

28 (7) "Employee" means any person applying with or employed by an employer.

29 (8) (a) "Employer" means:

30 (i) the state;

31 (ii) any political subdivision;

32 (iii) any of the following of the state or one of the state's political subdivisions:

33 (A) a board[;];

34 (B) a commission[;];

35 (C) a department[;];

36 (D) an institution[;];

37 (E) a school district[;];

38 (F) a trust[;]; or

39 (G) an agent [~~of the state or its political subdivisions~~]; or

40 (iv) a person employing [~~15~~] eight or more employees within the state for each working
41 day in each of 20 calendar weeks or more in the current or preceding calendar year.

42 (b) "Employer" does not include:

43 (i) a religious organization or association;

44 (ii) a religious corporation sole; or

45 (iii) any corporation or association constituting a wholly owned subsidiary or agency of

46 [any];

47 (A) a religious organization or association; or

48 (B) a religious corporation sole.

49 (9) "Employment agency" means any person:

50 (a) undertaking to procure employees or opportunities to work for any other person; or

51 (b) holding itself out to be equipped to take an action described in Subsection (9)(a).

52 (10) "Joint apprenticeship committee" means any association of representatives of a labor
53 organization and an employer providing, coordinating, or controlling an apprentice training
54 program.

55 (11) "Labor organization" means any organization that exists for the purpose in whole or
56 in part of:

57 (a) collective bargaining;

58 (b) dealing with employers concerning grievances, terms or conditions of employment; or

59 (c) other mutual aid or protection in connection with employment.

60 (12) "National origin" means the place of birth, domicile, or residence of an individual or
61 of an individual's ancestors.

62 (13) "On-the-job-training" means any program designed to instruct a person who, while
63 learning the particular job for which the person is receiving instruction:

64 (a) is also employed at that job; or

65 (b) may be employed by the employer conducting the program during the course of the
66 program, or when the program is completed.

67 (14) "Person" means:

68 (a) one or more:

69 (i) individuals[;];

70 (ii) partnerships[;];

71 (iii) associations[;];

72 (iv) corporations[;];

73 (v) legal representatives[;];

74 (vi) trusts or trustees[;]; or

75 (vii) receivers[;];

76 (b) the state; and

77 (c) all political subdivisions and agencies of the state.

78 (15) "Presiding officer" means the same as that term is defined in Section 63-46b-2.

79 (16) "Prohibited employment practice" means a practice specified as discriminatory, and
80 therefore unlawful, in Section 34A-5-106.

81 (17) "Retaliate" means the taking of adverse action by an employer, employment agency,
82 labor organization, apprenticeship program, on-the-job training program, or vocational school
83 against one of its employees, applicants, or members because the employee, applicant, or member:

84 (a) has opposed any employment practice prohibited under this chapter; or

85 (b) filed charges, testified, assisted, or participated in any way in any proceeding,
86 investigation, or hearing under this chapter.

87 (18) "Vocational school" means any school or institution conducting a course of
88 instruction, training, or retraining to prepare individuals to follow an occupation or trade, or to
89 pursue a manual, technical, industrial, business, commercial, office, personal services, or other

90 nonprofessional occupations.

Legislative Review Note
as of 1-9-02 9:36 AM

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

Office of Legislative Research and General Counsel