

PUBLIC TRANSIT AUTHORITY COLLECTIVE

BARGAINING AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to collective bargaining by public transit district employees.

Highlighted Provisions:

This bill:

- ▶ defines terms;
 - ▶ excludes "professional employees" and "supervisors" from the definition of "employee";
 - ▶ provides a method for certification of a labor organization to bargain on behalf of a group of employees;
 - ▶ provides minimum intervals between votes for certification of a labor organization;
- and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **17B-2a-802**, as last amended by Laws of Utah 2016, Chapter 387

29 **17B-2a-813**, as last amended by Laws of Utah 2013, Chapter 448



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

32 Section 1. Section **17B-2a-802** is amended to read:

33 **17B-2a-802. Definitions.**

34 As used in this part:

35 (1) (a) "Affordable housing" means housing occupied or reserved for occupancy by
36 households that meet certain gross household income requirements based on the area median
37 income for households of the same size.

38 [~~(a)~~] (b) "Affordable housing" may include housing occupied or reserved for
39 occupancy by households that meet specific area median income targets or ranges of area
40 median income targets.

41 [~~(b)~~] (c) "Affordable housing" does not include housing occupied or reserved for
42 occupancy by households with gross household incomes that are more than 60% of the area
43 median income for households of the same size.

44 (2) "Appointing entity" means the person, county, unincorporated area of a county, or
45 municipality appointing a member to a public transit district board of trustees.

46 (3) (a) "Chief executive officer" means [~~a person~~] an individual appointed by the board
47 of trustees to serve as chief executive officer.

48 (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities
49 defined in Sections **17B-2a-810** and **17B-2a-811** and includes all rights, duties, and
50 responsibilities assigned to the general manager but prescribed by the board of trustees to be
51 fulfilled by the chief executive officer.

52 (4) "Department" means the Department of Transportation created in Section **72-1-201**.

53 (5) (a) Except as provided in Subsection (5)(b), "employee" means an individual
54 employed by a public transit district.

55 (b) "Employee" does not include an independent contractor, a professional employee,
56 or a supervisor.

57 [~~(5)~~] (6) (a) "General manager" means [~~a person~~] an individual appointed by the board
58 of trustees to serve as general manager.

59 (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in
60 Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees.

61 ~~[(6)]~~ (7) (a) "Locally elected public official" means ~~[a person]~~ an individual who holds
62 an elected position with a county or municipality.

63 (b) "Locally elected public official" does not include ~~[a person]~~ an individual who
64 holds an elected position if the elected position is not with a county or municipality.

65 ~~[(7)]~~ (8) "Metropolitan planning organization" means the same as that term is defined
66 in Section 72-1-208.5.

67 ~~[(8)]~~ (9) "Multicounty district" means a public transit district located in more than one
68 county.

69 ~~[(9)]~~ (10) "Operator" means a public entity or other person engaged in the
70 transportation of passengers for hire.

71 (11) "Professional employee" means the same as that term is defined in 29 U.S.C.
72 Sec.152.

73 ~~[(10)]~~ (12) "Public transit" means the transportation of passengers only and their
74 incidental baggage by means other than:

- 75 (a) chartered bus;
- 76 (b) sightseeing bus; or
- 77 (c) taxi.

78 (13) "Supervisor" means the same as that term is defined in 29 U.S.C. Sec.152.

79 ~~[(11)]~~ (14) "Transit facility" means a transit vehicle, transit station, depot, passenger
80 loading or unloading zone, parking lot, or other facility:

- 81 (a) leased by or operated by or on behalf of a public transit district; and
- 82 (b) related to the public transit services provided by the district, including:
 - 83 (i) railway or other right-of-way;
 - 84 (ii) railway line; and
 - 85 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by
 - 86 a transit vehicle.

87 ~~[(12)]~~ (15) "Transit-oriented development" means a mixed use residential or
88 commercial area that is designed to maximize access to public transit and includes the
89 development of land owned by a public transit district that serves a county of the first class.

90 ~~[(13)]~~ (16) "Transit-supportive development" means a mixed use residential or
91 commercial area that is designed to maximize access to public transit and does not include the
92 development of land owned by a public transit district.

93 ~~[(14)]~~ (17) "Transit vehicle" means a passenger bus, coach, railcar, van, or other
94 vehicle operated as public transportation by a public transit district.

95 Section 2. Section **17B-2a-813** is amended to read:

96 **17B-2a-813. Rights, benefits, and protective conditions for employees of a public**
97 **transit district -- Strike prohibited -- Employees of an acquired transit system.**

98 (1) The rights, benefits, and other employee protective conditions and remedies of
99 Section 13(c) of the Urban Mass Transportation Act of 1964, 49 U.S.C. Sec. 5333(b), as
100 determined by the Secretary of Labor, apply to a public transit district's establishment and
101 operation of a public transit service or system.

102 (2) (a) Employees of a public transit system established and operated by a public transit
103 district have the right to:

- 104 (i) self-organization;
- 105 (ii) form, join, or assist labor organizations; ~~[and]~~
- 106 (iii) bargain collectively through representatives of their own choosing~~[-];~~ or
- 107 (iv) refrain from any or all of the above.

108 (b) Employees of a public transit district and labor organizations may not join in a
109 strike against the public transit system operated by the public transit district.

110 (c) Each public transit district shall:

111 (i) recognize and bargain exclusively with any labor organization ~~[representing]~~
112 authorized to represent a majority of the district's employees in an appropriate unit with respect
113 to wages, salaries, hours, working conditions, and welfare, pension, and retirement provisions;
114 and

115 (ii) upon reaching agreement with the labor organization as described in Subsection
116 (2)(c)(i), enter into and execute a written contract incorporating the agreement.

117 (3) For recognition and bargaining authority as described in Subsection (2)(c), a public
118 transit district shall recognize a labor organization acting on behalf of a bargaining unit if the
119 labor organization:

120 (a) presents a petition to the public transit district in which 30% of employees in the

121 bargaining unit allege their desire to be represented by a labor organization; and
122 (b) obtains a majority vote in favor of having the labor organization act as the
123 bargaining unit representative in a secret ballot election among the employees in the bargaining
124 unit.

125 (4) Subsection (3) shall not apply to labor organizations with collective bargaining
126 agreements in effect before January 1, 2017.

127 (5) (a) The election described in Subsection (3)(b) shall be overseen by:

128 (i) a third party selected by agreement between the labor organization and the public
129 transit district; or

130 (ii) in the absence of an agreement, by the Utah Labor Commission.

131 (b) Elections held pursuant to Subsection (3)(b) may be conducted at the intervals
132 prescribed in 29 U.S.C. Sec. 159(c)(3).

133 ~~[(3)]~~ (6) If a public transit district acquires an existing public transit system:

134 (a) all employees of the acquired system who are necessary for the operation of the
135 acquired system, except executive and administrative officers and employees, shall be:

136 (i) transferred to and appointed employees of the acquiring public transit district; and

137 (ii) given sick leave, seniority, vacation, and pension or retirement credits in
138 accordance with the acquired system's records;

139 (b) members and beneficiaries of a pension or retirement plan or other program of
140 benefits that the acquired system has established shall continue to have rights, privileges,
141 benefits, obligations, and status with respect to that established plan or program; and

142 (c) the public transit district may establish, amend, or modify, by agreement with
143 employees or their authorized representatives, the terms, conditions, and provisions of a
144 pension or retirement plan or of an amendment or modification of a pension or retirement plan.

145 ~~[(4)]~~ (7) A pension administrator for a retirement plan sponsored by a public transit
146 district or a person designated by the administrator shall maintain retirement records in
147 accordance with Subsection 49-11-618(2).