

2nd Sub. H.B. 55

EMPLOYMENT CONFIDENTIALITY AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 4

FEBRUARY 12, 2024 3:00 PM

Senator **Kirk A. Cullimore** proposes the following amendments:

1. Page 2, Line 55:

55 (g) "Retaliate" means taking an adverse action against an employee because the employee made an
allegation of sexual harassment or assault , including:

2. Page 3, Lines 73 through 80c:

73 (b) After an employee makes an allegation of sexual harassment or sexual assault, an
74 employer of any sized-business, regardless of Subsection ~~§~~→ [34-A-102] 34A-5-102 ←~~§~~ (1)(i)(D) {
74a may not retaliate} ;
75 { ~~(i) against an employee until a settlement agreement is reached;~~ } =
(i) may not retaliate against the employee because the employee made an allegation of sexual harassment
or assault; or
76 { ~~(ii) after a settlement agreement is reached, but may discipline or terminate an~~
77 employee in accordance with written company policy, and based on documentation detailing an
78 employee's violation of company policy or poor performance; or
79 ~~——(iii)}~~ (ii) may not retaliate based on an employee's refusal to enter into a confidentiality clause or
an
80 employment contract that, as a condition of employment, contains a confidentiality clause.
80a ~~§~~→ (c) An employee may, within three business days after the day on which the employee
80b agrees to a settlement agreement that includes a { ~~confidentiality~~ } confidentiality clause regarding
sexual
80c misconduct, withdraw from the settlement agreement. ←~~§~~

3. Page 4, Lines 109 through 110:

109 Section 2. Effective date.
110 { This bill takes effect on May 1, 2024. } If approved by two-thirds of all the members
elected to each house, this bill takes effect upon approval by the governor, or the day following the
constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature,
or in the case of a veto, the date of veto override.