

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 447

BY NASH

AN ACT

1 RELATING TO THE IDAHO PAID FAMILY LEAVE ACT; AMENDING TITLE 44, IDAHO CODE,
2 BY THE ADDITION OF A NEW CHAPTER 28, TITLE 44, IDAHO CODE, TO PROVIDE A
3 SHORT TITLE, TO DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING PAID
4 FAMILY LEAVE AND BENEFITS AND TO PROVIDE A PROHIBITION, TO ESTABLISH
5 PROVISIONS REGARDING A PAID FAMILY LEAVE FUND AND A CERTAIN TAX, TO
6 PROVIDE AUTHORITY TO THE IDAHO DEPARTMENT OF LABOR, AND TO PROVIDE FOR
7 STATUTORY CONSTRUCTION AND PURPOSE; AND DECLARING AN EMERGENCY AND PRO-
8 VIDING AN EFFECTIVE DATE.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Title 44, Idaho Code, be, and the same is hereby amended
12 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
13 ter 28, Title 44, Idaho Code, and to read as follows:

14 CHAPTER 28

15 IDAHO PAID FAMILY LEAVE ACT

16 44-2801. SHORT TITLE. This chapter shall be known and may be cited as
17 the "Idaho Paid Family Leave Act."

18 44-2802. DEFINITIONS. As used in this chapter:

19 (1) "Department" means the Idaho department of labor.

20 (2) "Employee" means an individual receiving remuneration for services
21 from an employer.

22 (3) "Employer" shall have the same meaning as "covered employer" pro-
23 vided in section 72-1315, Idaho Code.

24 (4) "Family member" means a spouse, parent, stepparent, child,
25 stepchild, foster child, sibling, grandparent, aunt, uncle, or other rela-
26 tive, whether by blood, law, or marriage, with whom an employee has a close
27 family relationship.

28 (5) "Minor" means a person under the age of eighteen (18) years.

29 (6) "Payroll" means the amount of wages paid by an employer.

30 44-2803. PAID FAMILY LEAVE -- BENEFITS -- PROHIBITION. (1) An employee
31 shall be entitled to the following paid family leave:

32 (a) Three (3) months of maternity leave for a person who is pregnant or
33 who has recently given birth;

34 (b) Twelve (12) months of parental leave, which may be taken by one
35 (1) person or divided between two (2) persons, for the parent or legal
36 guardian of a child who:

37 (i) Was born within the past eighteen (18) months; or

38 (ii) Was adopted within the past twelve (12) months; and

39 (c) Caregiving leave of:

1 (i) Six (6) months for an employee providing care for a seriously
2 ill or injured family member who is a minor;

3 (ii) Six (6) months for an employee providing end-of-life care for
4 any family member; or

5 (iii) Three (3) months for an employee caring for a seriously ill
6 or injured family member who is an adult.

7 (2) The rate of pay during paid family leave shall be up to two-thirds
8 (2/3) of an employee's regular pay. Maximum weekly benefit amounts shall be
9 determined and paid by the department.

10 (3) No employer shall terminate, demote, or take other adverse employ-
11 ment action against an employee who takes paid family leave as described in
12 this section. Any employer that takes such adverse employment action shall
13 be assessed a penalty as determined by the department, which penalty may
14 equal up to twenty percent (20%) of the employer's payroll, none of which may
15 be deducted from employee pay.

16 44-2804. PAID FAMILY LEAVE FUND -- PAYROLL TAX. (1) There is hereby es-
17 tablished in the state treasury the paid family leave fund, to be adminis-
18 tered by the department. Moneys in the fund shall be used to pay the benefits
19 described in section 44-2803, Idaho Code, and shall consist of:

20 (a) Tax revenues described in subsection (2) of this section;

21 (b) Appropriations by the legislature; and

22 (c) Interest earned on moneys in the fund.

23 (2) A quarterly tax is hereby levied on each employer in the amount of
24 two percent (2%) of the employer's payroll, as determined by the department.
25 Up to half of the tax may be deducted from employee pay. Revenues from the
26 tax described in this subsection shall be deposited in the paid family leave
27 fund.

28 44-2805. DEPARTMENT AUTHORITY. The department is authorized to take
29 such actions as are necessary to implement and enforce the provisions of this
30 chapter, including the promulgation of any necessary rules.

31 44-2806. STATUTORY CONSTRUCTION AND PURPOSE. The provisions of this
32 chapter shall be construed liberally in order to effectuate the purpose of
33 the chapter, which is to ensure that Idahoans may take leave as necessary to
34 care for their families.

35 SECTION 2. An emergency existing therefor, which emergency is hereby
36 declared to exist, this act shall be in full force and effect on and after
37 July 1, 2022.