

26 Other Special Clauses:

27 None

28 Utah Code Sections Affected:

29 AMENDS:

30 34-32-1, as last amended by Laws of Utah 2011, Chapter 220

31 34-32-1.1, as last amended by Laws of Utah 2023, Chapter 16

32 34-32-4, as last amended by Laws of Utah 2011, Chapter 297

33 ENACTS:

34 34-20-15, Utah Code Annotated 1953



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

37 Section 1. Section 34-20-15 is enacted to read:

38 **34-20-15. Recertification requirements for public employee labor organizations.**

39 (1) As used in this section:

40 (a) "Collective bargaining representative" means a labor organization that engages in  
41 collective bargaining on a collective bargaining unit's behalf.

42 (b) "Collective bargaining unit" means a group of public employees represented by a  
43 single labor organization for purposes of collective bargaining.

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

48 (ii) "Labor organization" includes each employee association and union for employees  
49 of public and private sector employers.

50 (iii) "Labor organization" does not include ~~Ĥ→ [z]~~ an organization governed by the  
50a National Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C.  
50b Sec. 151 et seq. ~~←Ĥ~~

51 ~~Ĥ→ [(A) an organization governed by the National Labor Relations Act, 29 U.S.C. Sec. 151~~  
52 ~~et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151 et seq.; or~~

53 ~~—— (B) an organization composed solely of public safety employees.] ~~←Ĥ~~~~

54 (d) "Public employee" means an individual employed by a public employer as defined  
55 in Section 34-32-1.1.

56 ~~Ĥ→ [(e) "Public safety employee" means a public employee who is:~~

57 ~~—— (i) a law enforcement officer as defined in Section 53-13-103;~~

58 ~~—— (ii) a correctional officer as defined in Section 53-13-104;~~

59 ~~—— (iii) a dispatcher as defined in Section 53-6-102; or~~

60 ~~—— (iv) a firefighter.~~

61 ~~—— (f)] (e) ←H~~ "Third party election facilitator" means an entity that, as part of the entity's  
 62 operations, provides impartial election administration, including ballot preparation, tabulation,  
 63 and results certification.

64 (2) (a) In 2025 and every fifth calendar year thereafter, a collective bargaining  
 65 representative shall, at the collective bargaining representative's expense, engage a third party  
 66 election facilitator to conduct a secret ballot election to certify the collective bargaining  
 67 representative.

68 (b) The third party election facilitator shall conduct the election no later than December  
 69 1.

70 (3) (a) If in the election at least 51% of all the employees in the collective bargaining  
 71 unit vote in favor of certifying the collective bargaining representative, the collective  
 72 bargaining representative may continue as the collective bargaining unit's collective bargaining  
 73 representative.

74 (b) If in the election less than 51% of all employees in the collective bargaining unit  
 75 vote in favor of certifying the collective bargaining representative, the bargaining  
 76 representative no longer represents the collective bargaining unit and the collective bargaining  
 77 unit is unrepresented in collective bargaining as of the later of:

78 (i) January 1 immediately following the election; or

79 (ii) if an existing collective bargaining agreement is in place on January 1 immediately  
 80 following the election, the earlier of:

81 (A) the day on which the collective bargaining agreement expires; or

82 (B) the second January 1 following the election.

83 (4) A collective bargaining unit that votes not to certify a collective bargaining  
 84 representative as described in Subsection (3)(b) may not be included in a substantially similar  
 85 collective bargaining unit for 12 months after the day on which the collective bargaining  
 86 representative's representation stops.

87 (5) Nothing in this section provides public employees a right to collective bargaining.

212 (4) Nothing in Subsection (3) prohibits:  
 213 (a) a public employer from:  
 214 (i) spending public money or using public property:  
 215 (A) for negotiating or administering a collective bargaining agreement on behalf of the  
 216 public employer;  
 217 (B) for performing an activity required by federal law or state law; or  
 218 (C) pursuant to an agreement on file with the federal government; or  
 219 (ii) compensating a public employee for vacation leave, sick leave, or other leave that  
 220 the public employee accrues as a benefit of the public employee's employment, provided the  
 221 employer gives the compensation on the same terms as any other employee; or  
 222 (b) a labor organization or a representative from accessing public property that is real  
 223 property in the same manner and to the same extent as other private individuals and entities.  
 224 (5) Notwithstanding anything to the contrary in Subsection (3), a public employer shall  
 225 provide to a labor organization, member, or representative the same access to public property  
 226 that the public employer provides to any other person.

227 ~~[(3)]~~ (6) The attorney general may bring an action to require a public employer to  
 228 comply with the requirements of this section.

229 (7) To the extent prohibited by a collective bargaining agreement that is in effect on  
 230 May 1, 2024, Subsections (3) through (5) do not apply until the public employer and the labor  
 231 organization enter into a new collective bargaining agreement or renew, extend, or modify the  
 232 existing collective bargaining agreement.

233 Section 4. Section ~~34-32-4~~ is amended to read:

234 **34-32-4. Exceptions from chapter.**

235 (1) The provisions of this chapter do not apply to carriers as that term is defined in the  
 236 Railway Labor Act passed by the Congress of the United States, June 21, 1934. 48 Stat. 1189,  
 237 U.S. Code, Title 45, Section 151.

238 ~~H→ [(2) Subsection 34-32-1(2) does not apply if the public employee is a public safety~~  
 239 ~~employee as defined in Section 34-20-15.~~

240 ~~— [ ] ←H (2) H→ [ ] ←H~~ Nothing in this chapter is intended to, or may be construed to,  
 240a preempt any  
 241 requirement of federal law.

242 Section 5. **Effective date.**