

1 **SCHOOL DISTRICT LEAVE POLICIES**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Keith Grover**

5 Senate Sponsor: Margaret Dayton

6
7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

13 ▶ prohibits a local school board from granting paid association leave for certain
14 employee association or union duties;
15 ▶ requires reimbursement to a school district of the costs for certain employees,
16 including benefits, for the time ~~§~~→ [that exceeds 10 business days] ←~~§~~ that the employee is
17 on:

- 18 • unpaid association leave; or
- 19 • participating in certain paid association leave activities;
- 20 ▶ defines terms; and
- 21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



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



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)] ←§~~ Except as provided in ~~§→~~ §→ [f] Subsection [f] [Subsections] ←§

41a ~~[(2)(b) §→ and (2)(d) ←§]~~ (3) ~~←§~~ , a local school board may not allow

42 paid association leave for a school district employee to perform an employee association or
43 union duty.

44 ~~§→ [(b)] (3)(a) ←§~~ A local school board may allow paid association leave for a school
45 district

45 employee to perform an employee association duty if:

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

48 (A) on a board or committee, such as the school district's foundation, a curriculum
49 development board, insurance committee, or catastrophic leave committee;

50 (B) at a school district leadership meeting; or

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

52 (ii) the duty performed by the employee on paid association leave does not include
53 political activity, including:

54 (A) advocating for or against a candidate for public office in a partisan or nonpartisan
55 election;

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

58 (C) initiating, drafting, soliciting signatures for, or advocating for or against a ballot

59 proposition, as defined in Section 20A-1-102; and

60 (iii) the local school board ensures compliance with the requirements of Subsections

61 ~~§→ [(3)] (4) ←§~~ (a) through (g).

62 ~~§→ [(c)] (b) ←§~~ Prior to ~~[any]~~ a school district employee's participation in paid or unpaid
63 association leave, a local school board shall adopt a written policy that governs association
64 leave.

65 ~~§→ [(d)] (c) ←§~~ A local school board policy that governs association leave shall require
66 reimbursement to the school district of the costs for an employee, including benefits, for the

67 time ~~§→ [that exceeds 10 business days during a fiscal year] ←§~~ that the employee is:

68 (i) on unpaid association leave; or

69 (ii) participating in a paid association leave activity described in Subsection ~~§→ [(3)] (4) ←§~~

69a (g) that

70 does not provide a direct benefit to the school district.

71 ~~§→ [(e)] (d) ←§~~ A reimbursement required under Subsections ~~§→ [(2)(d)] (3)(c) ←§~~ or ~~§→~~

71a ~~[(3)(g)] (4)(g) ←§~~ may be provided by

72 an employee, association, or union.

73 ~~§→ [(3)] (4) ←§~~ If a local school board adopts a policy to allow paid association leave, the
73a policy

74 shall include procedures and controls to:

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

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

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

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

82 (e) ensure that during the hours of paid association leave a school district employee
83 may not engage in political activity, including:

84 (i) ~~[actively campaigning for candidates]~~ advocating for or against a candidate for
85 public office in a partisan [and] or nonpartisan [elections] election; [and]

86 ~~[(ii) fundraising for political organizations, political parties, or candidates;]~~

87 (ii) soliciting a contribution for a political action committee, a political issues
88 committee, a political party, or a candidate, as defined in Section 20A-11-101; and

89 (iii) initiating, drafting, soliciting signatures for, or advocating for or against a ballot

90 proposition, as defined in Section 20A-1-102;

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

93 (g) require the reimbursement to the school district of the cost of paid association leave
94 activities that do not provide a direct benefit to ~~H~~→ [~~education within~~] ←~~H~~ the school district.

95 ~~S~~→ [(4)] (5) ←~~S~~ If a local school board adopts a policy to allow paid association leave, that
95a policy

96 shall indicate that a willful violation of this section or of a policy adopted in accordance with

97 Subsection ~~S~~→ [(2)] (3) ←~~S~~ or ~~S~~→ [(3)] (4) ←~~S~~ may be used for disciplinary action under Section
97a 53A-8-104.

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Office of Legislative Research and General Counsel