

LABOR UNION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill amends provisions governing public employers and labor organizations.

Highlighted Provisions:

This bill:

- ▶ requires public employee labor organizations to conduct a recertification election every three years;
- ▶ 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 activity, with certain exceptions;
- ▶ requires certain labor organizations to provide the number of members in the labor organization to a public employer upon request;
- ▶ defines terms; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

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 ENACTS:

33 [34-20-15](#), Utah Code Annotated 1953



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

36 Section 1. Section [34-20-15](#) is enacted to read:

37 **[34-20-15. Recertification requirements for public employee labor organizations.](#)**

38 (1) As used in this section:

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

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

43 (c) "Labor organization" means the same as that term is defined in Section [34-32-1](#).

44 (d) "Public employee" means an individual employed by a public employer as defined
45 in Section [34-32-1.1](#).

46 (e) "Third party election facilitator" means an entity that, as part of the entity's
47 operations, provides impartial election administration, including ballot preparation, tabulation,
48 and results certification.

49 (2) (a) In 2025 and every third calendar year thereafter, a collective bargaining
50 representative shall, at the collective bargaining representative's expense, engage a third party
51 election facilitator to conduct a secret ballot election to certify the collective bargaining
52 representative.

53 (b) The third party election facilitator shall conduct the election no later than December
54 1.

55 (3) (a) If in the election at least 51% of all the employees in the collective bargaining
56 unit vote in favor of certifying the collective bargaining representative, the collective
57 bargaining representative may continue as the collective bargaining unit's collective bargaining
58 representative.

59 (b) If in the election less than 51% of all employees in the collective bargaining unit
 60 vote in favor of certifying the collective bargaining representative, on the later of January 1 or
 61 the day on which any existing collective bargaining agreement expires, the collective
 62 bargaining representative no longer represents the collective bargaining unit and the collective
 63 bargaining unit is unrepresented in collective bargaining.

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

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

69 Section 2. Section **34-32-1** is amended to read:

70 **34-32-1. Assignments to labor unions -- Effect.**

71 (1) As used in this section:

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

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

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

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

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

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

86 (c) "Public employee" means the same as that term is defined in Section [34-32-1.1](#).

87 (d) "Public employer" means the same as that term is defined in Section [34-32-1.1](#).

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

90 (2) (a) Except as provided in Subsection (2)(b), a public employer may not deduct
91 union dues from a public employee's wages.

92 (b) A public employer may deduct union dues from a public employee's wages:

93 (i) as required by federal law or an agreement with the federal government; or

94 (ii) (A) pursuant to an agreement on file with the federal government; and

95 (B) in accordance with a collective bargaining agreement executed on or before May 1,
96 2024, unless the collective bargaining agreement is renewed, modified, or extended on or after
97 May 1, 2024.

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

101 ~~[(3) An employer shall promptly commence or cease making deductions for union dues~~
102 ~~from the wages of an employee for the benefit of a labor organization when the employer~~
103 ~~receives a written communication from the employee directing the employer to commence or~~
104 ~~cease making deductions.]~~

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

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

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

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

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

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

113 ~~[(6) An]~~

114 (3) (a) A public employee may join a labor organization or terminate membership at
115 any time.

116 (b) A person may not place a restriction on the time that [an] a public employee may
117 join, or terminate membership with, a labor organization.

118 (4) Upon request, a labor organization that is a party to a collective bargaining
119 agreement with a public employer shall report to the public employer or the state auditor:

120 (a) the number of members in the labor organization; and

121 (b) the number of public employees represented in the collective bargaining unit.

122 [~~(7)~~] (5) ~~[An]~~ A public employee may not waive a provision of this section.

123 Section 3. Section **34-32-1.1** is amended to read:

124 **34-32-1.1. Prohibiting public employers from making payroll deductions for**
 125 **political purposes - Prohibiting use of public money or public property for union activity.**

126 (1) As used in this section:

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

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

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

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

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

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

141 [(i) the state of Utah or any administrative subunit of the state;]

142 [(ii) a state institution of higher education; or]

143 [(iii) a municipal corporation, a county, a municipality, a school district, a special
 144 district, a special service district, or any other political subdivision of the state.]

145 (d) "Public employee" means an individual employed by a public employer.

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

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

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

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

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

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

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

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

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

159 (i) advocating the interests of members in wages, benefits, or terms and conditions of
160 employment;

161 (ii) enforcing the labor organization's internal policies and procedures;

162 (iii) fulfilling the labor organization's obligations;

163 (iv) advancing the labor organization's external relations; or

164 (v) union organizing.

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

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

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

171 (a) a candidate as defined in Section 20A-11-101;

172 (b) a personal campaign committee as defined in Section 20A-11-101;

173 (c) a political action committee as defined in Section 20A-11-101;

174 (d) a political issues committee as defined in Section 20A-11-101;

175 (e) a registered political party as defined in Section 20A-11-101;

176 (f) a political fund as defined in Section 20A-11-1402; or

177 (g) any entity established by a labor organization to solicit, collect, or distribute money
178 primarily for political purposes as defined in this chapter.

179 (3) (a) A public employer may not use public money or public property to:

180 (i) assist or support union organizing or union activity;

181 (ii) compensate a public employee or a third party for union activity; or

182 (iii) provide or allow a public employee to use paid leave for union activity.

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

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

186 (a) spending public money or using public property:

187 (i) for negotiating or administering a collective bargaining agreement;

188 (ii) for performing an activity required by federal law or state law; or

189 (iii) pursuant to an agreement on file with the federal government;

190 (b) allowing a labor organization or a representative access to public property that is
191 real property; or

192 (c) compensating a public employee for vacation leave, sick leave, or other leave that
193 the public employee accrues as a benefit of the public employee's employment, provided the
194 employer gives the compensation on the same terms as any other employee.

195 (5) Notwithstanding anything to the contrary in Subsection (3), a public employer shall
196 provide to a labor organization, member, or representative the same access to public property
197 that the public employer provides to any other person.

198 [~~3~~] (6) The attorney general may bring an action to require a public employer to
199 comply with the requirements of this section.

200 Section 4. **Effective date.**

201 This bill takes effect on May 1, 2024.