

**RESTRICTION ON POLITICAL ACTIVITY  
OF MUNICIPAL EMPLOYEES**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Neil A. Hansen**

AN ACT RELATING TO THE UTAH MUNICIPAL CODE; LIMITING CERTAIN POLITICAL ACTIVITIES OF MUNICIPAL EMPLOYEES; ALLOWING LEAVE OF ABSENCE UNDER CERTAIN CIRCUMSTANCES; AND PROHIBITING ADVERSE EMPLOYMENT ACTION BY A MUNICIPALITY UNDER CERTAIN CIRCUMSTANCES.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

**10-3-1108**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-3-1108** is enacted to read:

**10-3-1108. Political activity of municipal officer or employee.**

(1) For purposes of this section, "hours of employment" means occurring at a time when an officer or employee is acting within the course and scope of employment, but excludes a lunch break afforded to the officer or employee.

(2) Except as otherwise provided by federal law:

(a) the partisan political activity, political opinion, or political affiliation of an applicant for a position with a municipality may not provide a basis for denying employment to the applicant;

(b) an officer or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal;

(c) a municipal officer or employee may not engage in political campaigning or solicit political contributions during hours of employment;

(d) a municipal officer or employee may not use municipal equipment while engaged in political activity;

(e) a municipal officer or employee may not directly or indirectly coerce, command, or

advise another municipal officer or employee to pay, lend, or contribute part of the officer or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes; and

(f) a municipal officer or employee may not attempt to make another officer or employee's personnel status dependent on the officer or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.

(3) A municipal employee who has filed a declaration of candidacy may:

(a) be given a leave of absence for the period between the primary election and the general election; and

(b) use any vacation or other leave available to engage in campaign activities.

(4) If a municipal officer or employee is elected to a public office, the employee may:

(a) be given a leave of absence without pay for the time during which the employee receives compensation for service in the public office; and

(b) use any vacation or other leave available to serve in the public office.

(5) Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.

(6) Nothing in this section may be construed to:

(a) prohibit a municipal officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or

(b) permit a municipal officer or employee's partisan political activity that is prohibited under federal law.