

**EQUAL ACCESS FOR EDUCATION EMPLOYEE
ASSOCIATION AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill amends provisions related to education employee associations.

Highlighted Provisions:

This bill:

▸ defines terms;

▸ requires the ~~House~~ **[State] local school** ~~Board~~ Board of Education to establish an association registry for an

education employee association to register the association's contact information;

▸ requires an education employee association to register the association's contact information with the ~~House~~ **[State] local school** ~~Board~~ Board of Education if the education employee association wants to participate in certain activities;

▸ provides that a penalty may be recovered by an education employee association under certain circumstances;

▸ requires ~~the~~ **[a school principal and]** ~~each~~ a school district or charter school to ~~each~~ pay a

penalty for failing to provide equal access to all education employee associations to distribute information, attend employee orientations, and solicit membership to the education employee association;

▸ ~~allows an employee to withdraw membership from an education employee association and receive a full refund of membership dues under certain circumstances;]~~ ~~and~~ and



28 ▶ makes technical changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **53A-3-426**, as enacted by Laws of Utah 2007, Chapter 88



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

38 Section 1. Section **53A-3-426** is amended to read:

39 **53A-3-426. Education employee associations -- Equal participation -- Prohibition**
40 **on endorsement or preferential treatment -- Naming of school breaks -- Civil penalties**
41 **and other remedies.**

42 (1) As used in this section:

43 (a) "Activity" means a school activity where an education employee association attends
44 or could attend.

45 (b) "Board" means the ~~H~~→ [State] local school ←~~H~~ Board of Education.

46 ~~[(a)]~~ (c) "Education employee association" [includes teacher associations, teacher
47 unions, teacher organizations, and classified education employees' associations.] means an
48 association that:

49 (i) is registered with the board as required in Subsection (2);

50 (ii) represents teachers or other public school employees; and

51 (iii) offers insurance to its members as part of its member benefits.

52 (d) "Employee" means an employee of a school district or charter school, including a
53 teacher.

54 (e) "Planned activity" means an activity a school includes on the school's list of
55 activities described in Subsection (8)(a).

56 ~~[(b)]~~ (f) "School" means a school district, a school in a school district, a charter school,
57 or the State Board of Education and its employees.

58 (g) "Unplanned activity" means an activity of the school that:

90 privilege must be available to all education employee associations.

91 (b) A privilege described in Subsection (7)(a) includes:

92 (i) membership on a school district or charter school personnel committee or employee
93 council;

94 (ii) access to employee payroll deductions for membership dues; and

95 (iii) access to sponsor an employee activity, function, or event.

96 (8) (a) Upon request, at the beginning of a school year, a school shall provide an
97 education employee association a list of the school's planned activities for the school year.

98 (b) A school shall notify an education employee association of an unplanned activity at
99 least two business days before the date of the unplanned activity.

100 (c) A school shall allow an employee association an opportunity to participate in a
101 similar activity to a past unplanned activity if:

102 (i) the education employee association did not attend the past unplanned activity;

103 (ii) the school failed to notify an education employee association within two business
104 days of the unplanned activity as required in Subsection (8)(b); and

105 (iii) another education employee association attended the unplanned activity.

106 (9) If a school violates the provisions of this section, an education employee
107 association may bring a civil action in a court having the appropriate jurisdiction for:

108 ~~Ĥ→ [(a) a civil penalty in the amount of \$1,000 per violation, to be paid by the principal of~~
109 ~~the school where the violation occurred;]~~ ←Ĥ

110 (b) a civil penalty in an amount equal to the greater of the following, to be paid by the
111 school district or charter school where the violation occurred:

112 (i) ~~Ĥ→ [\$10,000]~~ \$1,000 ←Ĥ ; or

113 (ii) if the education employee association proves a pattern of violations of this section,
114 treble damages; and

115 (c) enforcement of the provisions of this section.

116 ~~Ĥ→ [(10) An employee may withdraw the employee's membership from an education~~
117 ~~employee association and receive a full refund of the employee's membership dues if:~~

118 ~~—— (a) (i) the education employee association solicited the employee's membership at a~~
119 ~~new employee orientation or other similar function; and~~

120 ~~—— (ii) another education employee association was excluded or prohibited from attending~~

121 ~~the new employee orientation or other similar function; or~~
122 ~~—— (b) (i) the education employee association solicited the employee's membership at the~~
123 ~~employee's school; and~~
124 ~~—— (ii) another education employee association was excluded or prohibited from soliciting~~
125 ~~the employee's membership at the employee's school.] ←H~~

Legislative Review Note
as of 2-15-12 9:22 AM

Office of Legislative Research and General Counsel