

1 **PUBLIC TRANSIT DISTRICT EMPLOYEE RIGHTS**

2 **AMENDMENTS**

3 2017 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Karen Mayne**

6 House Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions relating to the use of public funds by a public transit
11 district to restrict certain employee rights.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ prohibits a public transit district from spending public funds or contracting with a
15 third party to restrict employee rights, including those under the Utah Right to Work
16 Act.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **17B-2a-813**, as last amended by Laws of Utah 2013, Chapter 448

24
25 *Be it enacted by the Legislature of the state of Utah:*

26 Section 1. Section **17B-2a-813** is amended to read:

27 **17B-2a-813. Rights, benefits, and protective conditions for employees of a public**



28 **transit district -- Strike prohibited -- Employees of an acquired transit system.**

29 (1) The rights, benefits, and other employee protective conditions and remedies of
30 Section 13(c) of the Urban Mass Transportation Act of 1964, 49 U.S.C. Sec. 5333(b), as
31 determined by the Secretary of Labor, apply to a public transit district's establishment and
32 operation of a public transit service or system.

33 (2) (a) Employees of a public transit system established and operated by a public transit
34 district have the right to:

- 35 (i) self-organization;
- 36 (ii) form, join, or assist labor organizations; and
- 37 (iii) bargain collectively through representatives of their own choosing.

38 (b) Employees of a public transit district and labor organizations may not join in a
39 strike against the public transit system operated by the public transit district.

40 (c) Each public transit district shall:

- 41 (i) recognize and bargain exclusively with any labor organization representing a
42 majority of the district's employees in an appropriate unit with respect to wages, salaries, hours,
43 working conditions, and welfare, pension, and retirement provisions; and

44 (ii) upon reaching agreement with the labor organization, enter into and execute a
45 written contract incorporating the agreement.

46 (3) If a public transit district acquires an existing public transit system:

47 (a) all employees of the acquired system who are necessary for the operation of the
48 acquired system, except executive and administrative officers and employees, shall be:

- 49 (i) transferred to and appointed employees of the acquiring public transit district; and
- 50 (ii) given sick leave, seniority, vacation, and pension or retirement credits in
51 accordance with the acquired system's records;

52 (b) members and beneficiaries of a pension or retirement plan or other program of
53 benefits that the acquired system has established shall continue to have rights, privileges,
54 benefits, obligations, and status with respect to that established plan or program; and

55 (c) the public transit district may establish, amend, or modify, by agreement with
56 employees or their authorized representatives, the terms, conditions, and provisions of a
57 pension or retirement plan or of an amendment or modification of a pension or retirement plan.

58 (4) A pension administrator for a retirement plan sponsored by a public transit district

59 or a person designated by the administrator shall maintain retirement records in accordance
60 with Subsection 49-11-618(2).

61 (5) A public transit district may not make an expenditure of public funds, or contract
62 with a third party, to influence, challenge, dispute, litigate, or otherwise restrict or deny a
63 person's right under this section or under Title 34, Chapter 34, Utah Right to Work Law.

Legislative Review Note
Office of Legislative Research and General Counsel