

1 **LABOR ORGANIZATION PROVISIONS IN TEACHER**

2 **CONTRACTS**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Howard A. Stephenson**

6 House Sponsor: Holly J. Richardson

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions of Title 34, Chapter 32, Deductions for the Benefit of
11 Labor Organizations, relating to the cessation or commencement of a union dues wage
12 deduction.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ requires that an employer promptly cease or commence a union dues wage
16 deduction upon the written request of the employee;
- 17 ▶ states that an employee's request to cease a union dues wage deduction may not be
18 conditioned on the labor organization's advance notice or consent;
- 19 ▶ states that a labor organization is not liable to an employee for any claim, service, or
20 benefit that is available only to a member of the organization if the employee
21 requests cessation of union dues wage deductions;
- 22 ▶ states that the rights described in this bill cannot be waived; and
- 23 ▶ makes technical corrections.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **34-32-1**, as last amended by Laws of Utah 2004, Chapter 220



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **34-32-1** is amended to read:

34 **34-32-1. Assignments to labor unions -- Effect.**

35 (1) As used in this section:

36 (a) "Employee" means a person employed by any person, partnership, public, private,
37 or municipal corporation, school district, the state, or any political subdivision of the state.

38 (b) "Employer" means the person or entity employing an employee.

39 (c) (i) "Labor organization" means a lawful organization of any kind that is composed,
40 in whole or in part, of employees, and that exists for the purpose, in whole or in part, of dealing
41 with employers concerning grievances, labor disputes, wages, rates of pay, hours of
42 employment, or other terms and conditions of employment.

43 (ii) Except as provided in Subsection (1)(c)(iii), "labor organization" includes each
44 employee association and union for employees of public and private sector employers.

45 (iii) "Labor organization" does not include organizations governed by the National
46 Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151
47 et seq.

48 (d) "Union dues" means dues, fees, money, or other assessments required as a
49 condition of membership or participation in a labor organization.

50 (2) ~~(a)~~ An employee may direct an employer, in writing, ~~[that an employer]~~ to deduct
51 from the employee's wages a specified sum for union dues, not to exceed 3% per month, to be
52 paid to a labor organization designated by the employee.

53 ~~(b)~~ (3) An employer shall promptly commence or cease making deductions for union
54 dues from the wages of an employee for the benefit of a labor organization when the employer
55 receives a written communication from the employee directing ~~[that the deductions cease.]~~ the
56 employer to commence or cease making deductions.

57 (4) An employee's request that an employer cease making deductions may not be

58 conditioned upon a labor organization's:

59 (a) receipt of advance notice of the request; or

60 (b) prior consent to cessation of the deductions.

61 (5) A labor organization is not liable for any claim, service, or benefit that is:

62 (a) available only to a member of the labor organization; and

63 (b) terminated as a result of an employee's request that the employer cease making

64 deductions for union dues.

65 (6) An employee may join a labor organization or terminate membership at any time.

66 A person may not place a restriction on the time that an employee may join, or terminate

67 membership with, a labor organization.

68 (7) An employee may not waive a provision of this section.