

**LIMITATION ON COLLECTIVE BARGAINING**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keith Grover**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to collective bargaining by public employers.

**Highlighted Provisions:**

This bill:

▶ prohibits state and local government entities from engaging in collective bargaining on subjects other than wages and health benefits.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**34-20-7**, as enacted by Laws of Utah 1969, Chapter 85

**34-34-16**, as enacted by Laws of Utah 1969, Chapter 85

**53A-25b-401**, as enacted by Laws of Utah 2009, Chapter 294

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

Section 1. Section **34-20-7** is amended to read:

**34-20-7. Organization and collective bargaining -- Employees' rights.**

Employees [staff] have the right to:



- 28           (1) self-organization~~[-to]~~;
- 29           (2) form, join, or assist labor organizations~~[-to]~~;
- 30           (3) except as provided in Subsection 34-34-16(2), bargain collectively through
- 31 representatives of their own choosing~~[-and to]~~;
- 32           (4) engage in concerted activities for the purpose of collective bargaining or other
- 33 mutual aid or protection; and ~~[such employees shall also have the right]~~
- 34           (5) to refrain from any or all of ~~[such]~~ the activities described in Subsections (1)
- 35 through (4).

36           Section 2. Section **34-34-16** is amended to read:

37           **34-34-16. Right to bargain collectively not denied -- Exception.**

38           ~~[Nothing]~~ (1) Except as provided in Subsection (2), nothing in this chapter ~~[shall]~~ may

39 be construed to deny the right of employees to bargain collectively with their employer by and

40 through a labor ~~[unions, labor organizations]~~ union, a labor organization, or any other type of

41 ~~[associations]~~ association.

42           (2) An employer may not enter into a collective bargaining agreement with the

43 employer's employees if:

44           (a) the employer is:

45           (i) the state or any department, division, or other agency of the state; or

46           (ii) a county, city, town, school district, local district, special service district, or other

47 political subdivision of the state; and

48           (b) the subject of the collective bargaining agreement is something other than wages

49 and health benefits.

50           Section 3. Section **53A-25b-401** is amended to read:

51           **53A-25b-401. Educators exempt from Department of Human Resource**

52 **Management rules -- Collective bargaining agreement.**

53           (1) Educators employed by the Utah Schools for the Deaf and the Blind are exempt

54 from mandatory compliance with rules of the Department of Human Resource Management.

55           (2) ~~[The]~~ Subject to Subsection 34-34-16(2), the board may enter into a collective

56 bargaining agreement to establish compensation and other personnel policies with educators

57 employed by the Utah Schools for the Deaf and the Blind to replace rules of the Department of

58 Human Resource Management.

59           (3) A collective bargaining agreement made under Subsection (2) is subject to the same  
60 requirements that are imposed on local school boards by Section 53A-3-411.

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**Legislative Review Note**  
as of **1-30-12 9:28 AM**

**Office of Legislative Research and General Counsel**