

Representative Merlynn T. Newbold proposes the following substitute bill:

LABOR ORGANIZATION AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Labor in General title by amending provisions related to employee requests to cease or commence payroll deductions payable to labor organizations.

Highlighted Provisions:

This bill:

- ▶ removes a limit on the percentage of wages that can be deducted from an employee's wages to be paid to a labor organization;
- ▶ requires an employer to promptly commence or cease making deductions upon an employee's written request;
- ▶ 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:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **34-32-1**, as last amended by Laws of Utah 2004, Chapter 220



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

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

33 **34-32-1. Assignments to labor unions -- Restrictions -- Effect.**

34 (1) As used in this section:

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

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

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

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

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

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

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

52 (b) (i) An employer shall promptly commence or cease making deductions for union
53 dues from the wages of an employee for the benefit of a labor organization when the employer
54 receives a written communication from the employee directing [~~that the deductions cease~~] the
55 employer to commence or cease making deductions.

56 (ii) An employee's request that the employer cease making deductions shall not be

57 conditioned upon the labor organization's:

58 (A) receipt of advance notice of the request; or

59 (B) prior consent to cessation of the deductions.

60 (3) A labor organization is not liable for any claim for services or benefits that are

61 available only to members of the labor organization and that are terminated as a result of an

62 employee's request that the employer cease making deductions for union dues for the benefit of

63 the labor organization.

H.B. 475 1st Sub. (Buff) - Labor Organization Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
