

LEAVE LAWS POLICY RECOMMENDATIONS

The Family and Medical Leave Act (FMLA) has remained unchanged since it was signed into law in 1993. Due to FMLA's narrow eligibility criteria for both employees and worksites, only 56% of employees in the US are covered for unpaid job-protected leave. Although many states have responded with their own leave laws, across Utah and more than a dozen other states, FMLA continues to provide the only family and medical leave protection for workers. Today, tens of thousands of Utahns have no job protection leave options, which disadvantages Utah and its' residents in a multitude of ways. Utah can better support families by considering these policy options:

1 Expand pregnancy leave protections to cover more Utahns.

The Utah Anti-Discrimination Act requires employers with 15 or more employees and all state and political divisions to provide "reasonable accommodations" to employees affected by pregnancy, childbirth, breastfeeding, or related conditions. In some cases, this could require covered employers to provide unpaid, job-protected time off as a reasonable accommodation, but it is not guaranteed. Instead, expectant mothers bear the burden of requesting reasonable accommodations. FMLA continues to provide the only substantive leave protection for Utah mothers. Utah should follow other conservative and Rocky Mountain West states by expanding the scope of workers entitled to job-protected pregnancy leave, offering employees greater discretion and flexibility to make safe and healthy pregnancy decisions.

2 Protect crime victims' right to seek justice without fear of losing their job.

Utah has no law requiring private employers to provide employees with crime victim leave, except for those who must attend depositions or hearings in response to subpoenas. Utah legislators should consider a law guaranteeing Utah crime victims with job-protected leave to attend proceedings in their case generally, rather than only when they are required by court order or subpoena.

3 Develop a serious, bipartisan working group to evaluate plans for paid leave, paid sick leave.

As Utah's current congressional delegation continues to drive the conversation on paid family leave within the Republican party, Utah legislators should form a serious, bipartisan working group to evaluate the changing landscape of paid family leave policies and develop practical approaches for our rapidly growing and changing state.

4 Expand eligibility criteria of existing FMLA.

Consider potential expansions of FMLA coverage by increasing eligibility criteria in any of the following ways: reduce the hours requirement an employee needs to work in the previous 12 months, reduce the number of months requirement the employee has worked for the employer, or cover employers with less than 50 employees.

For more detail and background, see the [executive summary](#) or the [full report](#) of the associated white paper titled: "Utah is Changing: Should Our Leave Laws Follow Suit?"