

**Representative Bradley M. Daw** proposes the following substitute bill:

**PAYROLL DEDUCTION AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bradley M. Daw**

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

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**LONG TITLE**

**General Description:**

This bill modifies a provision relating to employer deductions from employee wages.

**Highlighted Provisions:**

This bill:

▶ modifies a provision requiring an employer to deduct an employee's wages for union dues if directed to do so by an employee;

▶ requires an employer to deduct also for membership dues in any bona fide organization, if the employer deducts union dues and an employee directs the employer to make the deduction; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**34-32-1**, as last amended by Laws of Utah 2011, Chapter 220

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

27 Section 1. Section ~~34-32-1~~ is amended to read:

28 **34-32-1. Assignments to labor unions and other bona fide organizations -- Effect.**

29 (1) As used in this section:

30 (a) "Employee" means a person employed by any person, partnership, public, private,  
31 or municipal corporation, school district, the state, or any political subdivision of the state.

32 (b) "Employer" means the person or entity employing an employee.

33 (c) ~~(f)~~ "Labor organization":

34 (i) means a lawful organization of any kind that is composed, in whole or in part, of  
35 employees, and that exists for the purpose, in whole or in part, of dealing with employers  
36 concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms  
37 and conditions of employment~~[-];~~

38 ~~(ii)~~ ~~[Except]~~ except as provided in Subsection (1)(c)(iii), ~~["labor organization"]~~  
39 includes each employee association and union for employees of public ~~[and]~~ or private sector  
40 employers~~[-]; and~~

41 ~~(iii)~~ ~~["Labor organization"]~~ does not include organizations governed by the National  
42 Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151  
43 et seq.

44 (d) "Membership dues" means dues, fees, money, or other assessments required as a  
45 condition of membership or participation in a bona fide organization other than a labor  
46 organization.

47 ~~(e)~~ ~~(f)~~ (e) "Union dues" means dues, fees, money, or other assessments required as a  
48 condition of membership or participation in a labor organization.

49 (2) An employee may direct an employer, in writing, to deduct from the employee's  
50 wages a specified sum for union dues, not to exceed 3% per month, to be paid to a labor  
51 organization designated by the employee.

52 (3) If an employer deducts union dues under this section at the direction of one or more  
53 employees, the employer shall, if directed by an employee in writing, deduct from the  
54 employee's wages a specified sum for membership dues, not to exceed 3% per month, and pay  
55 the sum to the bona fide organization designated by the employee.

56 ~~(3)~~ (4) An employer shall promptly commence or cease making deductions for union

57 dues or, if required under Subsection (3), membership dues from the wages of an employee for  
58 the benefit of a labor organization or other bona fide organization, respectively, when the  
59 employer receives a written communication from the employee directing the employer to  
60 commence or cease making deductions.

61 [~~4~~] (5) An employee's request that an employer cease making deductions from the  
62 employee's paycheck for union dues may not be conditioned upon a labor organization's:

- 63 (a) receipt of advance notice of the request; or
- 64 (b) prior consent to cessation of the deductions.

65 [~~5~~] (6) A labor organization is not liable for any claim, service, or benefit that is:

- 66 (a) available only to a member of the labor organization; and
- 67 (b) terminated as a result of an employee's request that the employer cease making  
68 deductions for union dues.

69 [~~6~~] (7) An employee may join a labor organization or terminate membership at any  
70 time. A person may not place a restriction on the time that an employee may join, or terminate  
71 membership with, a labor organization.

72 [~~7~~] (8) An employee may not waive a provision of this section.