

Senator Margaret Dayton proposes the following substitute bill:

SCHOOL DISTRICT LEAVE POLICIES

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: Keith Grover

LONG TITLE

General Description:

This bill amends provisions in the State System of ~~Public~~ Education code related to association leave.

Highlighted Provisions:

This bill:

- ▶ prohibits a local school board from granting paid association leave for certain employee association or union duties;
- ▶ requires reimbursement to a school district of the costs for certain employees, including benefits, for the time that exceeds 10 business days that the employee is on:

- unpaid association leave; or
 - participating in certain paid association leave activities;
- ▶ defines terms; and
 - ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None



1st Sub. S.B. 77

26 Utah Code Sections Affected:

27 AMENDS:

28 53A-3-425, as enacted by Laws of Utah 2002, Chapter 312

29

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

31 Section 1. Section 53A-3-425 is amended to read:

32 **53A-3-425. Association leave -- District policy.**

33 (1) As used in this section[~~,"association leave"~~]:

34 (a) "Association leave" means leave from a school district employee's regular school
35 responsibilities granted for that employee to spend time for association, employee association,
36 or union duties.

37 (b) "Employee association" means an association that:

38 (i) negotiates employee salaries, benefits, contracts, or other conditions of employment;

39 or

40 (ii) performs union duties.

41 (2) (a) ~~H→ [A]~~ **Except as provided in Subsection (2)(b), a ←H** local school board may not
41a allow paid association leave for a school district

42 employee to perform H→ an ←H employee association or union H→ [duties] duty ←H .

42a ~~H→~~ **(b) A local school board may allow paid association leave for a school district employee**
42b **to perform an employee association duty if:**

42c **(i) the duty performed by the employee on paid association leave will directly benefit**
42d **the school district, including, representing the school district's licensed educators:**

42e **(A) on a board or committee, such as the school district's foundation, a curriculum**
42f **development board, insurance committee, or catastrophic leave committee;**

42g **(B) at a school district leadership meeting; or**

42h **(C) at a workshop or meeting conducted by the school district's local school board;**

42i **(ii) the duty performed by the employee on paid association leave does not include**
42j **political activity, including:**

42k **(A) advocating for or against a candidate for public office in a partisan or nonpartisan**
42l **election;**

42m **(B) soliciting a contribution for a political action committee, a political issues**
42n **committee, a political party, or a candidate, as defined in Section 20A-11-101; or**

42o **(C) initiating, drafting, soliciting signatures for, or advocating for or against a ballot**
42p **proposition, as defined in Section 20A-1-102; and**

42q (iii) the local school board ensures compliance with the requirements of Subsections
42r (3)(a) through (g).

43 ~~[(b)] (c)~~ ←H Prior to [any] a school district employee's participation in paid or unpaid
44 association leave, a local school board shall adopt a written policy that governs association
45 leave.

46 H→ ~~[(c)] (d)~~ ←H A local school board policy that governs association leave shall require
47 reimbursement to the school district of the costs for an employee, including benefits, for the
48 time that exceeds 10 business days during a fiscal year that the employee is:

49 (i) on unpaid association leave; or

50 (ii) participating in a paid association leave activity described in Subsection (3)(g) that
51 does not provide a direct benefit to H→ ~~[education within]~~ ←H the school district.

52 H→ ~~[(d)] (e)~~ ←H A reimbursement required under Subsections (2) H→ ~~[(c)] (d)~~ ←H or
52a (3)(g) may be provided by
53 an employee, association, or union.

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

56 (a) ensure that the duties performed by employees on paid association leave directly

- 57 benefit ~~H→~~ [~~education within~~] ~~←H~~ the school district;
- 58 (b) require the school district to document the use and approval of paid association
- 59 leave;
- 60 (c) require school district supervision of employees on paid association leave;
- 61 (d) require the school district to account for the costs and expenses of paid association
- 62 leave;
- 63 (e) ensure that during the hours of paid association leave a school district employee
- 64 may not engage in political activity, including:
- 65 (i) ~~H→~~ [~~actively campaigning for candidates~~] advocating for or against a candidate ~~←H~~
- 65a for public office in ~~H→~~ a ~~←H~~ partisan ~~H→~~ [~~and~~] or ~~←H~~ nonpartisan
- 66 ~~H→~~ [~~elections~~] election ~~←H~~ ; ~~H→~~ [~~and~~] ~~←H~~
- 67 (ii) ~~H→~~ [~~fundraising for political organizations, political parties, or candidates;~~] soliciting a
- 67a contribution for a political action committee, a political issues committee, a political party, or a
- 67b candidate, as defined in Section 20A-11-101; and
- 67c (iii) initiating, drafting, soliciting signatures for, or advocating for or against a ballot
- 67d proposition, as defined in Section 20A-1-102; ~~←H~~
- 68 (f) ensure that association leave is only paid out of school district funds when the paid
- 69 association leave directly benefits ~~H→~~ [~~education within~~] ~~←H~~ the district; and
- 70 (g) require the reimbursement to the school district of the cost of paid association leave
- 71 activities that do not provide a direct benefit to education within the school district.
- 72 (4) If a local school board adopts a policy to allow paid association leave, that policy
- 73 shall indicate that a willful violation of this section or of a policy adopted in accordance with
- 74 Subsection (2) or (3) may be used for disciplinary action under Section 53A-8-104.