

**LABOR ORGANIZATION AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gregory H. Hughes**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Labor in General title by amending provisions related to employee payroll deductions for labor organizations and provisions related to collective bargaining on behalf of public employees.

**Highlighted Provisions:**

This bill:

- ▶ requires that only an employee can submit a written request to an employer to have payroll deductions made to pay union dues;
- ▶ provides for the prompt commencement and ceasing of deductions upon request;
- ▶ prohibits an employee who requests to have payroll deductions made to pay union dues from being required to continue the payments for any set period or total amount;
- ▶ provides that a labor organization is not liable to an employee for terminating those services or benefits that are only available to members of the labor organization if the employee requests that the employer cease making deductions for union dues benefitting the labor organization; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **34-32-1**, as last amended by Laws of Utah 2004, Chapter 220



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

34 Section 1. Section **34-32-1** is amended to read:

35 **34-32-1. Assignments to labor unions -- Restrictions -- Effect.**

36 (1) As used in this section:

37 (a) "Employee" means a person employed by any person, partnership, public, private,  
38 or municipal corporation, school district, the state, or any political subdivision of the state.

39 (b) "Employer" means the person or entity employing an employee.

40 (c) (i) "Labor organization" means a lawful organization of any kind that is composed,  
41 in whole or in part, of employees, and that exists for the purpose, in whole or in part, of dealing  
42 with employers concerning grievances, labor disputes, wages, rates of pay, hours of  
43 employment, or other terms and conditions of employment.

44 (ii) Except as provided in Subsection (1)(c)(iii), "labor organization" includes each  
45 employee association and union for employees of public and private sector employers.

46 (iii) "Labor organization" does not include organizations governed by the National  
47 Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151  
48 et seq.

49 (d) "Union dues" means dues, fees, monies, or other assessments required as a  
50 condition of membership or participation in a labor organization.

51 (2) (a) An employee may direct an employer, in writing, [~~that an employer~~] to deduct  
52 from the employee's wages a specified sum for union dues[~~; not to exceed 3% per month;~~] to be  
53 paid to a labor organization designated by the employee[~~;~~] if:

54 ~~Ĥ→ [(i) the amount deducted for union dues per month does not exceed 3% of the~~  
55 ~~employee's monthly wages;~~

56 ~~—— [(ii)] (i) ←Ĥ~~ the employer promptly begins making deductions for union dues from the wages  
56a of  
57 the employee for the benefit of a labor organization when the employer receives a written  
58 communication from the employee directing that deductions begin; and

59 ~~Ĥ→ [(iii)]~~ (ii) ~~←Ĥ~~ the employee is not under any agreement, contract, or obligation  
59a to continue  
60 payments or contributions to the labor organization ~~Ĥ→~~ [~~;~~  
61 ~~—(A)]~~ ~~←Ĥ~~ for any set period in excess of one month ~~Ĥ→~~ [~~;~~~~or~~].  
62 ~~[(B) in a total amount exceeding the monthly limit specified under Subsection (2)(a)(i).]~~ ~~←Ĥ~~  
63 (b) (i) An employer shall promptly cease making deductions for union dues from the  
64 wages of an employee for the benefit of a labor organization when the employer receives a  
65 written communication from the employee directing that the deductions cease.  
66 (ii) An employee's request that the employer cease making deductions shall not be  
67 conditioned upon the labor organization's:  
68 (A) receipt of advance notice of the request; or  
69 (B) prior consent to cessation of the deductions.  
70 (3) A labor organization is not liable for any claim for services or benefits that are  
71 available only to members of the labor organization and that are terminated as a result of an  
72 employee's request that the employer cease making deductions for union dues for the benefit of  
73 the labor organization.

**Legislative Review Note**  
as of 2-5-08 12:03 PM

**Office of Legislative Research and General Counsel**

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**H.B. 475 - Labor Organization Amendments**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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