

Chapter 32

Deductions for the Benefit of Labor Organizations

Part 1

General Provisions

(Contingently Effective)

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.

Repealed and Re-enacted by Chapter 362, 2025 General Session

(Contingently Effective)

34-32-102 Prohibiting public employers from collective bargaining -- Prohibiting the use of public money or public property for union activity.

- (1) A public employer may not deduct from the wages of the public employer's employees any amounts to be paid to:
- (a) a candidate as defined in Section 20A-11-101;
 - (b) a personal campaign committee as defined in Section 20A-11-101;
 - (c) a political action committee as defined in Section 20A-11-101;
 - (d) a political issues committee as defined in Section 20A-11-101;
 - (e) a registered political party as defined in Section 20A-11-101;
 - (f) a political fund as defined in Section 20A-11-1402; or
 - (g) any entity established by a labor organization to solicit, collect, or distribute money primarily for political purposes as defined in this chapter.
- (2)
- (a) Notwithstanding Section 34-19-1, a public employer may not recognize a labor organization as a bargaining agent of public employees or collectively bargain or enter into any collective bargaining contract with a labor organization or a representative.
 - (b)
 - (i) For a public employer with a collective bargaining agreement in effect on May 7, 2025, Subsection (2)(a) applies on the day on which the collective bargaining agreement expires.
 - (ii) A public employer may not enter into a new collective bargaining agreement or renew, extend, or modify an existing collective bargaining agreement.
- (3) A public employer may not use public money or public property to:
- (a) assist or support union activity;
 - (b) compensate a public employee or a third party for union activity; or
 - (c) provide a public employee paid leave that is in addition to the public employee's regularly accrued leave to allow the public employee to participate in union activity.
- (4) A labor organization, member, or representative may not receive public money or use public property in a manner that violates Subsection (3).
- (5) Nothing in Subsection (3) or (4) prohibits:

- (a) a public employer from:
 - (i) spending public money or using public property for performing an activity required by federal law or state law; or
 - (ii) compensating a public employee for annual leave, sick leave, or other leave that the public employee accrues as a benefit of the public employee's employment, provided the public employer gives the compensation on the same terms as any other public employee;
- (b) a labor organization or a representative from accessing public property that is real property:
 - (i) in the same manner and to the same extent as the public employer allows access to any other external individual or entity; or
 - (ii) on a limited case-by-case basis, at the public employer's invitation, and if the public employer determines that allowing the labor organization or representative access to the public property is in the public employees' best interests; or
- (c) a public employee from engaging in discussion with other individuals in the workplace during the public employee's break or when the public employee may discuss non-work related matters.

Renumbered and Amended by Chapter 10, 2025 General Session

Part 2

Assignments

(Contingently Effective)

34-32-201 Assignments to farm organizations -- Effect.

Whenever any producer of farm products within the state executes and delivers to a dealer or processor of farm products, either as a clause in a sales agreement or other instrument in writing, whereby such processor or dealer is directed to deduct a sum or a rate not exceeding 3% of the price to be paid for any such produce, such processor or dealer shall deduct from the price to be paid for any farm product being sold by any such producer to any such processor or dealer, the amount so authorized and the producer or dealer shall pay the same to a farm organization as assignee.

Renumbered and Amended by Chapter 10, 2025 General Session

(Contingently Effective)

34-32-202 Assignments to labor organizations -- Effect -- Reporting requirement.

- (1)
 - (a) A public employee may direct a public employer, in writing, to deduct from the public employee's wages a specified sum for union dues, not to exceed 3% per month, to be paid to a labor organization designated by the public employee.
 - (b) A public employer shall verify the labor organization is accepting union dues from the public employee before deducting the specified sum for union dues.
- (2) A public employer shall promptly commence or stop making deductions for union dues from the wages of a public employee for the benefit of a labor organization when the public employer receives a written communication from the public employee directing the public employer to commence or stop making deductions.

- (3) A public employee's request that a public employer stop making deductions may not be conditioned upon a labor organization's:
 - (a) receipt of advance notice of the request; or
 - (b) consent to stop the deductions.
- (4) A labor organization is not liable for any claim, service, or benefit that is:
 - (a) available only to a member of the labor organization; and
 - (b) terminated as a result of a public employee's request that the public employer stop making deductions for union dues.
- (5)
 - (a) A public employee may join a labor organization or terminate membership at any time.
 - (b) A person may not place a restriction on the time that a public employee may join or terminate participation with a labor organization.
- (6) A public employee may not waive a provision of this section.
- (7) On April 1 of each year, a labor organization that receives union dues using payroll deduction shall report to the labor organization's members and to the Labor Commission for the preceding calendar year:
 - (a) the amount the labor organization spent on:
 - (i) representing union members in disputes;
 - (ii) lobbying;
 - (iii) giving to political donations and other political activities; and
 - (iv) giving to affiliate or umbrella organizations; and
 - (b) the number of members in the labor organization.
- (8) Nothing in this section provides public employees a right to collective bargaining.

Enacted by Chapter , 2025 General Session

Part 3 Enforcement

(Contingently Effective)

34-32-301 Failure to comply -- Penalty -- Attorney general to enforce.

- (1) Any employer, dealer, or processor who willfully fails to comply with the duties imposed by Section 34-32-102 is guilty of a class B misdemeanor.
- (2) The attorney general may bring a civil action to require compliance with a provision of this chapter.

Renumbered and Amended by Chapter 10, 2025 General Session

Part 4 Exceptions

(Contingently Effective)

34-32-401 Exceptions from chapter.

- (1) The provisions of this chapter do not apply to carriers as that term is defined in the Railway Labor Act passed by the Congress of the United States, June 21, 1934, 48 Stat. 1189, U.S. Code, Title 45, Section 151.
- (2) Nothing in this chapter is intended to, or may be construed to, preempt any requirement of federal law.

Renumbered and Amended by Chapter 10, 2025 General Session