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PUBLIC EMPLOYEE LEAVE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: Stephanie Pitcher

Cosponsor:	Sahara Hayes	Ashlee Matthews
Gay Lynn Bennion	Sandra Hollins	Carol S. Moss
Joel K. Briscoe	Dan N. Johnson	Doug Owens
Tyler Clancy	Marsha Judkins	Angela Romero
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Brett Garner	Rosemary T. Lesser	Douglas R. Welton
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2

LONG TITLE

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General Description:

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

Highlighted Provisions:

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8 This bill:

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9 ▶ defines terms;

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10 ▶ unless the requirement would impose an undue hardship on a particular employer,

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11 requires certain government employers to, at a minimum, provide unpaid leave to an employee
12 who is a state legislator on an authorized legislative day; and

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13 ▶ prohibits interference with, or retaliating against an employee for, taking the leave

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14 described in the preceding paragraph.

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Money Appropriated in this Bill:

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16 None

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Other Special Clauses:

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18 None

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19 **Utah Code Sections Affected:**

20 ENACTS:

21 **10-3-1111**, as Utah Code Annotated 195322 **11-13-104**, as Utah Code Annotated 195323 **17-15-33**, as Utah Code Annotated 195324 **53B-2-114**, as Utah Code Annotated 195325 **53B-2a-119**, as Utah Code Annotated 195326 **53G-11-208**, as Utah Code Annotated 195327 **63A-17-513**, as Utah Code Annotated 1953

28

29 *Be it enacted by the Legislature of the state of Utah:*30 Section 1. Section **10-3-1111** is enacted to read:31 **10-3-1111 . Municipality required to provide leave to a legislator on an**
32 **authorized legislative day.**33 (1) As used in this section:34 (a) "Authorized legislative day" means:35 (i) the day on which the Legislature convenes in annual general session, and each day
36 after that day, until midnight of the 45th day of the annual general session;37 (ii) a special session day;38 (iii) a veto override session day;39 (iv) an interim day designated by the Legislative Management Committee;40 (v) an authorized legislative training day; or41 (vi) any other day on which a meeting of a committee, subcommittee, commission,
42 task force, or other entity is held, if:43 (A) the committee, subcommittee, commission, task force, or other entity is
44 created by statute or joint resolution;45 (B) the legislator's attendance at the meeting is approved by the Legislative
46 Management Committee; and47 (C) service and payment for service by the legislator is not in violation of the Utah
48 Constitution, including Article V and Article VI, Sections 6 and 7.49 (b) "Authorized legislative training day" means a day that a Legislative Expenses
50 Oversight Committee designates as an authorized legislative day for training or
51 informational purposes, including:52 (i) chair training;

- 53 (ii) an issue briefing;
54 (iii) legislative leadership instruction;
55 (iv) legislative process training;
56 (v) legislative rules training;
57 (vi) new legislator orientation; or
58 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
59 legislator's official duties.
- 60 (c) "Legislator" means:
61 (i) a member of the Utah Senate;
62 (ii) a member of the Utah House of Representatives; or
63 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
64 or (ii), but has not yet been sworn in or begun the individual's term of office.
- 65 (d) "Retaliatory action" means to:
66 (i) dismiss the employee;
67 (ii) reduce the employee's compensation;
68 (iii) fail to increase the employee's compensation by an amount that the employee is
69 otherwise entitled to or was promised;
70 (iv) fail to promote the employee if the employee would have otherwise been
71 promoted; or
72 (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).
- 73 (2) Except as provided in Subsection (4), a municipality that employs an individual who is
74 a legislator:
75 (a) shall grant leave to the individual on an authorized legislative day for the number of
76 hours requested by the individual;
77 (b) may not interfere with, or otherwise restrain the individual from, using the leave
78 described in Subsection (2)(a); and
79 (c) may not take retaliatory action against the individual for using the leave described in
80 Subsection (2)(a).
- 81 (3) The leave described in Subsection (2) is leave without pay unless the municipality and
82 the individual described in Subsection (2) agree to terms that are more favorable to the
83 individual.
- 84 (4) A municipality is not required to comply with Subsection (2) if the legislative body of
85 the municipality determines that complying with the requirement would cause the
86 municipality significant difficulty or expense when considered in relation to the size,

87 financial resources, nature, or structure of the municipality's operations.

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

89 **11-13-104 . Interlocal entity required to provide leave to a legislator on an**
90 **authorized legislative day.**

91 (1) As used in this section:

92 (a) "Authorized legislative day" means:

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

95 (ii) a special session day;

96 (iii) a veto override session day;

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

98 (v) an authorized legislative training day; or

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

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

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

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

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

110 (i) chair training;

111 (ii) an issue briefing;

112 (iii) legislative leadership instruction;

113 (iv) legislative process training;

114 (v) legislative rules training;

115 (vi) new legislator orientation; or

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

118 (c) "Legislator" means:

119 (i) a member of the Utah Senate;

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

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

123 (d) "Retaliatory action" means to:

124 (i) dismiss the employee;

125 (ii) reduce the employee's compensation;

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

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

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

131 (2) Except as provided in Subsection (4), an interlocal entity that employs an individual
132 who is a legislator:

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

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

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

139 (3) The leave described in Subsection (2) is leave without pay unless the interlocal entity
140 and the individual described in Subsection (2) agree to terms that are more favorable to
141 the individual.

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

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

147 **17-15-33 . County required to provide leave to a legislator on an authorized**
148 **legislative day.**

149 (1) As used in this section:

150 (a) "Authorized legislative day" means:

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

153 (ii) a special session day;

154 (iii) a veto override session day;

- 155 (iv) an interim day designated by the Legislative Management Committee;
 156 (v) an authorized legislative training day; or
 157 (vi) any other day on which a meeting of a committee, subcommittee, commission,
 158 task force, or other entity is held, if:
 159 (A) the committee, subcommittee, commission, task force, or other entity is
 160 created by statute or joint resolution;
 161 (B) the legislator's attendance at the meeting is approved by the Legislative
 162 Management Committee; and
 163 (C) service and payment for service by the legislator is not in violation of the Utah
 164 Constitution, including Article V and Article VI, Sections 6 and 7.
- 165 (b) "Authorized legislative training day" means a day that a Legislative Expenses
 166 Oversight Committee designates as an authorized legislative day for training or
 167 informational purposes, including:
 168 (i) chair training;
 169 (ii) an issue briefing;
 170 (iii) legislative leadership instruction;
 171 (iv) legislative process training;
 172 (v) legislative rules training;
 173 (vi) new legislator orientation; or
 174 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
 175 legislator's official duties.
- 176 (c) "Legislator" means:
 177 (i) a member of the Utah Senate;
 178 (ii) a member of the Utah House of Representatives; or
 179 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
 180 or (ii), but has not yet been sworn in or begun the individual's term of office.
- 181 (d) "Retaliatory action" means to:
 182 (i) dismiss the employee;
 183 (ii) reduce the employee's compensation;
 184 (iii) fail to increase the employee's compensation by an amount that the employee is
 185 otherwise entitled to or was promised;
 186 (iv) fail to promote the employee if the employee would have otherwise been
 187 promoted; or
 188 (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).

- 189 (2) Except as provided in Subsection (4), a county that employs an individual who is a
190 legislator:
- 191 (a) shall grant leave to the individual on an authorized legislative day for the number of
192 hours requested by the individual;
- 193 (b) may not interfere with, or otherwise restrain the individual from, using the leave
194 described in Subsection (2)(a); and
- 195 (c) may not take retaliatory action against the individual for using the leave described in
196 Subsection (2)(a).
- 197 (3) The leave described in Subsection (2) is leave without pay unless the county and the
198 individual described in Subsection (2) agree to terms that are more favorable to the
199 individual.
- 200 (4) A county is not required to comply with Subsection (2) if the legislative body of the
201 county determines that complying with the requirement would cause the county
202 significant difficulty or expense when considered in relation to the size, financial
203 resources, nature, or structure of the county's operations.

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

205 **53B-2-114 . Institution of higher education required to provide leave to a**
206 **legislator on an authorized legislative day.**

- 207 (1) As used in this section:
- 208 (a) "Authorized legislative day" means:
- 209 (i) the day on which the Legislature convenes in annual general session, and each day
210 after that day, until midnight of the 45th day of the annual general session;
- 211 (ii) a special session day;
- 212 (iii) a veto override session day;
- 213 (iv) an interim day designated by the Legislative Management Committee;
- 214 (v) an authorized legislative training day; or
- 215 (vi) any other day on which a meeting of a committee, subcommittee, commission,
216 task force, or other entity is held, if:
- 217 (A) the committee, subcommittee, commission, task force, or other entity is
218 created by statute or joint resolution;
- 219 (B) the legislator's attendance at the meeting is approved by the Legislative
220 Management Committee; and
- 221 (C) service and payment for service by the legislator is not in violation of the Utah
222 Constitution, including Article V and Article VI, Sections 6 and 7.

- 223 (b) "Authorized legislative training day" means a day that a Legislative Expenses
224 Oversight Committee designates as an authorized legislative day for training or
225 informational purposes, including:
- 226 (i) chair training;
 - 227 (ii) an issue briefing;
 - 228 (iii) legislative leadership instruction;
 - 229 (iv) legislative process training;
 - 230 (v) legislative rules training;
 - 231 (vi) new legislator orientation; or
 - 232 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
233 legislator's official duties.
- 234 (c) "Legislator" means:
- 235 (i) a member of the Utah Senate;
 - 236 (ii) a member of the Utah House of Representatives; or
 - 237 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
238 or (ii), but has not yet been sworn in or begun the individual's term of office.
- 239 (d) "Retaliatory action" means to:
- 240 (i) dismiss the employee;
 - 241 (ii) reduce the employee's compensation;
 - 242 (iii) fail to increase the employee's compensation by an amount that the employee is
243 otherwise entitled to or was promised;
 - 244 (iv) fail to promote the employee if the employee would have otherwise been
245 promoted; or
 - 246 (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).
- 247 (2) Except as provided in Subsection (4), an institution of higher education that employs an
248 individual who is a legislator:
- 249 (a) shall grant leave to the individual on an authorized legislative day for the number of
250 hours requested by the individual;
 - 251 (b) may not interfere with, or otherwise restrain the individual from, using the leave
252 described in Subsection (2)(a); and
 - 253 (c) may not take retaliatory action against the individual for using the leave described in
254 Subsection (2)(a).
- 255 (3) The leave described in Subsection (2) is leave without pay unless the institution of
256 higher education and the individual described in Subsection (2) agree to terms that are

257 more favorable to the individual.

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

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

264 **53B-2a-119 . Technical college required to provide leave to a legislator on an**
265 **authorized legislative day.**

266 (1) As used in this section:

267 (a) "Authorized legislative day" means:

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

270 (ii) a special session day;

271 (iii) a veto override session day;

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

273 (v) an authorized legislative training day; or

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

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

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

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

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

285 (i) chair training;

286 (ii) an issue briefing;

287 (iii) legislative leadership instruction;

288 (iv) legislative process training;

289 (v) legislative rules training;

290 (vi) new legislator orientation; or

- 291 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
 292 legislator's official duties.
- 293 (c) "Legislator" means:
 294 (i) a member of the Utah Senate;
 295 (ii) a member of the Utah House of Representatives; or
 296 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
 297 or (ii), but has not yet been sworn in or begun the individual's term of office.
- 298 (d) "Retaliatory action" means to:
 299 (i) dismiss the employee;
 300 (ii) reduce the employee's compensation;
 301 (iii) fail to increase the employee's compensation by an amount that the employee is
 302 otherwise entitled to or was promised;
 303 (iv) fail to promote the employee if the employee would have otherwise been
 304 promoted; or
 305 (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).
- 306 (2) Except as provided in Subsection (4), a technical college that employs an individual
 307 who is a legislator:
 308 (a) shall grant leave to the individual on an authorized legislative day for the number of
 309 hours requested by the individual;
 310 (b) may not interfere with, or otherwise restrain the individual from, using the leave
 311 described in Subsection (2)(a); and
 312 (c) may not take retaliatory action against the individual for using the leave described in
 313 Subsection (2)(a).
- 314 (3) The leave described in Subsection (2) is leave without pay unless the technical college
 315 and the individual described in Subsection (2) agree to terms that are more favorable to
 316 the individual.
- 317 (4) A technical college is not required to comply with Subsection (2) if the institution board
 318 of trustees of the technical college determines that complying with the requirement
 319 would cause the technical college significant difficulty or expense when considered in
 320 relation to the size, financial resources, nature, or structure of the technical college's
 321 operations.

322 Section 6. Section **53G-11-208** is enacted to read:

323 **53G-11-208 . Local education agency required to provide leave to a legislator on**
 324 **an authorized legislative day.**

- 325 (1) As used in this section:
- 326 (a) "Authorized legislative day" means:
- 327 (i) the day on which the Legislature convenes in annual general session, and each day
- 328 after that day, until midnight of the 45th day of the annual general session;
- 329 (ii) a special session day;
- 330 (iii) a veto override session day;
- 331 (iv) an interim day designated by the Legislative Management Committee;
- 332 (v) an authorized legislative training day; or
- 333 (vi) any other day on which a meeting of a committee, subcommittee, commission,
- 334 task force, or other entity is held, if:
- 335 (A) the committee, subcommittee, commission, task force, or other entity is
- 336 created by statute or joint resolution;
- 337 (B) the legislator's attendance at the meeting is approved by the Legislative
- 338 Management Committee; and
- 339 (C) service and payment for service by the legislator is not in violation of the Utah
- 340 Constitution, including Article V and Article VI, Sections 6 and 7.
- 341 (b) "Authorized legislative training day" means a day that a Legislative Expenses
- 342 Oversight Committee designates as an authorized legislative day for training or
- 343 informational purposes, including:
- 344 (i) chair training;
- 345 (ii) an issue briefing;
- 346 (iii) legislative leadership instruction;
- 347 (iv) legislative process training;
- 348 (v) legislative rules training;
- 349 (vi) new legislator orientation; or
- 350 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
- 351 legislator's official duties.
- 352 (c) "Legislator" means:
- 353 (i) a member of the Utah Senate;
- 354 (ii) a member of the Utah House of Representatives; or
- 355 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
- 356 or (ii), but has not yet been sworn in or begun the individual's term of office.
- 357 (d) "Retaliatory action" means to:
- 358 (i) dismiss the employee;

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

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

382 **63A-17-513 . State employer required to provide leave to a legislator on an**
 383 **authorized legislative day.**

384 (1) As used in this section:

385 (a) "Authorized legislative day" means:

- 386 (i) the day on which the Legislature convenes in annual general session, and each day
 387 after that day, until midnight of the 45th day of the annual general session;
 388 (ii) a special session day;
 389 (iii) a veto override session day;
 390 (iv) an interim day designated by the Legislative Management Committee;
 391 (v) an authorized legislative training day; or
 392 (vi) any other day on which a meeting of a committee, subcommittee, commission,

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

- 427 hours requested by the individual;
- 428 **(b)** may not interfere with, or otherwise restrain the individual from, using the leave
- 429 described in Subsection (2)(a); and
- 430 **(c)** may not take retaliatory action against the individual for using the leave described in
- 431 Subsection (2)(a).
- 432 **(3)** The leave described in Subsection (2) is leave without pay unless the state employer and
- 433 the individual described in Subsection (2) agree to terms that are more favorable to the
- 434 individual.

435 Section 8. **Effective date.**

436 This bill takes effect on May 1, 2024.