

LABOR UNION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions governing public employers and labor organizations.

Highlighted Provisions:

This bill:

▶ prohibits a public employer from deducting union dues from a public employee's wages, except in certain circumstances;

▶ prohibits using public money or public property to assist, promote, or deter union organizing or administration;

▶ prohibits a public employer from compensating a public employee for union activities;

▶ requires a labor organization to provide the number of members in the labor organization upon request of a public employer;

▶ defines terms; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **34-32-1**, as last amended by Laws of Utah 2011, Chapter 220
29 **34-32-1.1**, as last amended by Laws of Utah 2012, Chapter 369



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

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

33 **34-32-1. Assignments to labor unions -- Effect.**

34 (1) As used in this section:

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

37 ~~[(b) "Employer" means the person or entity employing an employee.]~~

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

42 (ii) Except as provided in Subsection ~~[(1)(c)(iii)]~~ (1)(a)(iii), "labor organization"
43 includes each employee association and union for employees of public and private sector
44 employers.

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

48 (b) "Member" means a public employee who is a member of a labor organization.

49 (c) "Public employee" means a person employed by:

50 (i) the state of Utah or any administrative subunit of the state;

51 (ii) a state institution of higher education; or

52 (iii) a municipal corporation, a county, a municipality, a school district, a local district,
53 a special service district, or any other political subdivision of the state.

54 (d) "Public employer" means an employer that is:

55 (i) the state of Utah or any administrative subunit of the state;

56 (ii) a state institution of higher education; or

57 (iii) a municipal corporation, a county, a municipality, a school district, a local district,
58 a special service district, or any other political subdivision of the state.

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

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

64 ~~[(3) An employer shall promptly commence or cease making deductions for union dues~~
65 ~~from the wages of an employee for the benefit of a labor organization when the employer~~
66 ~~receives a written communication from the employee directing the employer to commence or~~
67 ~~cease making deductions:]~~

68 ~~[(4) An employee's request that an employer cease making deductions may not be~~
69 ~~conditioned upon a labor organization's:]~~

70 ~~[(a) receipt of advance notice of the request; or]~~

71 ~~[(b) prior consent to cessation of the deductions.]~~

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

73 ~~[(a) available only to a member of the labor organization; and]~~

74 ~~[(b) terminated as a result of an employee's request that the employer cease making~~
75 ~~deductions for union dues.]~~

76 ~~[(6)]~~ (2) A public employer may not deduct union dues from the wages of a public
77 employee, except as required by federal law or an agreement with the federal government.

78 (3) ~~[An]~~ (a) A public employee may join a labor organization or terminate
79 membership at any time.

80 (b) A person may not place a restriction on the time that an employee may join, or
81 terminate membership with, a labor organization.

82 (4) A labor organization shall report to a public employer whose employees are
83 members of the labor organization the total number of members in the labor organization upon
84 request of the public employer.

85 ~~[(7)]~~ (5) ~~[An]~~ A public employee may not waive a provision of this section.

86 Section 2. Section 34-32-1.1 is amended to read:

87 **34-32-1.1. Prohibiting public employers from making payroll deductions for**
88 **political purposes - Prohibiting use of public money or property for union activity.**

89 (1) As used in this section:

90 (a) (i) "Labor organization" means a lawful organization of any kind that is composed,
91 in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing
92 with employers concerning grievances, labor disputes, wages, rates of pay, hours of
93 employment, or other terms and conditions of employment.

94 (ii) Except as provided in Subsection (1)(a)(iii), "labor organization" includes each
95 employee association and union for public employees.

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

99 (b) "Member" means a public employee who is a member of a labor organization.

100 [~~(b)~~] (c) "Political purposes" means an act done with the intent or in a way to influence
101 or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
102 against any candidate for public office at any caucus, political convention, primary, or election.

103 [~~(c)~~] (d) "Public employee" means a person employed by:

104 (i) the state of Utah or any administrative subunit of the state;

105 (ii) a state institution of higher education; or

106 (iii) a municipal corporation, a county, a municipality, a school district, a local district,
107 a special service district, or any other political subdivision of the state.

108 [~~(d)~~] (e) "Public employer" means an employer that is:

109 (i) the state of Utah or any administrative subunit of the state;

110 (ii) a state institution of higher education; or

111 (iii) a municipal corporation, a county, a municipality, a school district, a local district,
112 a special service district, or any other political subdivision of the state.

113 (f) "Public money" means the same as that term is defined in Section [76-1-101.5](#).

114 (g) (i) "Public property" means real property, personal property, or intellectual property
115 that is owned, held, or managed by a public employer.

116 (ii) "Public property" includes a website, computer program, record, or data that is
117 owned, held, or managed by a public employer.

118 (h) "Representative" means a labor organization representative.

119 (i) "Union activity" means an activity that a labor organization, a member, or a
120 representative performs that relates to:

- 121 (i) advocating the interests of members in:
- 122 (A) wages;
- 123 (B) benefits; or
- 124 (C) terms and conditions of employment;
- 125 (ii) the enforcement of the labor organization's internal policies and procedures;
- 126 (iii) the fulfillment of the labor organization's obligations;
- 127 (iv) the advancement of the labor organization's external relations; or
- 128 (v) union organizing.

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

131 (k) "Union organizing" means communicating with a public employee in an effort to
 132 persuade the public employee to join or support a labor organization.

133 (2) A public employer may not deduct from the wages of its employees any amounts to
 134 be paid to:

- 135 (a) a candidate as defined in Section 20A-11-101;
- 136 (b) a personal campaign committee as defined in Section 20A-11-101;
- 137 (c) a political action committee as defined in Section 20A-11-101;
- 138 (d) a political issues committee as defined in Section 20A-11-101;
- 139 (e) a registered political party as defined in Section 20A-11-101;
- 140 (f) a political fund as defined in Section 20A-11-1402; or
- 141 (g) any entity established by a labor organization to solicit, collect, or distribute money
 142 primarily for political purposes as defined in this chapter.

143 (3) (a) A public employer may not:

- 144 (i) use public money or public property to assist, support, or deter:
- 145 (A) union organizing; or
- 146 (B) union activity; or
- 147 (ii) use public money to compensate a public employee or third party for union activity.

148 (b) A labor organization, member, or representative may not use public money or
 149 public property for union activity.

150 (4) Nothing in Subsection (3) prohibits a public employer from:

- 151 (a) spending public funds or using public property for:

- 152 (i) negotiating or administering a collective bargaining agreement;
- 153 (ii) performing an activity required by federal or state law or by a collective bargaining
- 154 agreement; or
- 155 (iii) negotiating or carrying out an agreement with a labor organization;
- 156 (b) allowing a labor organization or a representative access to public property that is
- 157 real property;
- 158 (c) compensating a public employee for vacation, sick leave, or other leave that a
- 159 public employee accrues as a benefit of the public employee's employment.
- 160 (5) Notwithstanding Subsection (3), a public employer shall provide to a labor
- 161 organization, member, or representative the same access to public property that the public
- 162 employer provides to any other person.
- 163 ~~(3)~~ (6) The attorney general may bring an action to require a public employer to
- 164 comply with the requirements of this section.