

Representative Norman K Thurston proposes the following substitute bill:

PUBLIC EMPLOYEE LEAVE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: Stephanie Pitcher

6	Cosponsors:	Dan N. Johnson	Andrew Stoddard
7	Joel K. Briscoe	Marsha Judkins	Douglas R. Welton
8	Tyler Clancy	Anthony E. Loubet	Mark A. Wheatley
9	Matthew H. Gwynn	Ashlee Matthews	
10	Sahara Hayes	Carol S. Moss	

LONG TITLE

General Description:

14 This bill requires certain government employers to, at a minimum, provide unpaid leave
15 to an employee who is a state legislator on an authorized legislative day.

Highlighted Provisions:

17 This bill:

- 18 ▶ defines terms;
- 19 ▶ requires certain government employers to, at a minimum, provide unpaid leave to an
20 employee who is a state legislator on an authorized legislative day; and
- 21 ▶ prohibits interference with, or retaliating against an employee for, taking the leave
22 described in the preceding paragraph.

Money Appropriated in this Bill:

24 None



25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 ENACTS:

29 **10-3-1111**, Utah Code Annotated 1953

30 **11-13-104**, Utah Code Annotated 1953

31 **17-15-33**, Utah Code Annotated 1953

32 **53B-2-114**, Utah Code Annotated 1953

33 **53B-2a-119**, Utah Code Annotated 1953

34 **53G-11-208**, Utah Code Annotated 1953

35 **63A-17-513**, Utah Code Annotated 1953



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

38 Section 1. Section **10-3-1111** is enacted to read:

39 **10-3-1111. Municipality required to provide leave to a legislator on an authorized**
40 **legislative day.**

41 (1) As used in this section:

42 (a) "Authorized legislative day" means:

43 (i) the day on which the Legislature convenes in annual general session, and each day
44 after that day, until midnight of the 45th day of the annual general session;

45 (ii) a special session day;

46 (iii) a veto override session day;

47 (iv) an interim day designated by the Legislative Management Committee;

48 (v) an authorized legislative training day; or

49 (vi) any other day on which a meeting of a committee, subcommittee, commission, task
50 force, or other entity is held, if:

51 (A) the committee, subcommittee, commission, task force, or other entity is created by
52 statute or joint resolution;

53 (B) the legislator's attendance at the meeting is approved by the Legislative
54 Management Committee; and

55 (C) service and payment for service by the legislator is not in violation of the Utah

56 Constitution, including Article V and Article VI, Sections 6 and 7.

57 (b) "Authorized legislative training day" means a day that a Legislative Expenses
58 Oversight Committee designates as an authorized legislative day for training or informational
59 purposes, including:

60 (i) chair training;

61 (ii) an issue briefing;

62 (iii) legislative leadership instruction;

63 (iv) legislative process training;

64 (v) legislative rules training;

65 (vi) new legislator orientation; or

66 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
67 legislator's official duties.

68 (c) "Legislator" means:

69 (i) a member of the Utah Senate;

70 (ii) a member of the Utah House of Representatives; or

71 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)

72 or (ii), but has not yet been sworn in or begun the individual's term of office.

73 (d) "Retaliatory action" means to:

74 (i) dismiss the employee;

75 (ii) reduce the employee's compensation;

76 (iii) fail to increase the employee's compensation by an amount that the employee is
77 otherwise entitled to or was promised;

78 (iv) fail to promote the employee if the employee would have otherwise been
79 promoted; or

80 (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).

81 (2) A municipality that employs an individual who is a legislator:

82 (a) shall grant leave to the individual on an authorized legislative day for the number of
83 hours requested by the individual;

84 (b) may not interfere with, or otherwise restrain the individual from, using the leave
85 described in Subsection (2)(a); and

86 (c) may not take retaliatory action against the individual for using the leave described

87 in Subsection (2)(a)

88 (3) The leave described in Subsection (2) is leave without pay unless the municipality
89 and the individual described in Subsection (2) agree to terms that are more favorable to the
90 individual.

91 Section 2. Section **11-13-104** is enacted to read:

92 **11-13-104. Interlocal entity required to provide leave to a legislator on an**
93 **authorized legislative day.**

94 (1) As used in this section:

95 (a) "Authorized legislative day" means:

96 (i) the day on which the Legislature convenes in annual general session, and each day
97 after that day, until midnight of the 45th day of the annual general session;

98 (ii) a special session day;

99 (iii) a veto override session day;

100 (iv) an interim day designated by the Legislative Management Committee;

101 (v) an authorized legislative training day; or

102 (vi) any other day on which a meeting of a committee, subcommittee, commission, task
103 force, or other entity is held, if:

104 (A) the committee, subcommittee, commission, task force, or other entity is created by
105 statute or joint resolution;

106 (B) the legislator's attendance at the meeting is approved by the Legislative
107 Management Committee; and

108 (C) service and payment for service by the legislator is not in violation of the Utah
109 Constitution, including Article V and Article VI, Sections 6 and 7.

110 (b) "Authorized legislative training day" means a day that a Legislative Expenses
111 Oversight Committee designates as an authorized legislative day for training or informational
112 purposes, including:

113 (i) chair training;

114 (ii) an issue briefing;

115 (iii) legislative leadership instruction;

116 (iv) legislative process training;

117 (v) legislative rules training;

- 118 (vi) new legislator orientation; or
119 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
120 legislator's official duties.
- 121 (c) "Legislator" means:
122 (i) a member of the Utah Senate;
123 (ii) a member of the Utah House of Representatives; or
124 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
125 or (ii), but has not yet been sworn in or begun the individual's term of office.
- 126 (d) "Retaliatory action" means to:
127 (i) dismiss the employee;
128 (ii) reduce the employee's compensation;
129 (iii) fail to increase the employee's compensation by an amount that the employee is
130 otherwise entitled to or was promised;
131 (iv) fail to promote the employee if the employee would have otherwise been
132 promoted; or
- 133 (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).
134 (2) An interlocal entity that employs an individual who is a legislator:
135 (a) shall grant leave to the individual on an authorized legislative day for the number of
136 hours requested by the individual;
137 (b) may not interfere with, or otherwise restrain the individual from, using the leave
138 described in Subsection (2)(a); and
139 (c) may not take retaliatory action against the individual for using the leave described
140 in Subsection (2)(a)
- 141 (3) The leave described in Subsection (2) is leave without pay unless the interlocal
142 entity and the individual described in Subsection (2) agree to terms that are more favorable to
143 the individual.
- 144 Section 3. Section 17-15-33 is enacted to read:
145 **17-15-33. County required to provide leave to a legislator on an authorized**
146 **legislative day.**
- 147 (1) As used in this section:
148 (a) "Authorized legislative day" means:

- 149 (i) the day on which the Legislature convenes in annual general session, and each day
150 after that day, until midnight of the 45th day of the annual general session;
- 151 (ii) a special session day;
152 (iii) a veto override session day;
153 (iv) an interim day designated by the Legislative Management Committee;
154 (v) an authorized legislative training day; or
155 (vi) any other day on which a meeting of a committee, subcommittee, commission, task
156 force, or other entity is held, if:
- 157 (A) the committee, subcommittee, commission, task force, or other entity is created by
158 statute or joint resolution;
- 159 (B) the legislator's attendance at the meeting is approved by the Legislative
160 Management Committee; and
- 161 (C) service and payment for service by the legislator is not in violation of the Utah
162 Constitution, including Article V and Article VI, Sections 6 and 7.
- 163 (b) "Authorized legislative training day" means a day that a Legislative Expenses
164 Oversight Committee designates as an authorized legislative day for training or informational
165 purposes, including:
- 166 (i) chair training;
167 (ii) an issue briefing;
168 (iii) legislative leadership instruction;
169 (iv) legislative process training;
170 (v) legislative rules training;
171 (vi) new legislator orientation; or
172 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
173 legislator's official duties.
- 174 (c) "Legislator" means:
- 175 (i) a member of the Utah Senate;
176 (ii) a member of the Utah House of Representatives; or
177 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
178 or (ii), but has not yet been sworn in or begun the individual's term of office.
- 179 (d) "Retaliatory action" means to:

- 180 (i) dismiss the employee;
 - 181 (ii) reduce the employee's compensation;
 - 182 (iii) fail to increase the employee's compensation by an amount that the employee is
 - 183 otherwise entitled to or was promised;
 - 184 (iv) fail to promote the employee if the employee would have otherwise been
 - 185 promoted; or
 - 186 (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).
 - 187 (2) A county that employs an individual who is a legislator:
 - 188 (a) shall grant leave to the individual on an authorized legislative day for the number of
 - 189 hours requested by the individual;
 - 190 (b) may not interfere with, or otherwise restrain the individual from, using the leave
 - 191 described in Subsection (2)(a); and
 - 192 (c) may not take retaliatory action against the individual for using the leave described
 - 193 in Subsection (2)(a)
 - 194 (3) The leave described in Subsection (2) is leave without pay unless the county and
 - 195 the individual described in Subsection (2) agree to terms that are more favorable to the
 - 196 individual.
- 197 Section 4. Section **53B-2-114** is enacted to read:
- 198 **53B-2-114. Institution of higher education required to provide leave to a legislator**
- 199 **on an authorized legislative day.**
- 200 (1) As used in this section:
 - 201 (a) "Authorized legislative day" means:
 - 202 (i) the day on which the Legislature convenes in annual general session, and each day
 - 203 after that day, until midnight of the 45th day of the annual general session;
 - 204 (ii) a special session day;
 - 205 (iii) a veto override session day;
 - 206 (iv) an interim day designated by the Legislative Management Committee;
 - 207 (v) an authorized legislative training day; or
 - 208 (vi) any other day on which a meeting of a committee, subcommittee, commission, task
 - 209 force, or other entity is held, if:
 - 210 (A) the committee, subcommittee, commission, task force, or other entity is created by

211 statute or joint resolution;

212 (B) the legislator's attendance at the meeting is approved by the Legislative
213 Management Committee; and

214 (C) service and payment for service by the legislator is not in violation of the Utah
215 Constitution, including Article V and Article VI, Sections 6 and 7.

216 (b) "Authorized legislative training day" means a day that a Legislative Expenses
217 Oversight Committee designates as an authorized legislative day for training or informational
218 purposes, including:

219 (i) chair training;

220 (ii) an issue briefing;

221 (iii) legislative leadership instruction;

222 (iv) legislative process training;

223 (v) legislative rules training;

224 (vi) new legislator orientation; or

225 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
226 legislator's official duties.

227 (c) "Legislator" means:

228 (i) a member of the Utah Senate;

229 (ii) a member of the Utah House of Representatives; or

230 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
231 or (ii), but has not yet been sworn in or begun the individual's term of office.

232 (d) "Retaliatory action" means to:

233 (i) dismiss the employee;

234 (ii) reduce the employee's compensation;

235 (iii) fail to increase the employee's compensation by an amount that the employee is
236 otherwise entitled to or was promised;

237 (iv) fail to promote the employee if the employee would have otherwise been
238 promoted; or

239 (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).

240 (2) An institution of higher education that employs an individual who is a legislator:

241 (a) shall grant leave to the individual on an authorized legislative day for the number of

242 hours requested by the individual;

243 (b) may not interfere with, or otherwise restrain the individual from, using the leave
244 described in Subsection (2)(a); and

245 (c) may not take retaliatory action against the individual for using the leave described
246 in Subsection (2)(a)

247 (3) The leave described in Subsection (2) is leave without pay unless the institution of
248 higher education and the individual described in Subsection (2) agree to terms that are more
249 favorable to the individual.

250 Section 5. Section **53B-2a-119** is enacted to read:

251 **53B-2a-119. Technical college required to provide leave to a legislator on an**
252 **authorized legislative day.**

253 (1) As used in this section:

254 (a) "Authorized legislative day" means:

255 (i) the day on which the Legislature convenes in annual general session, and each day
256 after that day, until midnight of the 45th day of the annual general session;

257 (ii) a special session day;

258 (iii) a veto override session day;

259 (iv) an interim day designated by the Legislative Management Committee;

260 (v) an authorized legislative training day; or

261 (vi) any other day on which a meeting of a committee, subcommittee, commission, task
262 force, or other entity is held, if:

263 (A) the committee, subcommittee, commission, task force, or other entity is created by
264 statute or joint resolution;

265 (B) the legislator's attendance at the meeting is approved by the Legislative
266 Management Committee; and

267 (C) service and payment for service by the legislator is not in violation of the Utah
268 Constitution, including Article V and Article VI, Sections 6 and 7.

269 (b) "Authorized legislative training day" means a day that a Legislative Expenses
270 Oversight Committee designates as an authorized legislative day for training or informational
271 purposes, including:

272 (i) chair training;

- 273 (ii) an issue briefing;
274 (iii) legislative leadership instruction;
275 (iv) legislative process training;
276 (v) legislative rules training;
277 (vi) new legislator orientation; or
278 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
279 legislator's official duties.
- 280 (c) "Legislator" means:
281 (i) a member of the Utah Senate;
282 (ii) a member of the Utah House of Representatives; or
283 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
284 or (ii), but has not yet been sworn in or begun the individual's term of office.
- 285 (d) "Retaliatory action" means to:
286 (i) dismiss the employee;
287 (ii) reduce the employee's compensation;
288 (iii) fail to increase the employee's compensation by an amount that the employee is
289 otherwise entitled to or was promised;
290 (iv) fail to promote the employee if the employee would have otherwise been
291 promoted; or
292 (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).
- 293 (2) A technical college that employs an individual who is a legislator:
294 (a) shall grant leave to the individual on an authorized legislative day for the number of
295 hours requested by the individual;
296 (b) may not interfere with, or otherwise restrain the individual from, using the leave
297 described in Subsection (2)(a); and
298 (c) may not take retaliatory action against the individual for using the leave described
299 in Subsection (2)(a).
- 300 (3) The leave described in Subsection (2) is leave without pay unless the technical
301 college and the individual described in Subsection (2) agree to terms that are more favorable to
302 the individual.
- 303 Section 6. Section **53G-11-208** is enacted to read:

304 **53G-11-208. Local education agency required to provide leave to a legislator on**
305 **an authorized legislative day.**

306 (1) As used in this section:

307 (a) "Authorized legislative day" means:

308 (i) the day on which the Legislature convenes in annual general session, and each day
309 after that day, until midnight of the 45th day of the annual general session;

310 (ii) a special session day;

311 (iii) a veto override session day;

312 (iv) an interim day designated by the Legislative Management Committee;

313 (v) an authorized legislative training day; or

314 (vi) any other day on which a meeting of a committee, subcommittee, commission, task
315 force, or other entity is held, if:

316 (A) the committee, subcommittee, commission, task force, or other entity is created by
317 statute or joint resolution;

318 (B) the legislator's attendance at the meeting is approved by the Legislative
319 Management Committee; and

320 (C) service and payment for service by the legislator is not in violation of the Utah
321 Constitution, including Article V and Article VI, Sections 6 and 7.

322 (b) "Authorized legislative training day" means a day that a Legislative Expenses
323 Oversight Committee designates as an authorized legislative day for training or informational
324 purposes, including:

325 (i) chair training;

326 (ii) an issue briefing;

327 (iii) legislative leadership instruction;

328 (iv) legislative process training;

329 (v) legislative rules training;

330 (vi) new legislator orientation; or

331 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
332 legislator's official duties.

333 (c) "Legislator" means:

334 (i) a member of the Utah Senate;

335 (ii) a member of the Utah House of Representatives; or
336 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
337 or (ii), but has not yet been sworn in or begun the individual's term of office.

338 (d) "Retaliatory action" means to:

339 (i) dismiss the employee;

340 (ii) reduce the employee's compensation;

341 (iii) fail to increase the employee's compensation by an amount that the employee is
342 otherwise entitled to or was promised;

343 (iv) fail to promote the employee if the employee would have otherwise been
344 promoted; or

345 (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).

346 (2) A local education agency that employs an individual who is a legislator:

347 (a) shall grant leave to the individual on an authorized legislative day for the number of
348 hours requested by the individual;

349 (b) may not interfere with, or otherwise restrain the individual from, using the leave
350 described in Subsection (2)(a); and

351 (c) may not take retaliatory action against the individual for using the leave described
352 in Subsection (2)(a).

353 (3) The leave described in Subsection (2) is leave without pay unless the local
354 education agency and the individual described in Subsection (2) agree to terms that are more
355 favorable to the individual.

356 Section 7. Section **63A-17-513** is enacted to read:

357 **63A-17-513. State employer required to provide leave to a legislator on an**
358 **authorized legislative day.**

359 (1) As used in this section:

360 (a) "Authorized legislative day" means:

361 (i) the day on which the Legislature convenes in annual general session, and each day
362 after that day, until midnight of the 45th day of the annual general session;

363 (ii) a special session day;

364 (iii) a veto override session day;

365 (iv) an interim day designated by the Legislative Management Committee;

- 366 (v) an authorized legislative training day; or
367 (vi) any other day on which a meeting of a committee, subcommittee, commission, task
368 force, or other entity is held, if:
369 (A) the committee, subcommittee, commission, task force, or other entity is created by
370 statute or joint resolution;
371 (B) the legislator's attendance at the meeting is approved by the Legislative
372 Management Committee; and
373 (C) service and payment for service by the legislator is not in violation of the Utah
374 Constitution, including Article V and Article VI, Sections 6 and 7.
375 (b) "Authorized legislative training day" means a day that a Legislative Expenses
376 Oversight Committee designates as an authorized legislative day for training or informational
377 purposes, including:
378 (i) chair training;
379 (ii) an issue briefing;
380 (iii) legislative leadership instruction;
381 (iv) legislative process training;
382 (v) legislative rules training;
383 (vi) new legislator orientation; or
384 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
385 legislator's official duties.
386 (c) "Legislator" means:
387 (i) a member of the Utah Senate;
388 (ii) a member of the Utah House of Representatives; or
389 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
390 or (ii), but has not yet been sworn in or begun the individual's term of office.
391 (d) "Retaliatory action" means to:
392 (i) dismiss the employee;
393 (ii) reduce the employee's compensation;
394 (iii) fail to increase the employee's compensation by an amount that the employee is
395 otherwise entitled to or was promised;
396 (iv) fail to promote the employee if the employee would have otherwise been

397 promoted; or

398 (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).

399 (e) "State employer" means any employer in the state executive branch.

400 (2) A state employer who employs an individual who is a legislator:

401 (a) shall grant leave to the individual on an authorized legislative day for the number of
402 hours requested by the individual;

403 (b) may not interfere with, or otherwise restrain the individual from, using the leave
404 described in Subsection (2)(a); and

405 (c) may not take retaliatory action against the individual for using the leave described
406 in Subsection (2)(a).

407 (3) The leave described in Subsection (2) is leave without pay unless the state
408 employer and the individual described in Subsection (2) agree to terms that are more favorable
409 to the individual.

410 Section 8. **Effective date.**

411 This bill takes effect on May 1, 2024.