

HB0183S01 compared with HB0183

~~{deleted text}~~ shows text that was in HB0183 but was deleted in HB0183S01.

inserted text shows text that was not in HB0183 but was inserted into HB0183S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Senator Margaret Dayton proposes the following substitute bill:

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;
- ▶ for certain school districts, requires reimbursement to a school district of the costs for certain employees, including benefits, for the time that ~~{exceeds 10 business days that the}~~ an employee is on:
 - unpaid association leave; or
 - participating in certain paid association leave activities;

HB0183S01 compared with HB0183

▶ for certain school districts, provides that the school district may allow up to 10 days of association leave under certain conditions:

- ▶ defines terms; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

~~(b)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

HB0183S01 compared with HB0183

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

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

(iii) the local school board ensures compliance with the requirements of Subsections ~~(3)4~~(a) through (g).

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

~~(d)c~~ ~~A~~ Except as provided in Subsection (3)(d), a local school board policy that governs association leave shall require reimbursement to the school district of the costs for an employee, including benefits, for the time ~~{ that exceeds 10 business days during a fiscal year }~~ that the employee is:

(i) on unpaid association leave; or

(ii) participating in a paid association leave activity ~~{described in Subsection (3)(g)}~~ that does not provide a direct benefit to the school district.

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

(e) A reimbursement required under Subsections ~~(2)3~~(c), (d), or ~~(3)4~~(g) may be provided by an employee, association, or union.

~~(3)1~~ (4) If a local school board adopts a policy to allow paid association leave, the policy shall include procedures and controls to:

HB0183S01 compared with HB0183

- (a) ensure that the duties performed by employees on paid association leave directly benefit ~~[education within]~~ the school district;
 - (b) require the school district to document the use and approval of paid association leave;
 - (c) require school district supervision of employees on paid association leave;
 - (d) require the school district to account for the costs and expenses of paid association leave;
 - (e) ensure that during the hours of paid association leave a school district employee may not engage in political activity, including:
 - (i) ~~[actively campaigning for candidates]~~ advocating for or against a candidate for public office in a partisan ~~[and]~~ or nonpartisan ~~[elections]~~ election; ~~[and]~~
 - ~~[(ii) fundraising for political organizations, political parties, or candidates;]~~
 - (ii) soliciting a contribution for a political action committee, a political issues committee, a political party, or a candidate, as defined in Section 20A-11-101; and
 - (iii) initiating, drafting, soliciting signatures for, or advocating for or against a ballot proposition, as defined in Section 20A-1-102;
 - (f) ensure that association leave is only paid out of school district funds when the paid association leave directly benefits ~~[education within]~~ the district; and
 - (g) require the reimbursement to the school district of the cost of paid association leave activities that do not provide a direct benefit to education within the school district.
- ~~[(4)]~~ [(5)] If a local school board adopts a policy to allow paid association leave, that policy shall indicate that a willful violation of this section or of a policy adopted in accordance with Subsection ~~[(2)]~~ [(3)] or ~~[(3)]~~ [(4)] may be used for disciplinary action under Section 53A-8-104.

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Legislative Review Note

as of 1-7-11 6:58 PM

HB0183S01 compared with HB0183

~~Office of Legislative Research and General Counsel~~