

Leave Laws: Utah

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Law stated as of 15 Mar 2024 • United States, Utah

A Q&A guide to state law on employee leave for private employers in Utah. This Q&A addresses the legal requirements for leave from employment and explains the rights and obligations of employees and employers under state law. Federal, local, or municipal law may impose additional or different requirements. Answers to questions can be compared across several jurisdictions (see [Leave Laws: State Q&A Tool](#)).

For information and updates on changes to state leave laws related to the 2019 novel coronavirus disease (COVID-19), see [Paid Sick Leave State and Local Laws Chart: Overview: State and Local Laws Charts](#), and [Paid Family and Medical Leave State and Local Laws Chart: Overview: State and Local Laws Charts](#).

For information and updates on state employment law developments related to COVID-19, see [COVID-19: Employment Law and Development Tracker: State Laws and Directives](#).

Overview of State Leave Law

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Overview of State Leave Law

1. What leave laws exist in your state (for example, mini-FMLA laws, disability leave, jury duty leave, or domestic violence leave)? For each leave law please describe:

- Which employers are covered.
- Which employees are eligible to take the leave.
- The entity that administers the law.

- Whether the employee has a private right of action.

Jury Duty Leave: Utah Code § 78B-1-116

Covered Employers

All Utah employers are covered by this law.

Eligible Employees

All Utah employees are eligible for this leave.

Administration

The statute does not specify an entity to administer the law.

Private Right of Action

An employee discharged from employment for taking jury duty leave may bring a civil action for:

- Reinstatement.
- Up to six weeks of lost wages.
- Reasonable attorneys' fees.

The employee must bring the civil action within 30 days of the discharge. ([Utah Code § 78B-1-116\(4\)](#).)

Subpoena Leave: Utah Code § 78B-1-132

Covered Employers

All Utah employers are covered by this law.

Eligible Employees

All Utah employees responding to a subpoena are eligible for this leave.

Administration

The statute does not specify an entity to administer the law.

Private Right of Action

Employees discharged from employment for taking subpoena leave may bring a civil action for:

- Reinstatement.
- Up to six weeks of lost wages.
- Attorneys' fees.

(Utah Code § 78B-1-132(3).)

Voting Leave: Utah Code § 20A-3a-105

All Utah employers must provide voting leave if necessary. For more information on Utah's voting leave law, see [State Voting Leave Laws Chart: Overview](#).

Rules Regarding Taking Leave

2. For each leave law, please describe:

- The circumstances under which an employee may take leave (for example, birth of a child).
- How much leave time is allowed to be taken by each employee each year?
- How is that leave time calculated?

Jury Duty Leave: Utah Code § 78B-1-116

Valid Leave Reasons

An employee may take leave to:

- Respond to a summons for jury duty.
- Participate in the jury selection process.
- Spend time serving on a jury.

([Utah Code § 78B-1-116\(1\)](#).)

Leave Time for Each Employee

An employee is entitled to jury duty leave for the duration of the employee's period of prospective or actual jury service. For responding to a summons for jury duty, an employer may not require an employee to use:

- Annual leave.
- Vacation leave.
- Sick leave.

([Utah Code § 78B-1-116\(2\)](#).)

Calculating Leave Time

There is no specific method for calculating leave time.

Subpoena Leave: Utah Code § 78B-1-132

Valid Leave Reasons

An employee may take leave from their employment to attend a deposition or hearing in response to a subpoena ([Utah Code § 78B-1-132\(1\)](#)).

Leave Time for Each Employee

An employer must grant an employee leave to respond to a subpoena ([Utah Code § 78B-1-132\(1\)](#)).

Calculating Leave Time

There is no specific method for calculating leave time.

Voting Leave: Utah Code § 20A-3a-105

All Utah employers must provide voting leave if necessary. For more information on Utah's voting leave law, see [State Voting Leave Laws Chart: Overview](#).

3. Do any leave laws in your state require the leave time to run concurrently with other leave, and if so, which types of leave must it run concurrently with?

Jury Duty Leave: Utah Code § 78B-1-116

An employer cannot require an employee to use annual, vacation, or sick leave for:

- Responding to a summons for jury duty.
- Time spent participating in the jury selection process.
- Time spent actually serving on a jury.

(Utah Code § 78B-1-116(2).)

4. Do any leave laws in your state allow leave to be taken intermittently, and if so, what rules apply to intermittent leave under each law?

None of the leave laws listed in [Question 1](#) address intermittent leave.

Employee Obligations

5. For each leave law, must an employee seeking leave:

- Give notice to their employer? If so, how much and what kind of notice?
- Provide medical or any other sort of certification?

Jury Duty Leave: Utah Code § 78B-1-116

Notice

No notice is required.

Certification

No certification is required.

Subpoena Leave: Utah Code § 78B-1-132

Notice

No notice is required.

Certification

No certification is required.

Voting Leave: Utah Code § 20A-3a-105

All Utah employers must provide voting leave if necessary. For more information on Utah's voting leave law, see [State Voting Leave Laws Chart: Overview](#).

6. For each leave law, what rights and benefits does the law grant to an employee taking leave under it (for example, pay, right to return to their same position, or right to bonuses that would have otherwise been earned)?

Jury Duty Leave: Utah Code § 78B-1-116

If an employee receives a jury summons, an employer may not, because of the absence:

- Discharge the employee.
- Take any adverse employment action.
- Coerce the employee in any way about their employment.
- Require the employee to use:
 - annual leave;
 - vacation leave; or
 - sick leave.

(Utah Code § 78B-1-116(1), (2).)

Subpoena Leave: Utah Code § 78B 1-132

Employers cannot discharge, threaten, or otherwise coerce an employee who in response to a subpoena attends a deposition or a hearing (Utah Code § 78B-1-132(1)).

Voting Leave: Utah Code § 20A-3a-105

All Utah employers must provide voting leave if necessary. For more information on Utah's voting leave law, see [State Voting Leave Laws Chart: Overview](#).

Employer Obligations

7. For each leave law, what obligations does an employer have to inform its employees of their rights to the leave?

None of the laws listed in [Question 1](#) obligate an employer to inform its employees of their rights to leave.

8. For each leave law, what are possible consequences for employers who violate the law?

Jury Duty Leave: Utah Code § 78B-1-116

Any employer who violates this statute is guilty of criminal contempt and, if convicted, may face either or both:

- A fine up to \$500.
- Imprisonment for up to six months.

(Utah Code § 78B-1-116(3).)

If any employer discharges an employee in violation of this statute, the employee, within 30 days, may bring a civil action for:

- Up to six weeks of lost wages.
- Reinstatement.
- Attorneys' fees.

(Utah Code § 78B-1-116(4).)

Subpoena Leave: Utah Code § 78B-1-132

Any employer who violates this statute is guilty of criminal contempt and, on conviction, may face either or both:

- A fine up to \$500.
- Imprisonment for up to six months.

(Utah Code § 78B-1-132(2).)

An aggrieved employee may bring a civil suit against an employer who violates this statute for:

- An order requiring reinstatement.
- Damages for up to six weeks of lost wages.
- Attorneys' fees, if the employee prevails.

(Utah Code § 78B-1-132(3).)

Voting Leave: Utah Code § 20A-3a-105

All Utah employers must provide voting leave if necessary. For more information on Utah's voting leave law, see [State Voting Leave Laws Chart: Overview](#).

Recordkeeping

9. What are the recordkeeping obligations for each type of leave?

None of the laws listed in [Question 1](#) contain any recordkeeping obligations for employers.

Other Leave Laws

10. Please describe other laws relating to leave that employers should consider in your state (for example, laws not requiring leave, but prohibiting discrimination in provision of certain types of leave).

Leave Treated as Wages: Utah Admin. Code r. 610-3-4

Under Utah law, the following are treated as wages:

- Vacation leave.
- Holiday leave.
- Sick leave.
- Paid time off.
- Severance payments and bonuses.

(Utah Admin. Code r. 610-3-4(B).)

An employer must pay an employee for any accrued, unused leave time on the employee's termination unless the employer specifically implements a "use it or lose it" policy. The policy must explicitly state that an employee will not be paid for their leave if they do not use the leave before employment is terminated. For model policy language, see [State Q&A, Leave Policy Language: Utah](#).

Military Leave

Effective May 3, 2023, Utah has repealed its military leave law, which allowed service members to take up to five years of leave when on active duty or training orders ([Utah Code § 39-1-36](#)). Although beyond the scope of this Q&A, military leave is still available to public employees ([Utah Code § 71a-8-102](#)).

11. Please describe any significant leave laws in major jurisdictions within your state that employers should consider.

While there are no major local requirements in Utah at this time, practitioners should always consult relevant local and municipal law.