

# Leave Policy Language: Utah

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A Q&A guide to state law on leave policy language for private employers in Utah. This Q&A suggests model language that may be included in employee leave policies that is consistent with state-specific requirements. Federal, local, or municipal law may impose additional or different requirements. Answers to questions can be compared across a number of jurisdictions (see Leave Policy Language: State Q&A Tool).

## FAMILY AND MEDICAL LEAVE POLICY

**1. Is there any specific language required for compliance with the state equivalent of the Family and Medical Leave Act (FMLA) in family and medical leave policies in your jurisdiction? If so, please include that language below. If there is not, please include sample recommended language for the state equivalent of an FMLA policy in your state.**

Utah does not have a state equivalent to the Family and Medical Leave Act of 1993.

On March 18, 2020, the federal Families First Coronavirus Response Act (FFCRA) (H.R. 6201, §§ 5105 to 5111) was signed into law. The Families First Coronavirus Response Act:

- Includes:
  - the Emergency Paid Sick Leave Act; and
  - the Emergency Family and Medical Leave Expansion Act.
- Is effective April 1, 2020 through December 31, 2020, when it expires by its terms (US Department of Labor FAQ).

While the FFCRA does not require specific language, employers should keep the Act's emergency leave provisions in mind when creating and updating leave policies.

For more information on the FFCRA, see Practice Note: Paid Sick and Family Leave Under the FFCRA ([W-024-7536](#)).

**2. Is there any specific language required for compliance with the state equivalent of the Family and Medical Leave Act (FMLA) in forms requesting family or medical leave in your jurisdiction? If so, please include it below. If there is not, please include sample recommended language.**

Utah does not have a state equivalent to the Family and Medical Leave Act of 1993.

**3. Is there any specific language required for compliance with the state equivalent of the Family and Medical Leave Act (FMLA) in forms supplying medical certification in support of family or medical leave in your jurisdiction? If so, please include it below. If not, please include sample recommended language.**

Utah does not have a state equivalent to the Family and Medical Leave Act of 1993.

## WORKERS' COMPENSATION LEAVE POLICY

**4. Is there any state-specific language required in a workers' compensation leave policy in your jurisdiction? If so, please include it below. If there is not, please include sample recommended language.**

Utah law does not specifically require employers to grant workers' compensation leave for employees who incur on-the-job injuries or illnesses.

## MILITARY LEAVE POLICY

**5. Is there any state-specific language required in a military leave policy in your jurisdiction? If so, please include it below. If there is not, please include sample recommended language.**

Utah law does not require specific language in employers' military leave policies (Utah Code § 39-1-36). Model language for private employers is provided below.

#### MODEL UTAH MILITARY LEAVE POLICY

Employees who are members of a reserve component of the US armed forces who, following military orders, enter active duty or training will, on request, be granted a leave of absence from employment. The leave may continue for up to five years while you are on active duty.

After release from active duty or training, or from hospitalization incidental to active duty or training, employees may return to employment with the seniority, status, pay, and vacation they would have had but for the military service.

#### DISABILITY LEAVE POLICY

**6. Is there any state-specific language required in a disability leave policy in your jurisdiction? If so, please include it below. If there is not, please include sample recommended language.**

Utah law does not specifically require leave for employees who are eligible for statutory disability benefits. However, leave for a disability may be required as a reasonable accommodation under the Americans with Disabilities Act or the Utah Antidiscrimination Act (Utah Code §§ 34A-5-101 to 34A-5-112). For more information on Utah disability discrimination laws, see State Q&A, Anti-Discrimination Laws: Utah ([4-518-8113](#)).

#### PREGNANCY LEAVE POLICY

**7. Is there any state-specific language required in a pregnancy leave policy in your jurisdiction? If so, please include it below. If there is not, please include sample recommended language.**

Utah law does not require pregnancy leave. However, employers who voluntarily provide paid or unpaid parental leave must do so in a non-discriminatory, gender-neutral manner (Utah Code § 34A-5-106). Model policy language is provided below.

#### MODEL UTAH PARENTAL LEAVE POLICY

You may take up to [NUMBER] weeks of unpaid leave within three months following the birth of your newborn child or the placement of a newly adopted child with you. [EMPLOYER NAME] may require employees to use any accrued paid time off concurrently with any period of parental leave.

#### OTHER TYPES OF LEAVE POLICIES

**8. Please describe other types of leave that should be considered when drafting a leave policy in your state (for example, voting leave, domestic violence leave, bone marrow leave, or jury duty leave).**

In addition to the leaves discussed in Questions 5 and 7, Utah requires leave for:

- Voting (Utah Code § 20A-3-103).
- Jury duty (Utah Code § 78B-1-116).
- Responding to a subpoena (Utah Code § 78B-1-132).

For model policies, see Question 9:

- Model Utah Voting Leave Policy.
- Model Utah Jury Duty Leave Policy.
- Model Utah Subpoena Leave Policy.

Employers in Utah that offer vacation leave, holiday leave, sick leave, or other paid time off must pay their employees any unused accrued leave unless their written policies state otherwise (Utah Admin. Code r. 610-3-4(B)). For model policy language, see Question 9: Model Utah Vacation Leave Policy. For more information on leave requirements in Utah, see State Q&A, Leave Laws: Utah ([3-524-4195](#)).

**9. For each type of leave described in Question 8, please provide any language required in a leave policy in your state.**

No specific language is required for any of the leaves listed in Question 8. For more information on leave requirements in Utah, see State Q&A, Leave Laws: Utah ([3-524-4195](#)).

The following is model policy language for each leave type.

#### MODEL UTAH VOTING LEAVE POLICY

Employees who do not have sufficient time outside of their working hours to vote may have paid time off to vote. If you need time off to vote, you must request leave from your supervisor before Election Day. Unless you request the leave of absence at the beginning or end of your shift, your supervisor will specify the time during which you may be absent. Time off to vote will not exceed two hours.

Retaliation against any employee who requests leave under this policy is strictly prohibited.

(Utah Code § 20A-3-103.)

Under Utah Code § 20A-1-309, in-person voting has been generally suspended for the 2020 General Primary election in response to the public health emergency posed by the 2019 novel coronavirus disease (COVID-19). Most counties will instead participate in a "by mail" voting option. Employers are encouraged to check with their counsel as to any impact this may have on voting leave for the 2020 General Primary election.

#### MODEL UTAH JURY DUTY LEAVE POLICY

[EMPLOYER NAME] encourages employees to fulfill their civic responsibilities to serve on state and federal juries. If you are summoned to serve on jury duty, your attendance at work will be excused and you will be placed on unpaid leave. Employees qualifying for annual, vacation, or sick leave will not be required to use that leave for time spent responding to a summons for jury duty, participating in the jury selection process or serving on a jury. However, employees may choose to use available unused vacation leave instead of unpaid leave. Employees summoned to

jury duty must immediately inform their supervisor so that arrangements can be made to accommodate their absence. [EMPLOYER NAME] reserves the right to request proof of jury service issued by the Court on return to work.

Retaliation against any employee who requests leave under this policy is strictly prohibited.

(Utah Code § 78B-1-116.)

#### **MODEL UTAH SUBPOENA LEAVE POLICY**

If you are legally compelled to attend a judicial proceeding such as a hearing or deposition, your attendance at work will be excused. You must notify your supervisor immediately of your need for leave under this policy. On receiving a request for leave under this policy, [EMPLOYER NAME] may request a copy of the summons or subpoena. Leave under this policy will be unpaid.

Retaliation against any employee who requests leave under this policy is strictly prohibited.

(Utah Code § 78B-1-132.)

#### **MODEL UTAH VACATION LEAVE POLICY**

You may take up to [NUMBER] days of leave (sick, vacation, or other paid time off) per year as long as you are employed when you use the leave. Leave time unused by the end of the year will not carry over to the next year and will be forfeited. On separation from employment for any reason, whether by resignation, termination, or other reason, employees will not be paid out for unused leave time. This policy may be changed at any time at the discretion of [EMPLOYER NAME].

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