

EDUCATION ASSOCIATION LEAVE

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Bill Wright

This act modifies the State System of Public Education code by providing a definition of association leave and requiring a school district to adopt a policy that governs paid and unpaid association leave before they may be used by a school district employee. This act specifies the procedures and controls that shall be contained in a school district's paid association leave policy.

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

ENACTS:

53A-3-425, Utah Code Annotated 1953

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

Section 1. Section **53A-3-425** is enacted to read:

53A-3-425. Association leave -- District policy.

(1) As used in this section, "association leave" means leave from a school district employee's regular school responsibilities granted for that employee to spend time for association or union duties.

(2) Prior to any school district employee's participation in paid or unpaid association leave, a local school board shall adopt a written policy that governs association leave.

(3) If a local school board adopts a policy to allow paid association leave, the policy shall include procedures and controls to:

(a) ensure that the duties performed by employees on paid association leave directly benefit education within the school district;

(b) require the school district to document the use and approval of paid association leave;

(c) require school district supervision of employees on paid association leave;

(d) require the school district to account for the costs and expenses of paid association leave;

(e) ensure that during the hours of paid association leave a school district employee may

not engage in political activity, including:

(i) actively campaigning for candidates for public office in partisan and nonpartisan elections; and

(ii) fundraising for political organizations, political parties, or candidates;

(f) ensure that association leave is only paid out of school district funds when the paid association leave directly benefits education within the district; and

(g) require the reimbursement to the school district of the cost of paid association leave activities that do not provide a direct benefit to education within the school district.

(4) If a local school board adopts a policy to allow paid association leave, that policy shall indicate that a willful violation of this section or of a policy adopted in accordance with Subsection (2) or (3) may be used for disciplinary action under Section 53A-8-104.