

**PROHIBITION OF JOB ACTIONS BY
PUBLIC EMPLOYEES**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Gladwell

This act modifies provisions relating to the State System of Public Education by prohibiting public school employees from engaging in strikes. The act defines what constitutes a strike and provides that a public school employee who engages in a strike shall forfeit two days pay for each day's participation. The act provides that no make-up days are required if schools are closed because of a school employee strike.

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

ENACTS:

53A-3-411.5, Utah Code Annotated 1953

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

Section 1. Section **53A-3-411.5** is enacted to read:

53A-3-411.5. School employee organizations -- Prohibition of strikes -- Withholding of pay -- Make-up days not required.

(1) As used in this section, "strike" means any strike or other concerted stoppage of work or slowdown by public school employees.

(2) (a) Public school employees have the right to form, join, and participate in or to refrain from forming, joining, or participating in, any employee organization of their own choosing.

(b) They may be represented by an employee organization in collective bargaining contract negotiations if the organization represents a majority of the public school employees under contract with the school district.

(c) Each bargaining agreement shall contain a no-strike clause.

(3) No public school employee or public school employee organization shall engage in a strike and no public school employee or public school employee organization shall cause, instigate,



28 encourage, or condone a strike by public school employees.

29 (4) For purposes of this section, public school employees who are absent from work
30 without permission, or who abstain wholly or in part from the full performance of their duties in
31 their normal manner, without permission, on the date when a strike occurs, are presumed to have
32 engaged in the strike on that date.

33 (5) Not earlier than 30 nor later than 90 days following a determination by a local school
34 board that a public school employee has violated Subsection (3) by engaging in a strike, the school
35 district's chief financial officer shall deduct from the employee's pay an amount equal to twice the
36 employee's daily pay rate for each day the employee engaged in the strike.

37 (6) No regulation, rule, or law with respect to the minimum length of a school year shall
38 be applicable or shall require make-up days in any situation where schools in a school district are
39 closed as a result of a school employee strike.

40 (7) A local school board may refuse to continue all the terms of an expired contract
41 agreement with its public school employees until a new contract is negotiated if the school
42 employee organization which is negotiating the new contract has, during the negotiations or prior
43 to the resolution of the negotiations, violated Subsection (3).

Legislative Review Note
as of 2-8-01 3:31 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel