

Senator Margaret Dayton proposes the following substitute bill:

SCHOOL DISTRICT LEAVE POLICIES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill amends provisions in the State System of Public Education code related to association leave.

Highlighted Provisions:

This bill:

- ▶ prohibits a local school board from granting paid association leave for certain employee association or union duties;
- ▶ for certain school districts, requires reimbursement to a school district of the costs for certain employees, including benefits, for the time that an employee is on:
 - unpaid association leave; or
 - participating in certain paid association leave activities;
- ▶ for certain school districts, provides that the school district may allow up to 10 days of association leave under certain conditions;
- ▶ defines terms; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **53A-3-425**, as enacted by Laws of Utah 2002, Chapter 312



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

32 Section 1. Section **53A-3-425** is amended to read:

33 **53A-3-425. Association leave -- District policy.**

34 (1) As used in this section[~~,"association leave"~~]:

35 (a) "Association leave" means leave from a school district employee's regular school
36 responsibilities granted for that employee to spend time for association, employee association,
37 or union duties.

38 (b) "Employee association" means an association that:

39 (i) negotiates employee salaries, benefits, contracts, or other conditions of employment;

40 or

41 (ii) performs union duties.

42 (2) (a) Except as provided in Subsection (3), a local school board may not allow paid
43 association leave for a school district employee to perform an employee association or union
44 duty.

45 (3) (a) A local school board may allow paid association leave for a school district
46 employee to perform an employee association duty if:

47 (i) the duty performed by the employee on paid association leave will directly benefit
48 the school district, including representing the school district's licensed educators:

49 (A) on a board or committee, such as the school district's foundation, a curriculum
50 development board, insurance committee, or catastrophic leave committee;

51 (B) at a school district leadership meeting; or

52 (C) at a workshop or meeting conducted by the school district's local school board;

53 (ii) the duty performed by the employee on paid association leave does not include
54 political activity, including:

55 (A) advocating for or against a candidate for public office in a partisan or nonpartisan
56 election;

57 (B) soliciting a contribution for a political action committee, a political issues
 58 committee, a political party, or a candidate, as defined in Section 20A-11-101; or

59 (C) initiating, drafting, soliciting signatures for, or advocating for or against a ballot
 60 proposition, as defined in Section 20A-1-102; and

61 (iii) the local school board ensures compliance with the requirements of Subsections
 62 (4)(a) through (g).

63 (b) Prior to [any] a school district employee's participation in paid or unpaid
 64 association leave, a local school board shall adopt a written policy that governs association
 65 leave.

66 (c) Except as provided in Subsection (3)(d), a local school board policy that governs
 67 association leave shall require reimbursement to the school district of the costs for an
 68 employee, including benefits, for the time that the employee is:

69 (i) on unpaid association leave; or

70 (ii) participating in a paid association leave activity that does not provide a direct
 71 benefit to the school district.

72 (d) For a school district that allowed association leave described in Subsections
 73 (3)(c)(i) and (ii) prior to January 1, 2011, the local school board policy that governs association
 74 leave may allow up to 10 days of association leave before requiring a reimbursement described
 75 in Subsection (3)(c).

76 (e) A reimbursement required under Subsections (3)(c), (d), or (4)(g) may be provided
 77 by an employee, association, or union.

78 ~~[(3)]~~ (4) If a local school board adopts a policy to allow paid association leave, the
 79 policy shall include procedures and controls to:

80 (a) ensure that the duties performed by employees on paid association leave directly
 81 benefit ~~[education within]~~ the school district;

82 (b) require the school district to document the use and approval of paid association
 83 leave;

84 (c) require school district supervision of employees on paid association leave;

85 (d) require the school district to account for the costs and expenses of paid association
 86 leave;

87 (e) ensure that during the hours of paid association leave a school district employee

88 may not engage in political activity, including:

89 (i) ~~[actively campaigning for candidates]~~ advocating for or against a candidate for
90 public office in a partisan ~~[and]~~ or nonpartisan ~~[elections]~~ election; ~~[and]~~

91 ~~[(ii) fundraising for political organizations, political parties, or candidates;]~~

92 (ii) soliciting a contribution for a political action committee, a political issues
93 committee, a political party, or a candidate, as defined in Section 20A-11-101; and

94 (iii) initiating, drafting, soliciting signatures for, or advocating for or against a ballot
95 proposition, as defined in Section 20A-1-102;

96 (f) ensure that association leave is only paid out of school district funds when the paid
97 association leave directly benefits ~~[education within]~~ the district; and

98 (g) require the reimbursement to the school district of the cost of paid association leave
99 activities that do not provide a direct benefit to education within the school district.

100 ~~[(4)]~~ (5) If a local school board adopts a policy to allow paid association leave, that
101 policy shall indicate that a willful violation of this section or of a policy adopted in accordance
102 with Subsection ~~[(2)]~~ (3) or ~~[(3)]~~ (4) may be used for disciplinary action under Section
103 53A-8-104.