

RIGHT TO WORK LAWS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen D. Clark

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Utah Right to Work Law.

Highlighted Provisions:

This bill:

- ▶ makes illegal and against public policy certain agreements, understandings, or practices that require an employer to pay monies for benefits that a nonunion employee waives; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

34-34-10, as enacted by Chapter 85, Laws of Utah 1969

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

Section 1. Section **34-34-10** is amended to read:

34-34-10. Employer not to require payment of dues, fees, or other charges to union -- Employer not required to pay certain monies.



[No] (1) An employer ~~[shall]~~ may not require any person to pay any dues, fees, or other charges of any kind;

(a) to:

(i) any labor union~~[-]~~;

(ii) any labor organization; or

(iii) any other type of association; and

(b) as a condition of:

(i) employment; or

(ii) continuation of employment.

(2) (a) Subsection (2)(b) applies to an express or implied agreement, understanding, or practice executed or renewed on or after May 1, 2006:

(i) between an employer and:

(A) a labor union;

(B) a labor organization; or

(C) any other type of association; and

(ii) under which the employer is required to pay monies:

(A) to:

(I) the union, organization, or association described in Subsection (2)(a)(i); or

(II) any fund, plan, or program required by the agreement, understanding, or practice;

(B) for a benefit that would be provided to an employee during or after employment;

(C) on behalf of or for the benefit of an employee of the employer who:

(I) is not a member of the union, organization, or association described in Subsection (2)(a)(i); and

(II) provides a written waiver of any rights to the benefits described in Subsection (2)(a)(ii)(B) to:

(Aa) the employer; and

(Bb) the union, organization, or association described in Subsection (2)(a)(i); and

(iii) that are not otherwise required to be paid by state or federal law.

(b) An agreement, understanding, or practice described in Subsection (2)(a) is:

(i) designed to cause or require, or has the effect of causing or requiring an employer to condition the employment or continuation of employment on an employee supporting a labor

59 union, labor organization, or other type of association; and
60 (ii) is an illegal agreement, understanding, or practice that is contrary to public policy.
61 (c) An employer may not make providing the waiver described in Subsection
62 (2)(a)(ii)(C) a condition of employment or continuation of employment of an employee.

Legislative Review Note
as of 1-31-06 2:33 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0177

Right to Work Laws

06-Feb-06
8:28 AM

State Impact
No fiscal impact.

Individual and Business Impact
Unions may incur more costs in collecting monies.

Office of the Legislative Fiscal Analyst