

PAYROLL DEDUCTIONS FOR UNION DUES

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John R. Westwood

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends a provision related to payroll deductions for union dues.

Highlighted Provisions:

This bill:

▶ allows a public employer to adopt a uniform policy to decline to deduct union dues from the public employer's employees' wages.

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

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

Section 1. Section **34-32-1** is amended to read:

34-32-1. Assignments to labor unions -- Effect.

(1) As used in this section:

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



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

29 (c) (i) "Labor organization" means a lawful organization of any kind that is composed,
30 in whole or in part, of employees, and that exists for the purpose, in whole or in part, of dealing
31 with employers concerning grievances, labor disputes, wages, rates of pay, hours of
32 employment, or other terms and conditions of employment.

33 (ii) Except as provided in Subsection (1)(c)(iii), "labor organization" includes each
34 employee association and union for employees of public and private sector employers.

35 (iii) "Labor organization" does not include organizations governed by the National
36 Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151
37 et seq.

38 (d) "Public employer" means the same as that term is defined in Section [34-32-1.1](#).

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

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

44 (3) ~~An~~ (a) Except as provided in Subsection (3)(b), an employer shall promptly
45 commence or cease making deductions for union dues from the wages of an employee for the
46 benefit of a labor organization when the employer receives a written communication from the
47 employee directing the employer to commence or cease making deductions.

48 (b) A public employer may choose to adopt a uniform policy, for all of the public
49 employer's employees, to decline to make deductions for union dues from the public employer's
50 employees' wages.

51 (4) An employee's request that an employer cease making deductions may not be
52 conditioned upon a labor organization's:

53 (a) receipt of advance notice of the request; or

54 (b) prior consent to cessation of the deductions.

55 (5) A labor organization is not liable for any claim, service, or benefit that is:

56 (a) available only to a member of the labor organization; and

57 (b) terminated as a result of an employee's request that the employer cease making
58 deductions for union dues.

59 (6) (a) An employee may join a labor organization or terminate membership at any
60 time.

61 (b) A person may not place a restriction on the time that an employee may join, or
62 terminate membership with, a labor organization.

63 (7) An employee may not waive a provision of this section.

Legislative Review Note
Office of Legislative Research and General Counsel