

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 professional or trade organization if an employee directs the employer to make the deduction; 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

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



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

27 **34-32-1. Assignments to labor unions and other bona fide organizations -- Effect.**

28 (1) As used in this section:

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

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

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

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

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

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

43 (d) "Membership dues" means dues, fees, money, or other assessments required as a
44 condition of membership or participation in a professional or trade organization.

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

47 (2) An employee may direct an employer, in writing, to deduct from the employee's
48 wages a specified sum for union dues or membership dues, not to exceed 3% per month for
49 each, to be paid to a labor organization or professional or trade organization, respectively,
50 designated by the employee.

51 (3) An employer shall promptly commence or cease making deductions for union dues
52 or membership dues from the wages of an employee for the benefit of a labor organization or
53 professional or trade organization, respectively, when the employer receives a written
54 communication from the employee directing the employer to commence or cease making
55 deductions.

56 (4) An employee's request that an employer cease making deductions from the

57 employee's paycheck for union dues may not be conditioned upon a labor organization's:

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

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

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

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

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

63 deductions for union dues.

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

65 A person may not place a restriction on the time that an employee may join, or terminate
66 membership with, a labor organization.

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