

Senator David L. Gladwell proposes to substitute the following bill:

**PROHIBITION OF JOB ACTIONS BY
PUBLIC SCHOOL EMPLOYEES**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Gladwell

This act modifies provisions relating to the State System of Public Education by prohibiting public school employees from engaging in strikes. The act defines what constitutes a strike and provides that a public school employee who engages in a strike shall forfeit two days pay for each day's participation. The act provides that no make-up days are required if schools are closed because of a school employee strike.

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

ENACTS:

53A-3-411.5, Utah Code Annotated 1953

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

Section 1. Section **53A-3-411.5** is enacted to read:

53A-3-411.5. School employee organizations -- Prohibition of strikes -- Withholding of pay -- Make-up days not required.

(1) It is declared that the policy of the state is to:

(a) promote harmonious and cooperative relationships between government and its employees;

(b) protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government; and

(c) recognize that strikes by school employees are inappropriate, unproductive, and illegal, disruptive of the school learning environment, and the source of irreparable damage to relationships between teachers and school officials, parents of students, and students.



26 (2) (a) Public school employees have the right to form, join, and participate in or to refrain
27 from forming, joining, or participating in, any employee organization of their own choosing.

28 (b) They may be represented by an employee organization in collective bargaining contract
29 negotiations if the organization represents a majority of the public school employees under contract
30 with the school district.

31 (c) Each bargaining agreement shall contain a no-strike clause.

32 (3) (a) A public school employee or public school employee organization may not engage
33 in a strike or cause, instigate, encourage, or condone a strike by public school employees.

34 (b) As used in this section, "strike" means any strike or other concerted stoppage of work,
35 slowdown, or other job action by public school employees.

36 (4) Public school employees who are absent from work without permission, or who abstain
37 wholly or in part from the full performance of their duties in their customary and usual manner,
38 without permission, on the date when a strike occurs, are rebuttably presumed to have engaged in
39 the strike on that date.

40 (5) Not earlier than 30 nor later than 90 days following a determination by a local school
41 board that a public school employee has violated Subsection (3) by engaging in a strike, the school
42 district's chief financial officer shall deduct from the employee's pay an amount equal to twice the
43 employee's daily pay rate for each day the employee engaged in the strike.

44 (6) No regulation, rule, or law with respect to the minimum length of a school year shall
45 be applicable or shall require make-up days in any situation where schools in a school district are
46 closed as a result of a school employee strike.