

1 **SCHOOL DISTRICT LEAVE POLICIES**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Keith Grover**

5 Senate Sponsor: Margaret Dayton

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 ▶ for certain school districts, requires reimbursement to a school district of the costs
- 16 for certain employees, including benefits, for the time that an employee is:
 - 17 • unpaid association leave; or
 - 18 • participating in certain paid association leave activities;
- 19 ▶ for certain school districts, provides that the school district may allow up to 10 days
- 20 of association leave under certain conditions;
- 21 ▶ defines terms; and
- 22 ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **53A-3-425**, as enacted by Laws of Utah 2002, Chapter 312

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

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

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

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

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

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

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

or

(ii) performs union duties.

(2) Except as provided in Subsection (3), a local school board may not allow paid association leave for a school district employee to perform an employee association or union duty.

(3) (a) A local school board may allow paid association leave for a school district employee to perform an employee association duty if:

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

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

(B) at a school district leadership meeting; or

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

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

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

(B) soliciting a contribution for a political action committee, a political issues

58 committee, a political party, or a candidate, as defined in Section 20A-11-101; or

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

61 (iii) the local school board ensures compliance with the requirements of Subsections
62 (4)(a) through (g).

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

66 (c) Except as provided in Subsection (3)(d), a local school board policy that governs
67 association leave shall require reimbursement to the school district of the costs for an
68 employee, including benefits, for the time that the employee is:

69 (i) on unpaid association leave; or

70 (ii) participating in a paid association leave activity that does not provide a direct
71 benefit to the school district.

72 (d) For a school district that allowed association leave described in Subsections
73 (3)(c)(i) and (ii) prior to January 1, 2011, the local school board policy that governs association
74 leave may allow up to 10 days of association leave before requiring a reimbursement described
75 in Subsection (3)(c).

76 (e) A reimbursement required under Subsection (3)(c), (d), or (4)(g) may be provided
77 by an employee, association, or union.

78 ~~[(3)]~~ (4) If a local school board adopts a policy to allow paid association leave, the
79 policy shall include procedures and controls to:

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

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

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

85 (d) require the school district to account for the costs and expenses of paid association

86 leave;

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

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

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

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

94 (iii) initiating, drafting, soliciting signatures for, or advocating for or against a ballot
95 proposition, as defined in Section 20A-1-102;

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

98 (g) require the reimbursement to the school district of the cost of paid association leave
99 activities that do not provide a direct benefit to education within the school district.

100 ~~[(4)]~~ (5) If a local school board adopts a policy to allow paid association leave, that
101 policy shall indicate that a willful violation of this section or of a policy adopted in accordance
102 with Subsection ~~[(2)]~~ (3) or ~~[(3)]~~ (4) may be used for disciplinary action under Section
103 53A-8-104.