

Representative Jordan D. Teuscher proposes the following substitute bill:

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 five 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



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:

51 (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.

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

56 (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) "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.

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

89 **34-32-1. Assignments to labor unions -- Effect.**

90 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

111 ~~[(3) An employer shall promptly commence or cease making deductions for union dues~~
112 ~~from the wages of an employee for the benefit of a labor organization when the employer~~
113 ~~receives a written communication from the employee directing the employer to commence or~~
114 ~~cease making deductions:]~~

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

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

118 ~~[(b) prior consent to cessation of the deductions:]~~

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

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

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

123 (ii) pursuant to an agreement on file with the federal government; or

124 (iii) (A) if the public employee affirmatively elects each year to have the public
125 employer deduct the union dues and the total deductions each month do not exceed 3% of the
126 employee's monthly wages; and

127 (B) the labor organization that receives the union dues pays a 1.5% transaction fee for
128 costs associated with the deduction.

129 (c) A public employee may revoke an election under Subsection (2)(b)(iii) at any time,
130 without advance notice to or consent from the labor organization.

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

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

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

135 ~~[(6)]~~ (3) (a) [An] A public employee may join a labor organization or terminate
136 membership at any time.

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

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

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

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

143 ~~[(7)]~~ (5) [An] A public employee may not waive a provision of this section.

144 (6) To the extent prohibited by a collective bargaining agreement that is in effect on
145 May 1, 2024, Subsections (2) through (4) do not apply until the public employer and the labor
146 organization enter into a new collective bargaining agreement or renew, extend, or modify the
147 existing collective bargaining agreement.

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

149 **34-32-1.1. Prohibiting public employers from making payroll deductions for**

150 **political purposes - Prohibiting use of public money or public property for union activity.**

151 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

189 (v) union organizing.

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

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

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

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

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

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

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

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

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

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

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

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

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

207 (iii) provide a public employee paid leave that is in addition to the public employee's
208 regularly accrued leave and provided for the purpose of allowing the public employee to
209 participate in union activity.

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

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 (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 ~~[(2)]~~ (3) Nothing in this chapter is intended to, or may be construed to, preempt any
241 requirement of federal law.

242 Section 5. **Effective date.**

243

This bill takes effect on May 1, 2024.