

HB0350S02 compared with HB0350S01

~~{deleted text}~~ shows text that was in HB0350S01 but was deleted in HB0350S02.

inserted text shows text that was not in HB0350S01 but was inserted into HB0350S02.

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Representative Bradley M. Daw proposes the following substitute bill:

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;
- ▶ requires an employer to deduct also for membership dues in any ~~{bona fide}~~ professional or trade organization ~~{,}~~ if ~~{the employer deducts union dues and}~~ an employee directs the employer to make the deduction; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

HB0350S02 compared with HB0350S01

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

(1) As used in this section:

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

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

(c) ~~(f)~~ "Labor organization":

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

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

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

(d) "Membership dues" means dues, fees, money, or other assessments required as a condition of membership or participation in a ~~{bona fide organization other than a labor}~~ professional or trade organization.

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

(2) An employee may direct an employer, in writing, to deduct from the employee's wages a specified sum for union dues or membership dues, not to exceed 3% per month for

HB0350S02 compared with HB0350S01

each, to be paid to a labor organization ~~{designated by the employee.~~

~~(3) If an employer deducts union dues under this section at the direction of one or more employees, the employer shall, if directed by an employee in writing, deduct from the employee's wages a specified sum for membership dues, not to exceed 3% per month, and pay the sum to the bona fide organization; or professional or trade organization, respectively,~~
designated by the employee.

~~{(3)}{(4)}~~ An employer shall promptly commence or cease making deductions for union dues ~~or, if required under Subsection (3),~~ membership dues from the wages of an employee for the benefit of a labor organization ~~or {other bona fide}~~ professional or trade organization, respectively, when the employer receives a written communication from the employee directing the employer to commence or cease making deductions.

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

- (a) receipt of advance notice of the request; or
- (b) prior consent to cessation of the deductions.

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

- (a) available only to a member of the labor organization; and
- (b) terminated as a result of an employee's request that the employer cease making deductions for union dues.

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

~~{(7)}{(8)}~~ An employee may not waive a provision of this section.