

SCHOOL DISTRICT LEAVE POLICIES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

Senate Sponsor: Margaret Dayton

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.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

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 Subsection (2)(b), 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) A local school board may allow paid association leave for a school 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)(a) through (g).

62 (c) 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) 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)(g) that
70 does not provide a direct benefit to the school district.

71 (e) A reimbursement required under Subsections (2)(d) or (3)(g) may be provided by
72 an employee, association, or union.

73 (3) If a local school board adopts a policy to allow paid association leave, the 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 education within the school district.

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

Legislative Review Note
as of 1-7-11 6:58 PM

Office of Legislative Research and General Counsel