

28 ~~because the employee, or a person acting on his behalf engaged or intended to engage];~~

29 (a) engaged ~~h~~ **OR INTENDED TO ENGAGE** ~~h~~ in an activity protected under Section
29a 67-21-3[-]; and

30 (b) ~~h~~ [subsequently] ~~h~~ suffered an adverse action by the employer of the employee.

31 (5) Upon a showing by the employee that the elements of Subsection (4) have been
32 satisfied, an employer may assert as an affirmative defense that the adverse action taken against
33 the employee was:

34 (a) not connected to the activity by the employee protected under Section 67-21-3; and

35 (b) was taken because of separate actions or conduct of the employee that warranted the
36 adverse action taken by the employer.

Legislative Review Note
as of 12-19-01 9:05 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel