

Chapter 47
Worker Classification Coordinated Enforcement Act

Part 1
General Provisions

34-47-101 Title.

This chapter is known as the "Worker Classification Coordinated Enforcement Act."

Enacted by Chapter 15, 2011 General Session

34-47-102 Definitions.

As used in this chapter:

- (1) "Commission" means the Labor Commission.
- (2) "Commissioner" means the commissioner of the Labor Commission.
- (3) "Council" means the Worker Classification Coordinated Enforcement Council created in Section 34-47-201.
- (4) "Member agency" means an agency that is represented on the council.
- (5) "Misclassification" means to classify an individual as something other than an employee, if under the relevant law the individual is required to be classified as an employee.

Enacted by Chapter 15, 2011 General Session

Part 2
Worker Classification Coordinated Enforcement Council

34-47-201 Creation.

- (1)
 - (a) There is created within the commission the Worker Classification Coordinated Enforcement Council consisting of the following four members:
 - (i) the commissioner, or the commissioner's designee;
 - (ii) the executive director of the Department of Commerce, or the executive director's designee;
 - (iii) the executive director of the Department of Workforce Services, or the executive director's designee; and
 - (iv) the chair of the State Tax Commission, or the chair's designee.
 - (b) The Office of the Attorney General shall work cooperatively with the council.
- (2) The commissioner, or the commissioner's designee, is chair of the council.
- (3)
 - (a) A majority of the council members constitutes a quorum.
 - (b) A vote of the majority of the council members present when a quorum is present is an action of the council.
 - (c) Subject to Section 34-47-202, the council shall meet at the call of the chair, except that the chair shall call a meeting at least quarterly.
 - (d) The council may adopt additional procedures or requirements for:
 - (i) voting, when there is a tie of the council members;
 - (ii) how meetings are to be called; and

- (iii) the frequency of meetings.

Enacted by Chapter 15, 2011 General Session

34-47-202 Duties and powers of the council.

- (1) The council shall meet at least quarterly with the attorney general or a designee of the attorney general to coordinate regulatory and law enforcement efforts related to misclassification.
- (2)
 - (a) The council shall provide a written report by no later than September 1 of each year regarding the previous fiscal year to:
 - (i) the governor; and
 - (ii) the Business and Labor Interim Committee.
 - (b) The report required by this Subsection (2) shall include:
 - (i) the nature and extent of misclassification in this state;
 - (ii) the results of regulatory and law enforcement efforts related to the council;
 - (iii) the status of sharing information by member agencies; and
 - (iv) recommended legislative changes, if any.
 - (c) As part of the report required by this Subsection (2), the council shall provide an opportunity to the following to include in the report comments on the effectiveness of the council:
 - (i) the attorney general; and
 - (ii) each member agency.
- (3) The council may study:
 - (a) how to reduce costs to the state resulting from misclassification;
 - (b) how to extend outreach and education efforts regarding the nature and requirements of classifying an individual;
 - (c) how to promote efficient and effective information sharing amongst the member agencies; and
 - (d) the need, if any, to create by statute a database or other method to facilitate sharing of information related to misclassification.
- (4) A member agency shall cooperate with the commission and council to provide information related to misclassification to the extent that:
 - (a) the information is public information; or
 - (b) providing the information is otherwise permitted by law other than this chapter.
- (5)
 - (a) A record provided to the commission or council under this chapter is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act, unless otherwise classified as private or controlled under Title 63G, Chapter 2, Government Records Access and Management Act.
 - (b) Notwithstanding Subsection (5)(a), the commission or council may disclose the record to the extent:
 - (i) necessary to take an administrative action by a member agency;
 - (ii) necessary to prosecute a criminal act; or
 - (iii) that the record is:
 - (A) obtainable from a source other than the member agency that provides the record to the commission or council; or
 - (B) public information or permitted to be disclosed by a law other than this chapter.

Amended by Chapter 187, 2016 General Session

