

Effective 5/13/2014

34-28-19 Retaliation prohibited -- Administrative process -- Enforcement -- Rulemaking.

- (1)
 - (a) An employer violates this chapter if the employer takes an action described in Subsection (1) (b) against an employee because:
 - (i) the employee files a complaint or testifies in a proceeding relative to the enforcement of this chapter;
 - (ii) the employee is going to file a complaint or testify in a proceeding relative to the enforcement of this chapter; or
 - (iii) the employer believes that the employee may file a complaint or testify in any proceeding relative to the enforcement of this chapter.
 - (b) Subsection (1)(a) applies to the following actions of an employer:
 - (i) the discharge of an employee;
 - (ii) the demotion of an employee; or
 - (iii) any other form of retaliation against an employee in the terms, privileges, or conditions of employment.
- (2)
 - (a) An employee claiming to be aggrieved by an action of the employer in violation of Subsection (1) may file with the division a request for agency action.
 - (b) On receipt of a request for agency action under Subsection (2)(a), the division:
 - (i) shall conduct an adjudicative proceeding pursuant to Title 63G, Chapter 4, Administrative Procedures Act; and
 - (ii) may attempt to reach a settlement between the parties through a settlement conference.
- (3) If the division determines that a violation has occurred, the division may require the employer to:
 - (a) cease and desist any retaliatory action;
 - (b) compensate the employee, which compensation may not exceed reimbursement for, and payment of, lost wages and benefits to the employee; or
 - (c) do both Subsections (3)(a) and (b).
- (4) The division may enforce this section in accordance with Subsections 34-28-9(4) and (5).
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall adopt rules, as required, to implement this section.

Amended by Chapter 188, 2014 General Session