{~~]~~ ~~child placed in foster care with the parental leave eligible employee~~}~~; or~~]

281 [~~(iv)~~] (iii) is appointed legal guardian of more than one child or incapacitated adult.

282

(c) A parental leave eligible employee may not use more than three work weeks of paid parental leave within a single 12-month period, regardless of whether during that 12-month period the parental leave eligible employee:

285 (i) becomes the parent of more than one child;

286 (ii) adopts more than one child; or

287 [~~(iii)~~ ~~has more than one~~ {[} ~~foster child placed in the parental leave eligible employee's care~~{~~]~~ ~~child placed in foster care with the parental leave eligible employee~~}~~; or~~]

289 [~~(iv)~~] (iii) is appointed legal guardian of more than one child or incapacitated adult.

290 (4)

(a) Postpartum recovery leave described in Subsection (2)(a)(ii):

291 (i) shall be used starting on the day on which the postpartum recovery leave eligible employee gives birth, unless a health care provider certifies that an earlier start date is medically necessary;

294 (ii) shall be used in a single continuous period, unless otherwise authorized in writing by the director of the division;

296 (iii) and

319 (iii) runs [~~concurrently~~] concurrent with any leave authorized under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.[~~; and~~]

298 [~~(iv)~~ ~~runs consecutively to parental leave.~~]

299 (b) The amount of postpartum recovery leave authorized under Subsection (2)(a)(ii) does not increase if a postpartum recovery leave eligible employee has more than one child born from the same pregnancy.

302 (5)

(a) Adoption leave described in Subsection (2)(a)(iii):

303 (i) may not be used before the day on which the adoption leave eligible employee adopts a young child;

305 (ii) may not be used more than six months after the date described in Subsection (5)(a)(i);

307 (iii) may not be used intermittently, unless:

308 (A) by mutual written agreement between the state employer and the adoption leave eligible employee; or

310 (B) a health care provider certifies that intermittent leave is medically necessary due to a serious health condition of the young child;

312 (iv) runs {~~concurrently~~ } concurrent with any leave authorized under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.; and

314 (v) runs {~~consecutively~~ } consecutive to parental leavetaken for the adoption of a child.

315 (b) The amount of adoption leave authorized under Subsection (2)(a)(iii) does not increase if an adoption leave eligible employee adopts more than one young child.

317 (c) An adoption leave eligible employee may not use more than nine work weeks of paid adoption leave within a single 12-month period, regardless of whether during that 12-month period the adoption leave eligible employee adopts more than one young child.

321 (d)

(i) If a young child is legally adopted by two adoption leave eligible employees {~~jointly adopt a young child, only one of~~ } , the adoption leave eligible employees {~~may~~ } are entitled to use a single nine-work-week period of paid adoption leave under this section, which the employees may allocate between themselves.

323 (ii) The adoption leave eligible employees described in Subsection (5)(d)(i) shall notify the state employer {~~which employee will take~~ } that the employees intend to allocate adoption leave under {~~this section~~ } Subsection (5)(d)(i) no later than the deadline described in Subsection {~~(7)(a)(i)~~} (8)(a)(i).

326 (6)

(a) Foster leave described in Subsection (2)(a)(iv):

327 (i) may not be used before the day on which a {~~young~~ } child is placed in foster care with a foster leave eligible employee;

329 (ii) may not be used more than six months after the date described in Subsection (6)(a)(i);

357 (iii) may not be used after the child is no longer placed in foster care with the foster leave eligible employee;

331 (iii){(iv)} may {~~not~~ } be used intermittently{~~, unless:~~} ; and

332 {~~(A)~~ {~~by mutual written agreement between the state employer and the foster leave eligible employee; or}~~ }

334 {~~(B)~~ {~~a health care provider certifies that intermittent leave is medically necessary due to a serious health condition of the young child;}~~ }

336 (iv){(v)} runs {~~concurrently~~ } concurrent with any leave authorized under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq{~~.; and~~} .

338 {~~(v)~~ {~~runs consecutively to parental leave.}~~ }

339 (b) The amount of foster leave authorized under Subsection (2)(a)(iv) does not increase if a foster leave eligible employee has more than one {~~young~~ } child placed in foster care with the foster leave eligible employee.

342 (c) A foster leave eligible employee may not use more than {~~three~~ } four work weeks of paid foster leave within a single 12-month period, regardless of whether during that 12-month period more than one {~~young~~ } child is placed in foster care with the foster leave eligible employee.

346 (d)

(i) If a {~~young~~ } child is placed in foster care with two foster leave eligible employees, {~~only one of~~ } the foster eligible employees {~~may use~~ } are entitled to use a single four-work-week period of paid foster leave under this section, which the employees may allocate between themselves.

348 (ii) The foster leave eligible employees described in Subsection (6)(d)(i) shall notify the state employer {~~which employee will take~~ } that the employees intend to allocate foster leave under {~~this section~~ } Subsection (6)(d)(i) no later than the deadline described in Subsection {~~(7)(a)(i)~~} (8)(a)(i).

351 {~~[(5)] (7)~~}

{~~(a)~~} A qualified employee may not use:

377 (a) both foster leave and parental leave with respect to the same child; or

378 (b) both foster leave and adoption leave with respect to the same young child.

379 [~~(5)~~] (8)

(a) Except as provided in Subsection [~~(5)(b)~~] {~~(7)(b)~~} (8)(b), a qualified employee shall give the state employer notice at least 30 days before the day on which the qualified employee plans to:

354 (i) begin using [~~parental leave or postpartum recovery leave~~] qualified leave under this section; and

356 (ii) stop using [~~postpartum recovery leave~~] qualified leave under this section.

357 (b) If circumstances beyond the qualified employee's control, including an emergency foster placement, prevent the qualified employee from giving notice in accordance with Subsection [~~(5)(a)~~] {~~(7)(a)~~} (8)(a), the qualified employee shall give each notice described in Subsection [~~(5)(a)~~] {~~(7)(a)~~} (8)(a) as soon as reasonably practicable.

361 [~~(6)~~] (8){(9)} Except as provided in Subsections (3)(a)(iv)[~~ and~~] , (4)(a)(iii), (5)(a)(iv), and {~~(6)(a)(iv)~~} (6)(a)(v), a state employer may not charge [~~parental leave or postpartum recovery leave~~] qualified leave under this section against sick, annual, compensatory, excess, or other leave a qualified employee is entitled to.

365 [~~(7)~~] (9){(10)} A state employer may not compensate a qualified employee for any unused [~~parental leave or postpartum recovery leave~~] qualified leave upon termination of employment.

368 [~~(8)~~] (10){(11)}

(a) Following the expiration of a qualified employee's [~~parental leave or postpartum recovery~~] qualified leave under this section, the state employer shall ensure that the qualified employee may return to:

371 (i) the position that the qualified employee held before using [~~parental leave or postpartum recovery~~] qualified leave; or

373 (ii) a position within the state employer that is equivalent in seniority, status, benefits, and pay to the position that the qualified employee held before using [~~parental leave or postpartum recovery~~] qualified leave.

376 (b) If during the time a qualified employee uses [~~parental leave or postpartum recovery~~] qualified leave under this section the state employer experiences a reduction in force and, as part of the reduction in force, the qualified employee would have been separated had the qualified employee not been using the [~~parental leave or postpartum recovery~~] qualified leave, the state employer may separate the qualified employee in accordance with any applicable process or procedure as if the qualified employee were not using the [~~parental leave or postpartum recovery~~] qualified leave.

383 [~~(9)~~] (11){(12)} During the time a qualified employee uses [~~parental leave or postpartum recovery~~] qualified leave under this section, the qualified employee shall continue to receive all employment related benefits and payments at the same level that the qualified employee received immediately before beginning the [~~parental leave or postpartum~~] qualified leave, provided that the qualified employee pays any required employee contributions.

388 [~~(10)~~] (12){(13)} A state employer may not:

389 (a) interfere with or otherwise restrain a qualified employee from using [~~parental leave or postpartum recovery~~] qualified leave in accordance with this section; or

391 (b) take retaliatory action against a qualified employee for using [~~parental leave or postpartum recovery~~] qualified leave in accordance with this section.

393 [~~(11)~~] (13){(14)} A state employer shall provide each employee written information regarding a qualified employee's right to use [~~parental leave or postpartum recovery~~] qualified leave under this section.

396 [~~(12)~~] (14){(15)} In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall[~~,~~] :

398 (a) [~~on or before July 1, 2022,~~]make rules for the use and administration of parental leave and postpartum recovery leave under this section, including a schedule that provides paid parental leave or postpartum recovery leave for a qualified employee who is part-time or who works in excess of a 40-hour work week on a pro rata basis[~~.~~] ; and

403 (b) on or before July 1, 2026, make rules for the use and administration of adoption leave and foster leave under this section, including a schedule that provides paid adoption leave or foster leave for a qualified employee who is part-time or who works in excess of a 40-hour work week on a pro rata basis.

435 Section 5. **Effective date.**

Effective Date.

This bill takes effect on July 1, 2026.

2-12-26 9:10 PM