

Public Employee Retaliatory Action Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Neil Walter

Senate Sponsor: Daniel McCay

LONG TITLE**Committee Note:**

The Rules Review and General Oversight Committee recommended this bill.

Legislative Vote: 7 voting for 0 voting against 3 absent

General Description:

This bill amends the Utah Protection of Public Employees Act.

Highlighted Provisions:

This bill:

- modifies the definition of retaliatory action by an employer to include making a complaint, in violation of the whistle-blowing statute, to a person that licenses the employee to practice a profession or perform other types of work.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

67-19a-101, as last amended by Laws of Utah 2022, Chapters 169, 274

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **67-19a-101** is amended to read:**67-19a-101 . Definitions.**

As used in this chapter:

- (1) "Abusive conduct" means the same as that term is defined in Section 67-26-102.
- (2) "Administrator" means the person appointed under Section 67-19a-201 to head the Career Service Review Office.
- (3) "Career service employee" means a person employed in career service as defined in Section 63A-17-102.

- (4) "Division" means the Division of Human Resource Management.
- (5) "Employer" means the state of Utah and all supervisory personnel vested with the authority to implement and administer the policies of an agency.
- (6) "Excusable neglect" means harmless error, mistake, inadvertence, surprise, a failure to discover evidence that, through due diligence, could not have been discovered in time to meet the applicable time period, misrepresentation or misconduct by the employer, or any other reason justifying equitable relief.
- (7) "Grievance" means:
- (a) a complaint by a career service employee concerning any matter touching upon the relationship between the employee and the employer;
 - (b) any dispute between a career service employee and the employer;
 - (c) a complaint by a reporting employee that a public entity has engaged in retaliatory action against the reporting employee[-]; and
 - (d) a complaint that the employer subjected the employee to conditions that a reasonable person would consider intolerable, including abusive conduct.
- (8) "Office" means the Career Service Review Office created under Section 67-19a-201.
- (9) "Public entity" means the same as that term is defined in Section 67-21-2.
- (10) "Reporting employee" means an employee of a public entity who alleges that the public entity engaged in retaliatory action against the employee.
- (11) "Retaliatory action" means to do any of the following to an employee in violation of Section 67-21-3:
- (a) dismiss the employee;
 - (b) reduce the employee's compensation;
 - (c) fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised;
 - (d) fail to promote the employee if the employee would have otherwise been promoted;[
or]
 - (e) make a complaint against the employee to a person that licenses the employee to practice a profession or perform other types of work; or
- [~~(e)~~] (f) threaten to take an action described in Subsections [~~(11)(a) through (d).~~] (11)(a) through (e).
- (12) "Supervisor" means the person:
- (a) to whom an employee reports; or
 - (b) who assigns and oversees an employee's work.

65 Section 2. **Effective Date.**

66 This bill takes effect on May 6, 2026.