

Effective 5/10/2016

34-20-2 Definitions.

As used in this chapter:

- (1) "Affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce within the state.
- (2) "Commerce" means trade, traffic, commerce, transportation, or communication within the state.
- (3) "Election" means a proceeding in which the employees in a collective bargaining unit cast a secret ballot for collective bargaining representatives or for any other purpose specified in this chapter and includes elections conducted by the board or by any tribunal having competent jurisdiction or whose jurisdiction was accepted by the parties.
- (4)
 - (a) "Employee" includes any employee unless this chapter explicitly states otherwise, and includes an individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment.
 - (b) "Employee" does not include an individual employed as an agricultural laborer, or in the domestic service of a family or person at his home, or an individual employed by his parent or spouse.
- (5) "Employer" includes a person acting in the interest of an employer, directly or indirectly, but does not include:
 - (a) the United States;
 - (b) a state or political subdivision of a state;
 - (c) a person subject to the federal Railway Labor Act;
 - (d) a labor organization, other than when acting as an employer;
 - (e) a corporation or association operating a hospital if no part of the net earnings inures to the benefit of any private shareholder or individual; or
 - (f) anyone acting in the capacity of officer or agent of a labor organization.
- (6) "Federal executive agency" means an executive agency, as defined in 5 U.S.C. Sec.105, of the federal government.
- (7) "Franchise" means the same as that term is defined in 16 C.F.R. Sec. 436.1.
- (8) "Franchisee" means the same as that term is defined in 16 C.F.R. Sec. 436.1.
- (9) "Franchisor" means the same as that term is defined in 16 C.F.R. Sec. 436.1.
- (10) "Labor dispute" means any controversy between an employer and the majority of the employer's employees in a collective bargaining unit concerning the right or process or details of collective bargaining or the designation of representatives.
- (11) "Labor organization" means an organization of any kind or any agency or employee representation committee or plan in which employees participate that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.
- (12) "Labor relations board" or "board" means the board created in Section 34-20-3.
- (13) "Person" includes an individual, partnership, association, corporation, legal representative, trustee, trustee in bankruptcy, or receiver.
- (14) "Representative" includes an individual or labor organization.
- (15) "Secondary boycott" includes combining or conspiring to cause or threaten to cause injury to one with whom no labor dispute exists, whether by:
 - (a) withholding patronage, labor, or other beneficial business intercourse;
 - (b) picketing;

- (c) refusing to handle, install, use, or work on particular materials, equipment, or supplies; or
 - (d) by any other unlawful means, in order to bring him against his will into a concerted plan to coerce or inflict damage upon another.
- (16) "Unfair labor practice" means any unfair labor practice listed in Section 34-20-8.

Amended by Chapter 370, 2016 General Session