

Representative Neil A. Hansen proposes to substitute the following bill:

**RESTRICTION ON POLITICAL ACTIVITY
OF MUNICIPAL EMPLOYEES**

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Neil A. Hansen

AN ACT RELATING TO LIMITING MUNICIPAL ACTION FOR CERTAIN POLITICAL
ACTIVITIES; LIMITING CERTAIN POLITICAL ACTIVITIES OF MUNICIPAL EMPLOYEES;
ALLOWING LEAVE OF ABSENCE UNDER CERTAIN CIRCUMSTANCES; AND
PROHIBITING ADVERSE EMPLOYMENT ACTION UNDER CERTAIN CIRCUMSTANCES.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

10-3-1108, Utah Code Annotated 1953

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

Section 1. Section **10-3-1108** is enacted to read:

10-3-1108. Political activity of municipal officer or employee.

(1) For purposes of this section, "hours of employment" means occurring at a time during which an officer or employee is being paid by the municipality, but excludes a lunch break or other break afforded to the officer or employee.

(2) Except as otherwise provided by federal law:

(a) the partisan political activity, political opinion, or political affiliation of an applicant for a position with a municipality may not provide a basis for denying employment to the applicant;

(b) an officer or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal;

26 (c) no municipal officer or employee may solicit political contributions from employees
27 of the municipality during hours of employment;

28 (d) no municipal officer or employee may directly or indirectly coerce, command, or
29 advise another municipal officer or employee to pay, lend, or contribute part of the officer or
30 employee's salary or compensation, or anything else of value to a political party, committee,
31 organization, agency, or person for political purposes; and

32 (e) no municipal officer or employee may attempt to make another officer or employee's
33 personnel status dependent on the officer or employee's support or lack of support of a political
34 party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.

35 (3) A municipal employee who has filed a declaration of candidacy may:

36 (a) be given a leave of absence for the period between the primary election and the general
37 election; and

38 (b) use any vacation or other leave available to engage in campaign activities.

39 (4) If a municipal officer or employee is elected to a partisan or full-time nonpartisan
40 political office, the employee may:

41 (a) be given a leave of absence without pay for the time during which the employee
42 receives compensation for service in the political office; and

43 (b) use any vacation or other leave available to serve in the political office.

44 (5) Neither the filing of a declaration of candidacy nor a leave of absence under this
45 section may be used as the basis for an adverse employment action, including discipline and
46 termination, against the employee.

47 (6) Nothing in this section may be construed to:

48 (a) prohibit a municipal officer or employee's voluntary contribution to a party or candidate
49 of the officer or employee's choice; or

50 (b) permit a municipal officer or employee's partisan political activity that is prohibited
51 under federal law.