

1 **Worker Protection Modifications**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill modifies the Utah Labor Code.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ prohibits an employer from compelling an employee to attend a meeting or listen to
- 10 communication of an employer's opinion about a religious or political matter;
- 11 ▶ provides exceptions to the prohibition;
- 12 ▶ provides a remedy for an employee who is compelled to attend a meeting or listen to
- 13 communication of an employer's opinion about a religious or political matter;
- 14 ▶ requires an employer to:
 - 15 • implement heat risk precautions and cold risk precautions;
 - 16 • implement recordkeeping requirements pertaining to heat stroke, hypothermia,
 - 17 frostbite, or temperature-related fatalities;
 - 18 • notify employees with a written description of quotas, adverse actions that may result
 - 19 for failing to obtain a quota, and incentives for meeting a quota;
 - 20 • provide data pertaining to quotas to a requesting employee;
 - 21 • implement recordkeeping requirements pertaining to quotas; and
 - 22 • maintain a workplace safety program for managing risks related to the temperature of
 - 23 the worksite;
- 24 ▶ provides standards for tracking quotas;
- 25 ▶ prohibits retaliation against an employee who requests records or files a complaint with
- 26 the Labor Commission (commission); and
- 27 ▶ provides for commission enforcement.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 ENACTS:

34 **34A-5-116**, Utah Code Annotated 1953

35 **34A-7-301**, Utah Code Annotated 1953

36 **34A-7-302**, Utah Code Annotated 1953

37 **34A-7-303**, Utah Code Annotated 1953

38 **34A-7-304**, Utah Code Annotated 1953

39 **34A-7-305**, Utah Code Annotated 1953

40 **34A-7-306**, Utah Code Annotated 1953

41 **34A-7-307**, Utah Code Annotated 1953

42 **34A-12-101**, Utah Code Annotated 1953

43 **34A-12-102**, Utah Code Annotated 1953

44 **34A-12-103**, Utah Code Annotated 1953

45 **34A-12-104**, Utah Code Annotated 1953

46 **34A-12-105**, Utah Code Annotated 1953

47 **34A-12-106**, Utah Code Annotated 1953

48

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

50 Section 1. Section **34A-5-116** is enacted to read:

51 **34A-5-116 . Restriction on employer communication about religious or political**
 52 **matter.**

53 (1) As used in this chapter:

54 (a) "Employer" means a person that currently employs:

55 (i) 100 or more employees in a single warehouse distribution center; or

56 (ii) 500 or more employees in one or more warehouse distribution centers.

57 (b) "Warehouse distribution center" means an establishment the 2017 North American

58 Industry Classification System of the federal Executive Office of the President,

59 Office of Management and Budget, classifies as one of the following:

60 (i) NAICS Industry Group 4931, Warehousing and Storage;

61 (ii) NAICS Subsector 423, Merchant Wholesalers, Durable Goods;

62 (iii) NAICS Code 454110, Electronic Shopping and Mail-Order Houses; or

63 (iv) NAICS Code 492110, Couriers and Express Delivery Services.

64 (2) Except as provided in Subsection (5), an employer may not compel an employee to

65 attend a meeting or listen to communication regarding the employer's opinion about a
 66 religious or political matter.

67 (3)(a) An employee may bring a civil action to enforce this section within 120 days after
 68 the day on which the alleged violation occurred.

69 (b) An employee may file an action in a court with jurisdiction:

70 (i) where the alleged violation occurred; or

71 (ii) where the principal office of the employer is located.

72 (4)(a) An employer that violates this section is liable to the employee for any appropriate
 73 relief.

74 (b) The court shall award a prevailing employee reasonable attorney fees and costs.

75 (5) Nothing in this section prohibits:

76 (a) an employer from communicating information that law requires the employer to
 77 communicate; or

78 (b) an employer from communicating information that is necessary for the employee to
 79 perform the employee's job duties.

80 (6) An employer subject to this section shall post and keep posted a notice of employee
 81 rights under this section where the employer customarily posts employee notices.

82 Section 2. Section **34A-7-301** is enacted to read:

83 **Part 3. Warehouse Worker Temperature Protections**

84 **34A-7-301 . Definitions.**

85 As used in this chapter:

86 (1) "Cold-risk temperature" means a temperature below the temperature range the employer
 87 establishes when an employee's risk of hypothermia or frostbite increases.

88 (2) "Degrees" means the unit of measurement for temperature on the Fahrenheit scale.

89 (3) "Employer" means a person that currently employs:

90 (a) 100 or more employees in a single warehouse distribution center; or

91 (b) 500 or more employees in one or more warehouse distribution centers.

92 (4) "Heat-risk temperature" means a temperature above the temperature range the employer
 93 establishes when an employee's risk of heat stroke increases.

94 (5) "Warehouse distribution center" means an establishment the 2017 North American
 95 Industry Classification System of the federal Executive Office of the President, Office of
 96 Management and Budget, classifies as one of the following:

97 (a) NAICS Industry Group 4931, Warehousing and Storage;

98 (b) NAICS Subsector 423, Merchant Wholesalers, Durable Goods;

- 99 (c) NAICS Code 454110, Electronic Shopping and Mail-Order Houses; or
100 (d) NAICS Code 492110, Couriers and Express Delivery Services.
101 (6) "Work vehicle" means a vehicle the employer owns or leases that an employee uses for
102 business purposes.
103 (7) "Worksite" means a warehouse distribution center or work vehicle.

104 Section 3. Section **34A-7-302** is enacted to read:

105 **34A-7-302 . Workplace safety program.**

106 (1) An employer shall:

- 107 (a) develop a written program for managing cold-risk temperature and heat-risk
108 temperature for the employer's worksite;
109 (b) make the written program available to all employees upon request;
110 (c) review and update the written program at least biannually;
111 (d) include the date each version of the written program is implemented;
112 (e) discuss the plan with new employees;
113 (f) discuss the plan with existing employees biannually; and
114 (g) place a thermometer in a location visible to employees in each worksite as a part of
115 implementing the plan.

116 (2) A written program shall:

- 117 (a) identify a temperature range the employer establishes for the safety of the employees;
118 (b) identify work processes and other factors specific to the worksite that increase the
119 likelihood of heat stoke, hypothermia, or frostbite; and
120 (c) include emergency response plans, procedures, and worksite contacts in the event of
121 heat stoke, hypothermia, frostbite, or a temperature related fatality.

122 Section 4. Section **34A-7-303** is enacted to read:

123 **34A-7-303 . Heat-risk temperature precautions.**

124 (1)(a) When a worksite is at a heat-risk temperature, an employer shall implement
125 safeguards to reduce the risk of heat stroke.

126 (b) Heat-risk temperature safeguards include:

- 127 (i) rotating employees to provide sufficient breaks;
128 (ii) adjusting work schedules to ensure that work occurs during cooler parts of the
129 day;
130 (iii) adjusting work locations to avoid direct sunlight;
131 (iv) reducing work intensity or speed;
132 (v) reducing work hours;

- 133 (vi) isolating employees from hot processes or other sources of heat; and
134 (vii) using air conditioning, cooling fans, or natural ventilation.
- 135 (c)(i) An employer may provide personal protective equipment to employees to
136 reduce heat stroke.
- 137 (ii) An employer that provides personal protective equipment to employees is not
138 exempt from the requirement described in this Subsection (1).
- 139 (2)(a) When a worksite temperature is above the heat-risk temperature:
- 140 (i)(A) by fewer than 10 degrees, an employer shall provide an employee a
141 minimum of 10 minutes of preventative rest for every two hours worked; and
142 (B) by 10 degrees or more, an employer shall provide an employee a minimum of
143 10 minutes of preventative rest for every one hour worked; and
- 144 (ii) an employer shall provide adequate access to drinking water at the worksite and
145 in a designated rest location.
- 146 (b) The employer shall pay the employee at the employee's regular rate of pay for rest
147 periods.
- 148 (c) The employer shall provide the drinking water supplied in accordance with
149 Subsection (2)(a)(ii) at no more than 75 degrees and shall supply a minimum of one
150 quart of water per employee per hour.
- 151 (3) An employer shall provide a work vehicle with adequate cooling to ensure that the
152 temperature remains below a heat-risk temperature to an employee whose job requires
153 more than 60 minutes per day in a vehicle.
- 154 Section 5. Section **34A-7-304** is enacted to read:
- 155 **34A-7-304 . Cold-risk temperature precautions.**
- 156 (1)(a) When a worksite is at a cold-risk temperature, an employer shall implement
157 safeguards to reduce the risk of hypothermia and frostbite.
- 158 (b) Cold-risk safeguards include:
- 159 (i) rotating employees to provide sufficient breaks;
160 (ii) adjusting work schedules to ensure that work occurs during warmer parts of the
161 day;
- 162 (iii) reducing work hours;
163 (iv) isolating employees from cold processes or other sources of cold; and
164 (v) using heating systems.
- 165 (c)(i) An employer may provide personal protective equipment to employees to
166 reduce hypothermia and frostbite.

- 167 (ii) An employer that provides personal protective equipment to employees is not
168 exempt from the requirement described in this Subsection (1).
- 169 (2)(a) When the worksite temperatures are below the cold-risk temperature:
- 170 (i)(A) by fewer than 10 degrees, an employer shall provide an employee a
171 minimum of 10 minutes of preventative rest for every two hours worked; and
172 (B) by 10 degrees or more, an employer shall provide an employee a minimum of
173 10 minutes of preventative rest for every one hour worked; and
- 174 (ii) the employer shall pay the employee at the employee's regular rate of pay for rest
175 periods.
- 176 (b) An employer shall provide adequate access to a warm beverage in a designated rest
177 location.
- 178 (3) An employer shall provide a work vehicle with adequate heating to ensure that the
179 temperature remains above a cold-risk temperature to an employee whose job requires
180 more than 60 minutes per day in a vehicle.

181 Section 6. Section **34A-7-305** is enacted to read:

182 **34A-7-305 . Recordkeeping.**

- 183 (1) An employer shall establish and maintain records containing:
- 184 (a) reported instances of heat stoke, hypothermia, or frostbite;
185 (b) temperature-related fatalities; and
186 (c) a copy of each version of the written program described in Section 34A-7-302.
- 187 (2) An employer shall keep records for no less than three years.
- 188 (3) An employer shall provide, upon request, an employee or former employee a copy of
189 the records:
- 190 (a) described in Subsection (1);
191 (b) at no cost to the employee; and
192 (c) no more than seven business days after the day on which the employer receives the
193 request.

194 Section 7. Section **34A-7-306** is enacted to read:

195 **34A-7-306 . Enforcement.**

- 196 (1)(a) Employees may submit complaints about an employer's compliance with this
197 chapter to the commission.
- 198 (b) The commission shall keep a record of complaints the commission receives alleging
199 a violation of this chapter and the number of enforcement actions the commission
200 takes in response to the complaints.

201 (c) On or before September 30 of each year, the commissioner shall file an electronic
 202 report to the Business and Labor Interim Committee on the number of complaints the
 203 commission receives alleging a violation of this chapter and the number of
 204 enforcement actions the commission takes in response to the complaints.

205 (2) The commission may issue penalties for a violation of this chapter in accordance with
 206 Subsection 34A-6-306(1).

207 (3) An employee or former employee may bring an action against an employer alleging a
 208 violation of this chapter.

209 (4) A court shall award costs and attorney fees in addition to any injunctive relief in a
 210 successful action the commissioner, an employee, or a former employee brings.

211 (5) A court shall award damages equal to the greater of \$10,000 or treble damages to the
 212 employee or former employee in a successful action alleging violation of Section
 213 34A-7-307.

214 Section 8. Section **34A-7-307** is enacted to read:

215 **34A-7-307 . Anti-retaliation.**

216 (1) An employer may not take an adverse action against an employee based on:

217 (a) an employee's decision to request information about records under Section 34A-7-305;
 218 or

219 (b) an employee's decision to file a complaint with the commission.

220 (2)(a) If an employer takes an adverse action against an employee within 90 days after
 221 the day on which the employee requests records or files a complaint with the
 222 commission, the adverse action creates a rebuttable presumption that the adverse
 223 action was based on the employee's action.

224 (b) The employer may rebut the presumption by clear and convincing evidence that:

225 (i) the action was taken for other reasons; and

226 (ii) the employee's action was not a motivating factor in the employer's decision.

227 Section 9. Section **34A-12-101** is enacted to read:

228 **CHAPTER 12. Warehouse Employee Quota Standards**

229 **34A-12-101 . Definitions.**

230 As used in this chapter:

231 (1) "Employer" means a person that currently employs:

232 (a) 100 or more employees in a single warehouse distribution center; or

233 (b) 500 or more employees in one or more warehouse distribution centers.

234 (2) "Quota" means a performance standard or a performance target under which an

- 235 employee's performance is measured using work speed data.
- 236 (3) "Warehouse distribution center" means an establishment the 2017 North American
237 Industry Classification System of the federal Executive Office of the President, Office of
238 Management and Budget, classifies as one of the following:
- 239 (a) NAICS Industry Group 4931, Warehousing and Storage;
240 (b) NAICS Subsector 423, Merchant Wholesalers, Durable Goods;
241 (c) NAICS Code 454110, Electronic Shopping and Mail-Order Houses; or
242 (d) NAICS Code 492110, Couriers and Express Delivery Services.
- 243 (4)(a) "Work speed data" means information an employer collects, stores, analyzes, or
244 interprets relating to an individual employee's performance.
- 245 (b) "Work speed data" includes:
- 246 (i) quantity of tasks performed;
247 (ii) quantity of items or materials handled or produced;
248 (iii) rate or speed of tasks performed;
249 (iv) metric of employee performance; and
250 (v) time categorized as performing tasks or not performing tasks.

251 Section 10. Section **34A-12-102** is enacted to read:

252 **34A-12-102 . Notification of quotas.**

- 253 (1) An employer shall provide to an employee a written description of:
- 254 (a) each quota to which the employee is subject;
255 (b) adverse employment actions that may result from failure to meet the quota; and
256 (c) incentives or bonuses that may result from meeting or exceeding the quota.
- 257 (2) If an employer modifies an existing quota, the employer shall provide to each employee
258 affected by the change oral and written notice of the change at least two business days
259 before the new quota takes effect.
- 260 (3) An employer may not take an adverse action against an employee that is based on the
261 employee's failure to meet a quota that the employer did not disclose to the employee in
262 accordance with this section.
- 263 (4) An employer shall provide a written description of quotas in plain language and in the
264 employee's preferred language.

265 Section 11. Section **34A-12-103** is enacted to read:

266 **34A-12-103 . Employee protections.**

- 267 (1) If an employer takes an adverse action against an employee based on the employee's
268 failure to meet a quota, the employer shall provide the employee:

- 269 (a) a written description of the quota; and
 270 (b) the employee's work speed data used to evaluate the employee's performance of the
 271 quota.
- 272 (2) An employer may not take an adverse action against an employee based at least in part
 273 on the employee's failure to meet a quota that:
- 274 (a) measures an employee's total output over an increment of time shorter than one day;
 275 (b) measures an employee's performance over a period of time that includes rest breaks,
 276 meal breaks, or bathroom breaks;
 277 (c) measures and categorizes an employee's time as either time performing work-related
 278 tasks or time not performing work-related tasks; or
 279 (d) ranks the employee's performance against the performance of other employees.

280 Section 12. Section **34A-12-104** is enacted to read:

281 **34A-12-104 . Recordkeeping requirement.**

- 282 (1) An employer shall establish and maintain records containing:
- 283 (a) each employee's work speed data;
 284 (b) aggregated work speed data for employees at the same worksite; and
 285 (c) the written description of each quota provided to an employee as required in Section
 286 34A-12-102.
- 287 (2) An employer shall keep records for no less than three years.
- 288 (3) An employer shall provide, upon request, an employee or former employee a copy of
 289 the records:
- 290 (a) described in Subsection (1);
 291 (b) at no cost to the employee;
 292 (c) related to a written description of a quota no more than two business days after the
 293 day on which the employer receives the request; and
 294 (d) related to the employee's work speed data or aggregated work speed data no more
 295 than seven business days after the day on which the employer receives the request.

296 Section 13. Section **34A-12-105** is enacted to read:

297 **34A-12-105 . Enforcement.**

- 298 (1)(a) Employees may submit complaints about an employer's compliance with this
 299 chapter to the commission.
- 300 (b) The commission shall keep a record of complaints the commission receives alleging
 301 a violation of this chapter and the number of enforcement actions the commission
 302 takes in response to the complaints.

- 303 (c) On or before September 30 of each year, the commissioner shall file an electronic
304 report to the Business and Labor Interim Committee on the number of complaints the
305 commission receives alleging a violation of this chapter and the number of
306 enforcement actions the commission takes in response to the complaints.
- 307 (2) The commission may issue penalties for a violation of this chapter in accordance with
308 Subsection 34A-6-307(1).
- 309 (3) If the commissioner finds that an employer violated a provision of this chapter, the
310 commissioner shall order the employer to post a notice in the employer's workplace
311 regarding workers' rights under this chapter.
- 312 (a) The notice shall include:
- 313 (i) a description of what constitutes a permissible quota;
314 (ii) an employee's rights to request work speed information; and
315 (iii) an employee's rights to file a complaint with the commission.
- 316 (4) An employee or former employee may bring an action against an employer alleging a
317 violation of this chapter.
- 318 (5) A court shall award costs and attorney fees in addition to any injunctive relief in a
319 successful action the commissioner, an employee, or a former employee brings.
- 320 (6) A court shall award costs and attorney fees in addition to any injunctive relief in a
321 successful action the commissioner, an employee, or a former employee, brings.
- 322 (7) In a successful action alleging violations of Section 34A-12-102 or 34A-12-103, a court
323 shall limit the injunctive relief to suspension of the quota and restitution to address any
324 adverse action taken in relation to enforcement of the quota.
- 325 (8) A court shall award damages equal to the greater of \$10,000 or treble damages to the
326 employee or former employee in a successful action alleging violation of Section
327 34A-12-106.
- 328 Section 14. Section **34A-12-106** is enacted to read:
- 329 **34A-12-106 . Anti-retaliation.**
- 330 (1) An employer may not take an adverse action against an employee based on:
- 331 (a) an employee's decision to request information about records under Section
332 34A-12-104; or
- 333 (b) an employee's decision to file a complaint with the commission.
- 334 (2)(a) If an employer takes an adverse action against an employee within 90 days after
335 the day on which the employee requests records or files a complaint with the
336 commission, the adverse action creates a rebuttable presumption that the adverse

337 action was based on the employee's action.

338 (b) The employer may rebut the presumption by clear and convincing evidence that:

339 (i) the action was taken for other reasons; and

340 (ii) the employee's action was not a motivating factor in the employer's decision.

341 **Section 15. Effective Date.**

342 This bill takes effect on May 7, 2025.