

EMPLOYMENT TRAINING REQUIREMENT LIMITATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tim Jimenez

Senate Sponsor: _____

LONG TITLE

General Description:

This bill prohibits, for purposes of employment discrimination, certain training or other requirements that compel or require ~~H→~~ **a written document or attestation professing an** ~~←H~~ adherence to or belief in certain concepts.

Highlighted Provisions:

This bill:

▶ prohibits, for purposes of employment discrimination, training or other requirements that compel or require ~~H→~~ **a written document or attestation professing an** ~~←H~~ adherence to or belief in certain concepts;

▶ ~~H→~~ [~~_____ clarifies that the prohibition does not prohibit certain objective discussions;~~]

clarifies that training can occur on specified concepts but cannot require attestation professing an adherence to or belief in specified concepts; ~~←H~~

▶ provides for severability; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

34A-5-106, as last amended by Laws of Utah 2016, Chapter 330

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

Section 1. Section **34A-5-106** is amended to read:



214 related conditions unless the employer demonstrates that the accommodation would create an
215 undue hardship on the operations of the employer; or

216 (iii) deny employment opportunities to an employee, if the denial is based on the need
217 of the employer to make reasonable accommodations related to the pregnancy, childbirth,
218 breastfeeding, or related conditions of an employee unless the employer demonstrates that the
219 accommodation would create an undue hardship on the operations of the employer.

220 ~~H→ [(h) (i) It is unlawful to subject an individual, as a condition of employment;~~
221 ~~H→ [membership, certification, licensing, credentialing, or passing an examination, to training;~~
222 ~~instruction, or any other required activity that espouses, promotes, advances, or compels the~~
223 ~~individual to believe or] to ←H profess a belief in any of the following concepts and constitutes~~
224 ~~discrimination based on race, color, sex, or national origin:] (h) (i) An employer may not, as a~~
224a ~~condition of employment, advancement, promotion, or demotion, require an individual to sign~~
224b ~~a document or attestation professing a belief in any of the following concepts: ←H~~

225 (A) that members of one race, color, sex, or national origin are morally superior to
226 members of another race, color, sex, or national origin;

227 (B) that an individual, by virtue of the individual's race, color, sex, or national origin, is
228 inherently racist, sexist, or oppressive, whether consciously or unconsciously;

229 (C) that an individual's moral character or status as either privileged or oppressed is
230 necessarily determined by the individual's race, color, sex, or national origin;

231 (D) that members of one race, color, sex, or national origin cannot or should not
232 attempt to treat others without respect to race, color, sex, or national origin;

233 (E) that an individual, by virtue of the individual's race, color, sex, or national origin,
234 bears responsibility for, or should be subject to discrimination or adverse treatment because of
235 actions that other members of the same race, color, sex, or national origin committed in the
236 past;

237 (F) that an individual, by virtue of the individual's race, color, sex, or national origin,
238 should be subject to discrimination or adverse treatment to achieve diversity, equity, or
239 inclusion; or

240 (G) that virtues including merit, excellence, hard work, fairness, neutrality H→ and ←H ,
240a objectivity,

241 ~~H→ [and racial colorblindness] ←H are racist or sexist, or H→ [the creation of] that ←H members~~
241a ~~of a~~

241a ~~particular race,~~

242 ~~color, sex, or national origin H→ created these virtues ←H to oppress members of another race,~~
242a ~~color, sex, or national origin.~~

243 ~~H→ [(ii) Nothing in this Subsection (1)(h) prohibits an objective discussion of the concepts~~
244 ~~described in Subsection (1)(h)(i) as part of a course of training or instruction that does not~~

245 ~~include an endorsement of the concepts or a requirement of adherence to or belief in the~~
246 ~~concepts.] (ii) A violation of Subsection (1)(h)(i) constitutes discrimination based on race, color,~~
246a ~~sex, or national origin.~~

246b ~~(iii) This Subsection (1)(h) does not prohibit an employer from training an employee on the~~
246c ~~concepts described in Subsection (1)(h)(i) if the training does not include a requirement that~~
246d ~~the employee sign a document or attestation professing a belief in the concepts described in~~
246e ~~Subsection (1)(h)(i).~~ ←H

247 H→ ~~(iii)]~~ (iv) ←H (A) The provisions of this Subsection (1)(h) are severable.

248 (B) If a court holds invalid any provision of this Subsection (1)(h) or the application of
249 this Subsection (1)(h) to any individual or circumstance, the invalidity does not affect other
250 provisions or applications of this Subsection (1)(h) that can be given effect without the
251 invalidated provision or application.

252 (2) Subsections (1)(a) through ~~[(1)(g) may not be construed to]~~ (1)(h) do not prevent:

253 (a) the termination of employment of an individual who, with or without reasonable
254 accommodation, is physically, mentally, or emotionally unable to perform the duties required
255 by that individual's employment;

256 (b) the variance of insurance premiums or coverage on account of age; or

257 (c) a restriction on the activities of a person licensed in accordance with Title 32B,
258 Alcoholic Beverage Control Act, with respect to an individual who is under 21 years of age.

259 (3) (a) It is not a discriminatory or prohibited employment practice:

260 (i) for an employer to hire and employ an employee, for an employment agency to
261 classify or refer for employment an individual, for a labor organization to classify its
262 membership or to classify or refer for employment an individual, or for an employer, labor
263 organization, or joint labor-management committee controlling an apprenticeship or other
264 training or retraining program to admit or employ an individual in the program on the basis of
265 religion, sex, pregnancy, childbirth, or pregnancy-related conditions, age, national origin,
266 disability, sexual orientation, or gender identity in those certain instances when religion, sex,
267 pregnancy, childbirth, or pregnancy-related conditions, age, if the individual is 40 years of age
268 or older, national origin, disability, sexual orientation, or gender identity is a bona fide
269 occupational qualification reasonably necessary to the normal operation of that particular
270 business or enterprise;⊕



271 ⊕(ii) for a school, college, university, or other educational institution to hire and employ
272 an employee of a particular religion if:

273 (A) the school, college, university, or other educational institution is, in whole or in
274 substantial part, owned, supported, controlled, or managed by a particular religious corporation,
275 association, or society; or