

Senator Stephanie Pitcher 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 ▶ unless the requirement would impose an undue hardship on a particular employer,
20 requires certain government employers to, at a minimum, provide unpaid leave to an
21 employee who is a state legislator on an authorized legislative day; and
- 22 ▶ prohibits interference with, or retaliating against an employee for, taking the leave
23 described in the preceding paragraph.

Money Appropriated in this Bill:



25 None

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 ENACTS:

30 **10-3-1111**, Utah Code Annotated 1953

31 **11-13-104**, Utah Code Annotated 1953

32 **17-15-33**, Utah Code Annotated 1953

33 **53B-2-114**, Utah Code Annotated 1953

34 **53B-2a-119**, Utah Code Annotated 1953

35 **53G-11-208**, Utah Code Annotated 1953

36 **63A-17-513**, Utah Code Annotated 1953



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

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

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

42 (1) As used in this section:

43 (a) "Authorized legislative day" means:

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

46 (ii) a special session day;

47 (iii) a veto override session day;

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

49 (v) an authorized legislative training day; or

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

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

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

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

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

61 (i) chair training;

62 (ii) an issue briefing;

63 (iii) legislative leadership instruction;

64 (iv) legislative process training;

65 (v) legislative rules training;

66 (vi) new legislator orientation; or

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

69 (c) "Legislator" means:

70 (i) a member of the Utah Senate;

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

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

74 (d) "Retaliatory action" means to:

75 (i) dismiss the employee;

76 (ii) reduce the employee's compensation;

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

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

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

82 (2) Except as provided in Subsection (4), a municipality that employs an individual
83 who is a legislator:

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

86 (b) may not interfere with, or otherwise restrain the individual from, using the leave

87 described in Subsection (2)(a); and

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

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

93 (4) A municipality is not required to comply with Subsection (2) if the legislative body
94 of the municipality determines that complying with the requirement would cause the
95 municipality significant difficulty or expense when considered in relation to the size, financial
96 resources, nature, or structure of the municipality's operations.

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

98 **11-13-104. Interlocal entity required to provide leave to a legislator on an**
99 **authorized legislative day.**

100 (1) As used in this section:

101 (a) "Authorized legislative day" means:

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

104 (ii) a special session day;

105 (iii) a veto override session day;

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

107 (v) an authorized legislative training day; or

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

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

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

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

116 (b) "Authorized legislative training day" means a day that a Legislative Expenses
117 Oversight Committee designates as an authorized legislative day for training or informational

- 118 purposes, including:
- 119 (i) chair training;
- 120 (ii) an issue briefing;
- 121 (iii) legislative leadership instruction;
- 122 (iv) legislative process training;
- 123 (v) legislative rules training;
- 124 (vi) new legislator orientation; or
- 125 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
- 126 legislator's official duties.
- 127 (c) "Legislator" means:
- 128 (i) a member of the Utah Senate;
- 129 (ii) a member of the Utah House of Representatives; or
- 130 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
- 131 or (ii), but has not yet been sworn in or begun the individual's term of office.
- 132 (d) "Retaliatory action" means to:
- 133 (i) dismiss the employee;
- 134 (ii) reduce the employee's compensation;
- 135 (iii) fail to increase the employee's compensation by an amount that the employee is
- 136 otherwise entitled to or was promised;
- 137 (iv) fail to promote the employee if the employee would have otherwise been
- 138 promoted; or
- 139 (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).
- 140 (2) Except as provided in Subsection (4), an interlocal entity that employs an individual
- 141 who is a legislator:
- 142 (a) shall grant leave to the individual on an authorized legislative day for the number of
- 143 hours requested by the individual;
- 144 (b) may not interfere with, or otherwise restrain the individual from, using the leave
- 145 described in Subsection (2)(a); and
- 146 (c) may not take retaliatory action against the individual for using the leave described
- 147 in Subsection (2)(a).
- 148 (3) The leave described in Subsection (2) is leave without pay unless the interlocal

149 entity and the individual described in Subsection (2) agree to terms that are more favorable to
150 the individual.

151 (4) An interlocal entity is not required to comply with Subsection (2) if the governing
152 authority of the interlocal entity determines that complying with the requirement would cause
153 the interlocal entity significant difficulty or expense when considered in relation to the size,
154 financial resources, nature, or structure of the interlocal entity's operations.

155 Section 3. Section 17-15-33 is enacted to read:

156 **17-15-33. County required to provide leave to a legislator on an authorized**
157 **legislative day.**

158 (1) As used in this section:

159 (a) "Authorized legislative day" means:

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

162 (ii) a special session day;

163 (iii) a veto override session day;

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

165 (v) an authorized legislative training day; or

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

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

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

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

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

177 (i) chair training;

178 (ii) an issue briefing;

179 (iii) legislative leadership instruction;

- 180 (iv) legislative process training;
181 (v) legislative rules training;
182 (vi) new legislator orientation; or
183 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
184 legislator's official duties.
- 185 (c) "Legislator" means:
186 (i) a member of the Utah Senate;
187 (ii) a member of the Utah House of Representatives; or
188 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
189 or (ii), but has not yet been sworn in or begun the individual's term of office.
- 190 (d) "Retaliatory action" means to:
191 (i) dismiss the employee;
192 (ii) reduce the employee's compensation;
193 (iii) fail to increase the employee's compensation by an amount that the employee is
194 otherwise entitled to or was promised;
195 (iv) fail to promote the employee if the employee would have otherwise been
196 promoted; or
197 (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).
- 198 (2) Except as provided in Subsection (4), a county that employs an individual who is a
199 legislator:
200 (a) shall grant leave to the individual on an authorized legislative day for the number of
201 hours requested by the individual;
202 (b) may not interfere with, or otherwise restrain the individual from, using the leave
203 described in Subsection (2)(a); and
204 (c) may not take retaliatory action against the individual for using the leave described
205 in Subsection (2)(a).
- 206 (3) The leave described in Subsection (2) is leave without pay unless the county and
207 the individual described in Subsection (2) agree to terms that are more favorable to the
208 individual.
- 209 (4) A county is not required to comply with Subsection (2) if the legislative body of the
210 county determines that complying with the requirement would cause the county significant

211 difficulty or expense when considered in relation to the size, financial resources, nature, or
212 structure of the county's operations.

213 Section 4. Section **53B-2-114** is enacted to read:

214 **53B-2-114. Institution of higher education required to provide leave to a legislator**
215 **on an authorized legislative day.**

216 (1) As used in this section:

217 (a) "Authorized legislative day" means:

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

220 (ii) a special session day;

221 (iii) a veto override session day;

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

223 (v) an authorized legislative training day; or

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

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

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

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

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

235 (i) chair training;

236 (ii) an issue briefing;

237 (iii) legislative leadership instruction;

238 (iv) legislative process training;

239 (v) legislative rules training;

240 (vi) new legislator orientation; or

241 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the

242 legislator's official duties.

243 (c) "Legislator" means:

244 (i) a member of the Utah Senate;

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

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

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

248 (d) "Retaliatory action" means to:

249 (i) dismiss the employee;

250 (ii) reduce the employee's compensation;

251 (iii) fail to increase the employee's compensation by an amount that the employee is

252 otherwise entitled to or was promised;

253 (iv) fail to promote the employee if the employee would have otherwise been

254 promoted; or

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

256 (2) Except as provided in Subsection (4), an institution of higher education that

257 employs an individual who is a legislator:

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

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

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

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

267 (4) An institution of higher education is not required to comply with Subsection (2) if
268 the institution board of trustees of the institution of higher education determines that complying
269 with the requirement would cause the institution of higher education significant difficulty or
270 expense when considered in relation to the size, financial resources, nature, or structure of the
271 institution of higher education's operations.

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

273 **53B-2a-119.** Technical college required to provide leave to a legislator on an
274 authorized legislative day.

275 (1) As used in this section:

276 (a) "Authorized legislative day" means:

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

279 (ii) a special session day;

280 (iii) a veto override session day;

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

282 (v) an authorized legislative training day; or

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

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

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

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

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

294 (i) chair training;

295 (ii) an issue briefing;

296 (iii) legislative leadership instruction;

297 (iv) legislative process training;

298 (v) legislative rules training;

299 (vi) new legislator orientation; or

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

302 (c) "Legislator" means:

303 (i) a member of the Utah Senate;

304 (ii) a member of the Utah House of Representatives; or
305 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
306 or (ii), but has not yet been sworn in or begun the individual's term of office.
307 (d) "Retaliatory action" means to:
308 (i) dismiss the employee;
309 (ii) reduce the employee's compensation;
310 (iii) fail to increase the employee's compensation by an amount that the employee is
311 otherwise entitled to or was promised;
312 (iv) fail to promote the employee if the employee would have otherwise been
313 promoted; or
314 (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).
315 (2) Except as provided in Subsection (4), a technical college that employs an individual
316 who is a legislator:
317 (a) shall grant leave to the individual on an authorized legislative day for the number of
318 hours requested by the individual;
319 (b) may not interfere with, or otherwise restrain the individual from, using the leave
320 described in Subsection (2)(a); and
321 (c) may not take retaliatory action against the individual for using the leave described
322 in Subsection (2)(a).
323 (3) The leave described in Subsection (2) is leave without pay unless the technical
324 college and the individual described in Subsection (2) agree to terms that are more favorable to
325 the individual.
326 (4) A technical college is not required to comply with Subsection (2) if the institution
327 board of trustees of the technical college determines that complying with the requirement
328 would cause the technical college significant difficulty or expense when considered in relation
329 to the size, financial resources, nature, or structure of the technical college's operations.
330 Section 6. Section **53G-11-208** is enacted to read:
331 **53G-11-208. Local education agency required to provide leave to a legislator on**
332 **an authorized legislative day.**
333 (1) As used in this section:
334 (a) "Authorized legislative day" means:

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

337 (ii) a special session day;

338 (iii) a veto override session day;

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

340 (v) an authorized legislative training day; or

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

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

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

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

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

352 (i) chair training;

353 (ii) an issue briefing;

354 (iii) legislative leadership instruction;

355 (iv) legislative process training;

356 (v) legislative rules training;

357 (vi) new legislator orientation; or

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

360 (c) "Legislator" means:

361 (i) a member of the Utah Senate;

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

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

365 (d) "Retaliatory action" means to:

- 366 (i) dismiss the employee;
- 367 (ii) reduce the employee's compensation;
- 368 (iii) fail to increase the employee's compensation by an amount that the employee is
- 369 otherwise entitled to or was promised;
- 370 (iv) fail to promote the employee if the employee would have otherwise been
- 371 promoted; or
- 372 (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).
- 373 (2) Except as provided in Subsection (4), a local education agency that employs an
- 374 individual who is a legislator:
- 375 (a) shall grant leave to the individual on an authorized legislative day for the number of
- 376 hours requested by the individual;
- 377 (b) may not interfere with, or otherwise restrain the individual from, using the leave
- 378 described in Subsection (2)(a); and
- 379 (c) may not take retaliatory action against the individual for using the leave described
- 380 in Subsection (2)(a).
- 381 (3) The leave described in Subsection (2) is leave without pay unless the local
- 382 education agency and the individual described in Subsection (2) agree to terms that are more
- 383 favorable to the individual.
- 384 (4) A local education agency is not required to comply with Subsection (2) if the local
- 385 school district board of the local education agency determines that complying with the
- 386 requirement would cause the local education agency significant difficulty or expense when
- 387 considered in relation to the size, financial resources, nature, or structure of the local education
- 388 agency's operations.

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

390 **63A-17-513. State employer required to provide leave to a legislator on an**

391 **authorized legislative day.**

392 (1) As used in this section:

393 (a) "Authorized legislative day" means:

394 (i) the day on which the Legislature convenes in annual general session, and each day

395 after that day, until midnight of the 45th day of the annual general session;

396 (ii) a special session day;

- 397 (iii) a veto override session day;
- 398 (iv) an interim day designated by the Legislative Management Committee;
- 399 (v) an authorized legislative training day; or
- 400 (vi) any other day on which a meeting of a committee, subcommittee, commission, task
- 401 force, or other entity is held, if:
 - 402 (A) the committee, subcommittee, commission, task force, or other entity is created by
 - 403 statute or joint resolution;
 - 404 (B) the legislator's attendance at the meeting is approved by the Legislative
 - 405 Management Committee; and
 - 406 (C) service and payment for service by the legislator is not in violation of the Utah
 - 407 Constitution, including Article V and Article VI, Sections 6 and 7.
- 408 (b) "Authorized legislative training day" means a day that a Legislative Expenses
- 409 Oversight Committee designates as an authorized legislative day for training or informational
- 410 purposes, including:
 - 411 (i) chair training;
 - 412 (ii) an issue briefing;
 - 413 (iii) legislative leadership instruction;
 - 414 (iv) legislative process training;
 - 415 (v) legislative rules training;
 - 416 (vi) new legislator orientation; or
 - 417 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
 - 418 legislator's official duties.
- 419 (c) "Legislator" means:
 - 420 (i) a member of the Utah Senate;
 - 421 (ii) a member of the Utah House of Representatives; or
 - 422 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
 - 423 or (ii), but has not yet been sworn in or begun the individual's term of office.
- 424 (d) "Retaliatory action" means to:
 - 425 (i) dismiss the employee;
 - 426 (ii) reduce the employee's compensation;
 - 427 (iii) fail to increase the employee's compensation by an amount that the employee is

428 otherwise entitled to or was promised;

429 (iv) fail to promote the employee if the employee would have otherwise been

430 promoted; or

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

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

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

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

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

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

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

443 **Section 8. Effective date.**

444 This bill takes effect on May 1, 2024.