

Lincoln Fillmore proposes the following substitute bill:

Public Sector Labor Organization Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Karen M. Peterson

LONG TITLE

General Description:

This bill modifies the state labor code.

Highlighted Provisions:

This bill:

- defines terms related to public sector labor organizations;
- provides that private employees have a right to collectively bargain with their employers;
- includes a coordination clause to have the changes to Section 34-32-101 in this bill supersede Section 34-32-101 in H.B. 267, Public Sector Labor Union Amendments, if both pass and become law; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

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

REPEALS AND REENACTS:

34-32-101, as last amended by Laws of Utah 2025, Chapter 10

Utah Code Sections affected by Coordination Clause:

34-32-101, as last amended by Laws of Utah 2025, Chapter 10

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

The following section is affected by a coordination clause at the end of this bill.

Section 1. Section **34-32-101** is repealed and reenacted to read:

34-32-101 . Definitions.

(1)(a) "Labor organization" means an organization of any kind that:

(i) is independent of the public employer; and

(ii) exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of employment.

(b) Except as provided in Subsection (1)(c), "labor organization" includes:

(i) a labor union, an employee council, or a worker committee; or

(ii) an employee association or a union for employees of public sector or private sector employers.

(c) "Labor organization" does not include:

(i) an organization that has entered into a labor agreement or labor protective agreement under the Urban Mass Transportation Act, 49 U.S.C. Sec. 5333(b);

(ii) an organization that is not an employee association or a union for employees that performs a public employer's internal functions, such as human resources or legal services, whether performed directly by the public employer or through a third-party contractor; or

(iii) organizations governed by the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151 et seq.

(2) "Member" means a public employee who is a member of a labor organization.

(3) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, an individual to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.

(4) "Public employee" means an individual employed by a public employer.

(5) "Public employer" means an employer that is:

(a) the state of Utah or any administrative subunit of the state;

(b) a state institution of higher education; or

(c) a county, a municipality, a special district, a special service district, a local education agency as defined in Section 53E-1-102, or any other political subdivision of the state.

(6) "Public money" means the same as that term is defined in Section 76-1-101.5.

(7)(a) "Public property" means real property, personal property, or intellectual property that is owned, held, or managed by a public employer.

(b) "Public property" includes a website, computer program, record, or data that is owned, held, or managed by a public employer.

(8) "Representative" means a labor organization representative.

(9)(a) "Union activity" means an activity that a labor organization, a member, or a representative performs that relates to:

(i) advocating the general interests of members in wages, benefits, or terms and conditions of employment;

(ii) enforcing the labor organization's internal policies and procedures;

(iii) fulfilling the labor organization's obligations;

(iv) advancing the labor organization's external relations; or

(v) union organizing.

(b) "Union activity" does not include:

(i) advocating for a public employee in a specific employment dispute; or

(ii) performing a public employer's internal functions, such as human resources or legal services, whether performed directly by the public employer or through a third-party contractor that is not an employee association or union.

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

(11) "Union organizing" means communicating with a public employee in an effort to persuade the public employee to join or support a labor organization.

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

34-34-16 . Right to bargain collectively not denied.

Nothing in this chapter shall be construed to deny the right of private employees to bargain collectively with their employer by and through labor unions, labor organizations or any other type of associations.

Section 3. **Effective Date.**

(1) Except as provided in Subsection (2), this bill takes effect on the same date as H.B. 267, Public Sector Labor Union Amendments.

(2) If H.B. 267, Public Sector Labor Union Amendments, does not go into effect, S.B. 327, Public Sector Labor Organization Amendments, does not go into effect.

Section 4. **Coordinating S.B. 327 with H.B. 267.**

If S.B. 327, Public Sector Labor Organization Amendments, and H.B. 267, Public Sector Labor Union Amendments, both pass and become law, the Legislature intends that, on the effective date of S.B. 327, the repeal and reenactment of Section 34-32-101 in S.B. 327

- 97 supersede the amendments to Section 34-32-101 (renumbered from Section 34-32-1) in H.B.
98 267.