

PAYROLL DEDUCTION AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley M. Daw

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies a provision relating to employer deductions from employee wages.

Highlighted Provisions:

This bill:

▶ modifies a provision requiring an employer to deduct an employee's wages for union dues if directed to do so by an employee, giving the employer instead the ability to choose whether to deduct employee's wages if requested to do so;

▶ requiring an employer that chooses to deduct an employee's wages for union dues to deduct also for membership dues in any bona fide organization, if an employee requests the deduction;

▶ modifies a provision concerning the termination of the deductions; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

34-32-1, as last amended by Laws of Utah 2011, Chapter 220



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

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

30 **34-32-1. Assignments to labor unions and other bona fide organizations -- Effect.**

31 (1) As used in this section:

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

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

35 (c) ~~(+)~~ "Labor organization":

36 (i) means a lawful organization of any kind that is composed, in whole or in part, of
37 employees, and that exists for the purpose, in whole or in part, of dealing with employers
38 concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms
39 and conditions of employment~~[-];~~

40 (ii) ~~[Except]~~ except as provided in Subsection (1)(c)(iii), ~~["labor organization"]~~
41 includes each employee association and union for employees of public ~~[and]~~ or private sector
42 employers~~[-]; and~~

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

46 (d) "Membership dues" means dues, fees, money, or other assessments required as a
47 condition of membership or participation in a bona fide organization other than a labor
48 organization.

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

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

54 (3) If an employer chooses to deduct union dues as requested by an employee under
55 Subsection (2), the employer shall:

56 (a) allow any employee to request in writing that the employer deduct from the
57 employee's wages a sum, not to exceed 3% per month, specified by the employee to be paid as
58 membership dues to a bona fide organization designated by the employee; and

59 (b) deduct from the employee's wages the sum specified by the employee and pay it to
60 the organization designated by the employee.

61 [~~(3)~~] (4) An employer shall promptly [~~commence or~~] cease making deductions for
62 union dues or membership dues from the wages of an employee for the benefit of a labor
63 organization or other bona fide organization, respectively, when the employer receives a
64 written communication from the employee directing the employer to [~~commence or~~] cease
65 making deductions.

66 [~~(4)~~] (5) An employee's request that an employer cease making deductions from the
67 employee's paycheck for union dues may not be conditioned upon a labor organization's:

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

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

70 [~~(5)~~] (6) A labor organization is not liable for any claim, service, or benefit that is:

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

72 (b) terminated as a result of an employee's request that the employer cease making
73 deductions for union dues.

74 [~~(6)~~] (7) An employee may join a labor organization or terminate membership at any
75 time. A person may not place a restriction on the time that an employee may join, or terminate
76 membership with, a labor organization.

77 [~~(7)~~] (8) An employee may not waive a provision of this section.

Legislative Review Note
as of 2-10-12 6:12 PM

Office of Legislative Research and General Counsel