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Public Employee Negotiation Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor:

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LONG TITLE**General Description:**

This bill addresses collective bargaining for public employees.

Highlighted Provisions:

This bill:

- 8 ▶ defines terms;
- 9 ▶ establishes the Labor Relations Board (board);
- 10 ▶ describes the composition and duties of the board;
- 11 ▶ describes the entities the board may employ;
- 12 ▶ establishes the board's rulemaking authority;
- 13 ▶ authorizes the board to subpoena witnesses and administer oaths;
- 14 ▶ establishes who may serve as counsel for public employers and the board;
- 15 ▶ creates protections for public employees regarding self-organization;
- 16 ▶ allows a public employer to deduct an employee's dues for a collective bargaining unit
- 17 from an employee's pay;
- 18 ▶ requires that labor organizations represent employees without discriminations;
- 19 ▶ requires that the board investigate a petition on a representation question under certain
- 20 circumstances;
- 21 ▶ establishes criteria and the function of a representation election at the direction of the
- 22 board;
- 23 ▶ establishes who may represent a public employer in collective bargaining;
- 24 ▶ establishes management rights of a public employer;
- 25 ▶ establishes a duty to bargain collectively for both the public employer and an exclusive
- 26 representative;
- 27 ▶ describes what a collective bargaining agreement shall contain;
- 28 ▶ permits and describes the mediation of disputes relating to collective bargaining;
- 29 ▶ describes how to initiate fact finding relating to a dispute regarding collective bargaining;
- 30 ▶ establishes fact finding proceedings in a dispute related to collective bargaining;

- 31 ▶ allows arbitration for a dispute resulting from collective bargaining;
- 32 ▶ requires the board to establish an education course for fact finders and arbitrators;
- 33 ▶ describes an unfair labor practice of a public employer;
- 34 ▶ establishes the process by which an unfair labor practice is investigated and resolved;
- 35 ▶ establishes a hearing process for an unfair labor practice complaint hearing;
- 36 ▶ describes the process of the court enforcement and review of a board order;
- 37 ▶ prohibits police officers from engaging in strikes;
- 38 ▶ establishes criteria for mediation of a dispute under certain circumstances; and
- 39 ▶ establishes the criteria for arbitration under certain circumstances.

40 **Money Appropriated in this Bill:**

41 None

42 **Other Special Clauses:**

43 None

44 **Utah Code Sections Affected:**

45 ENACTS:

- 46 **34-20-15**, Utah Code Annotated 1953
- 47 **34-20-16**, Utah Code Annotated 1953
- 48 **34-20b-101**, Utah Code Annotated 1953
- 49 **34-20b-102**, Utah Code Annotated 1953
- 50 **34-20b-103**, Utah Code Annotated 1953
- 51 **34-20b-104**, Utah Code Annotated 1953
- 52 **34-20b-105**, Utah Code Annotated 1953
- 53 **34-20b-106**, Utah Code Annotated 1953
- 54 **34-20b-107**, Utah Code Annotated 1953
- 55 **34-20b-108**, Utah Code Annotated 1953
- 56 **34-20b-109**, Utah Code Annotated 1953
- 57 **34-20b-110**, Utah Code Annotated 1953
- 58 **34-20b-111**, Utah Code Annotated 1953
- 59 **34-20b-112**, Utah Code Annotated 1953
- 60 **34-20b-113**, Utah Code Annotated 1953
- 61 **34-20b-114**, Utah Code Annotated 1953
- 62 **34-20b-115**, Utah Code Annotated 1953
- 63 **34-20b-116**, Utah Code Annotated 1953
- 64 **34-20b-117**, Utah Code Annotated 1953

65 **34-20b-118**, Utah Code Annotated 1953
 66 **34-20b-119**, Utah Code Annotated 1953
 67 **34-20b-120**, Utah Code Annotated 1953
 68 **34-20b-121**, Utah Code Annotated 1953
 69 **34-20b-122**, Utah Code Annotated 1953
 70 **34-20b-123**, Utah Code Annotated 1953
 71 **34-20b-124**, Utah Code Annotated 1953
 72 **34-20b-125**, Utah Code Annotated 1953
 73 **34-20b-126**, Utah Code Annotated 1953

74

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

76 Section 1. Section **34-20-15** is enacted to read:

77 **34-20-15** . **Labor Relations Board.**

78 (1)(a) There is created the Labor Relations Board consisting of the following members:

79 (i) the commissioner of the Labor Commission; and

80 (ii) subject to Subsection (1)(b), four members appointed by the governor with the
 81 advice and consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2,
 82 Vacancies.

83 (b) The governor's appointees shall include:

84 (i) two representatives of employers who the governor shall select from a list of
 85 nominations by organizations that advocate for employers; and

86 (ii) two representatives of employees who the governor shall select from a list of
 87 nominations by labor organizations.

88 (c) The governor may remove, at any time, a member appointed under Subsection (1)(b)
 89 for:

90 (i) inefficiency;

91 (ii) neglect of duty; or

92 (iii) malfeasance or malfeasance in office.

93 (d)(i) The governor and the Senate shall fill a vacancy in a position appointed under
 94 Subsection (1)(b) in the same manner as the member creating the vacancy was
 95 appointed.

96 (ii) The individual appointed to fill the vacant position shall serve the unexpired term.

97 (2)(a) Except as provided in Subsection (2)(b), the governor shall appoint each new
 98 member or reappointed member for a four-year term.

- 99 (b) The governor shall adjust, at the time of appointment or reappointment, the length of
100 terms to ensure that the terms of appointed members are staggered so that the
101 governor appoints or reappoints one member from Subsections (1)(b)(i) and (1)(b)(ii)
102 every two years.
- 103 (3) The commissioner of the Labor Commission shall serve as chair of the Labor Relations
104 Board.
- 105 (4) A member of the board appointed under Subsection (1)(b) may not hold an elected
106 office in the government of the United States, this state or any other state, or of any
107 county government or municipal corporation within a state.
- 108 (5) A member appointed under Subsection (1)(b) may not receive compensation or benefits
109 for the member's service, but may receive per diem and travel expenses in accordance
110 with:
- 111 (a) Section 63A-3-106;
112 (b) Section 63A-3-107; and
113 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
114 63A-3-107.
- 115 (6) A meeting of the Labor Relations Board may be called:
- 116 (a) by the chair; or
117 (b) unanimously by the members appointed under Subsection (1)(b).
- 118 (7) The chair may provide staff and administrative support as necessary from the Labor
119 Commission.
- 120 (8) A vacancy on the Labor Relations Board does not impair the right of the remaining
121 members to exercise all the powers of the Labor Relations Board.
- 122 (9) Two members of the Labor Relations Board constitutes a quorum.
- 123 (10) A member of the Labor Relations Board shall comply with the conflict of interest
124 provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 125 Section 2. Section **34-20-16** is enacted to read:
- 126 **34-20-16 . Labor Relations Board -- Employees -- Agencies -- Expenses.**
- 127 (1) As used in this section, "board" means the Labor Relations Board established in Section
128 34-20-15.
- 129 (2) The board may employ an executive secretary, attorneys, examiners, and other
130 employees the board deems necessary for the proper performance of the board's duties.
- 131 (3) As needed to carry out the board's duties, the board may:
- 132 (a) establish or utilize regional, local, or other agencies; and

- 133 (b) use voluntary and uncompensated services.
- 134 (4) At the direction of the board, an attorney employed under this section may appear for
 135 and represent the board in any case in court.
- 136 (5) Nothing in this act authorizes the board to employ individuals for the purpose of
 137 conciliation or mediation if the board may obtain substantially similar service from the
 138 Labor Commission.
- 139 (6) The board shall pay the expenses, including necessary travel expenses, incurred by the
 140 members of the board or employees of the board upon presentation of itemized receipts
 141 approved by the board.

142 Section 3. Section **34-20b-101** is enacted to read:

143 **CHAPTER 20b. UTAH PUBLIC EMPLOYEES NEGOTIATIONS ACT**

144 **34-20b-101 . Definitions.**

145 As used in this chapter:

- 146 (1) "Appropriate unit" means a group of public employees banded together for collective
 147 bargaining purposes as designated by the board.
- 148 (2) "Board" means the Labor Relations Board established in Section 34-20-15.
- 149 (3) "Confidential employee" means an individual:
- 150 (a) who the board finds is a confidential labor relations employee; and
- 151 (b) who is employed in government service and acts with discretionary authority in the
 152 creation or revision of state classification specifications.
- 153 (4) "Exclusive representative" means the labor organization that:
- 154 (a) the board designates as the representative of public employees in an appropriate unit;
 155 or
- 156 (b) the public employer formally recognizes.
- 157 (5) "Labor dispute" means a controversy, between an employer and the majority of the
 158 employer's employees in an appropriate unit, concerning:
- 159 (a) the right, process, or details of collective bargaining; or
- 160 (b) the designation of a representative.
- 161 (6) "Labor organization" means an organization, agency, or employee representation
 162 committee or plan:
- 163 (a) in which a public employee participates; and
- 164 (b) that exists for the purpose, in whole or in part, of dealing with an employer
 165 concerning:
- 166 (i) grievances;

- 167 (ii) labor disputes;
168 (iii) rates of pay;
169 (iv) hours of employment; or
170 (v) conditions of work.
- 171 (7) "Management official" means a representative of management with authority to act for a
172 state agency on any matters relating to the implementation of agency policy.
- 173 (8)(a) "Public employee" means:
- 174 (i) an individual currently employed by a public employer in any capacity; and
175 (ii) an individual that is no longer employed by a public employer because of or in
176 connection with an unfair labor practice or concerted employee action.
- 177 (b) "Public employee" does not include:
- 178 (i) a fire fighter, as that term is defined in Section 34-20a-2;
179 (ii) an elected official;
180 (iii) a person directly appointed by the governor;
181 (iv) a supervisory employee;
182 (v) a management official;
183 (vi) a confidential employee;
184 (vii) an appointed member of a state board or commission who does not receive
185 compensation;
186 (viii) a school administrator; or
187 (ix) an intern.
- 188 (9) "Public employer" means:
- 189 (a) a state agency, department, division, bureau, board, commission, council, authority,
190 educational institution, or any other body in the executive branch of state government;
191 (b) the legislative branch of state government;
192 (c) the judicial branch of state government;
193 (d) a county, city, town, regional governing body, council, school district, special
194 district, special service district, or municipal corporation, board, department,
195 commission, council; or
196 (e) any other body created by state or local authority.
- 197 (10) "Supervisory employee" means an individual with the authority:
- 198 (a) on a regular, recurring basis while acting in the interest of the employer to hire,
199 transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline
200 other employees; or

201 (b) to recommend the actions described in Subsection (10)(a) if the recommendation is
202 not routine or clerical in nature and requires the use of independent judgment.

203 Section 4. Section **34-20b-102** is enacted to read:

204 **34-20b-102 . Legislative authority -- Rulemaking authority.**

205 (1) This chapter does not limit the authority of the Legislature, any political subdivision, or
206 the legislative body of a public employer to appropriate for salary and wages, hours,
207 fringe benefits, and other conditions of employment.

208 (2) The board shall adopt, amend, or rescind any rules the board considers necessary to
209 carry out the provisions of this chapter.

210 Section 5. Section **34-20b-103** is enacted to read:

211 **34-20b-103 . Administrative Procedure Act applicable -- Conduct of hearing.**

212 (1) The board shall conduct a hearing or appeal under this chapter in accordance with the
213 appropriate provisions of Title 63G, Chapter 4, Administrative Procedures Act.

214 (2) The board, with the consent of all necessary parties, may conduct a hearing or appeal
215 under this chapter by telephone or video conference.

216 Section 6. Section **34-20b-104** is enacted to read:

217 **34-20b-104 . Board authorized to subpoena witnesses and administer oaths --**
218 **Counsel for parties to litigation.**

219 (1) The board may subpoena witnesses and administer oaths and affirmations to accomplish
220 the objectives and carry out the duties required by this chapter.

221 (2) If a person neglects or refuses to obey a subpoena issued in accordance with Subsection
222 (1), a court with jurisdiction may issue an order requiring that person to appear before
223 the board or an agent of the board to produce evidence or give testimony regarding the
224 matter under investigation.

225 (3) The board may issue a subpoena, notice of hearing or other process, or notice of the
226 board issued in accordance with this chapter by:

227 (a) sending the subpoena, notice of hearing, or other process or notice of the board
228 through U.S. mail; or

229 (b) if the parties agree, electronic mail.

230 (4) In an action brought under this chapter in a court of this state:

231 (a) the attorney general or attorney of a political subdivision shall represent the public
232 employer; and

233 (b) counsel hired to represent the board for purposes of the action shall represent the
234 board.

235 Section 7. Section **34-20b-105** is enacted to read:

236 **34-20b-105 . Existing collective bargaining agreements not affected.**

237 Nothing in this chapter revokes an established collective bargaining agreement that is
238 recognized or in existence before May 7, 2025.

239 Section 8. Section **34-20b-106** is enacted to read:

240 **34-20b-106 . Public employees protected in right of self-organization.**

241 Public employees are protected from interference, restraint, or coercion in the exercise
242 of the right:

243 (1) to self-organize;

244 (2) to form, join, or assist any labor organization;

245 (3) to bargain collectively through representatives of the public employees' choosing on
246 questions of:

247 (a) wages;

248 (b) hours;

249 (c) fringe benefits; and

250 (d) other conditions of employment; and

251 (4) to engage in other concerted activities for the purpose of collective bargaining or other
252 mutual aid or protection.

253 Section 9. Section **34-20b-107** is enacted to read:

254 **34-20b-107 . Board to determine appropriate unit -- Factors to be considered.**

255 (1) To ensure public employees the rights described in Section 34-20b-106, the board or an
256 agent of the board shall:

257 (a) decide the appropriate unit for the purpose of collective bargaining; and

258 (b) when deciding the appropriate unit in accordance with Subsection (1)(a), consider
259 the following factors:

260 (i) communities of interest;

261 (ii) wages;

262 (iii) hours;

263 (iv) fringe benefits;

264 (v) other working conditions of the employees involved;

265 (vi) common supervision;

266 (vii) common personnel policies;

267 (viii) extent of integration of work functions and interchange among public
268 employees affected; and

- 269 (ix) the desires of the public employees.
- 270 (2) If a state agency or facility of a state agency is reorganized to the extent that the
 271 reorganization results in substantial changes to the factors listed in Subsection (1), the
 272 public employer representative may petition the board to make a new decision of the
 273 appropriate unit for the purpose of collective bargaining.
- 274 (3) If the board makes a new decision of an appropriate unit as described in Subsection (2),
 275 the board shall consider the consequences of the reorganization on each position in the
 276 affected state agency or facility.
- 277 (4) Unless the board receives a petition to consider a collective bargaining unit that was not
 278 designated as an appropriate unit before the reorganization described in Subsection (2),
 279 the board may not choose a labor organization that was not designated to represent
 280 employees of the affected state agency or facility at the time the reorganization became
 281 effective.

282 Section 10. Section **34-20b-108** is enacted to read:

283 **34-20b-108 . Deduction of dues from employee's pay.**

284 Upon written authorization of any public employee within a collective bargaining unit, a
 285 public employer shall:

- 286 (1) deduct from the public employee's pay the employee's monthly dues as certified by the
 287 secretary of the exclusive representative; and
- 288 (2) deliver the dues to the treasurer of the exclusive representative.

289 Section 11. Section **34-20b-109** is enacted to read:

290 **34-20b-109 . Designated labor organizations to represent employees without**
 291 **discrimination -- Rights and safeguards guaranteed.**

- 292 (1) A labor organization designated in accordance with the provisions of this chapter shall
 293 represent the interest of all public employees in the collective bargaining unit without
 294 discrimination for the purpose of collective bargaining with respect to:
- 295 (a) rates of pay;
- 296 (b) hours;
- 297 (c) fringe benefits; and
- 298 (d) other conditions of employment.
- 299 (2) The board shall extend or continue designation or recognition as an exclusive
 300 representative to a labor organization if the labor organization's:
- 301 (a) written bylaws provide for and guarantee the rights and safeguards described in
 302 Subsection (3); and

- 303 (b) practices conform to the rights and safeguards described in Subsection (3).
- 304 (3) The rights and safeguards of a public employee represented by a labor organization are:
- 305 (a) democratic organization and procedures;
- 306 (b) elections conducted in accordance with adequate standards established by the board;
- 307 (c) controls for the regulation of officers and agents that have a fiduciary duty to the
- 308 organization; and
- 309 (d) sound accounting and fiscal controls, including annual audits.
- 310 (4) The board shall hear and make a determination for any dispute arising from a
- 311 determination made in accordance with Subsection (2).

312 Section 12. Section **34-20b-110** is enacted to read:

313 **34-20b-110 . Petition on representation question -- Investigation by board --**

314 **Hearing.**

- 315 (1) The board or an agent of the board shall:
- 316 (a) investigate a petition described in Section 34-20b-107; and
- 317 (b) if the board or agent of the board has reasonable cause to believe that a question of
- 318 representation exists, provide, in accordance with a rule made by the board, for an
- 319 appropriate hearing upon notice that a petition has been filed:
- 320 (i) by an employee or group of employees or any labor organization acting on behalf
- 321 of the employee or group of employees alleging that at least 30% of the
- 322 employees:
- 323 (A) wish to be represented for collective bargaining by a labor organization as the
- 324 employees' exclusive representation; or
- 325 (B) assert that the labor organization that the board designated as the exclusive
- 326 representative or the public employer currently recognizes as the bargaining
- 327 representative is no longer the representative of the majority of employees in
- 328 the unit; or
- 329 (ii) by the public employer alleging that one or more labor organizations have
- 330 presented to the public employer a claim to be recognized as the exclusive
- 331 representative in an appropriate unit.
- 332 (2) In the hearing described in Subsection (1)(b), the board is not bound by common law,
- 333 the Utah Rules of Evidence, nor the Federal Rules of Evidence.

334 Section 13. Section **34-20b-111** is enacted to read:

335 **34-20b-111 . Representation election at direction of the board.**

- 336 (1) If the board or an agent of the board, in the hearing described in Section 34-20b-110,

- 337 finds that a question of representation exists, the board or an agent of the board shall
338 hold an election by secret ballot where the employees involved in the hearing may
339 decide:
- 340 (a) whether the employees desire that a labor organization represent the employees; and
341 (b) if, pursuant to Subsection (1)(a), the employees desire that a labor organization
342 represent the employees, which labor organization the employees want to represent
343 the employees.
- 344 (2) The board or an agent of the board shall certify the results of the election described in
345 Subsection (1).
- 346 (3) For a labor organization to appear on the ballot in the election described in Subsection
347 (1), at least 10% of employees in the appropriate unit must indicate to the board that the
348 labor organization is the employees' choice of labor organization before the election
349 occurs.
- 350 (4) The board or an agent of the board shall:
- 351 (a) determine the eligibility to vote in the election described in Subsection (1); and
352 (b) establish rules governing the election described in Subsection (1).
- 353 (5)(a) The board or an agent of the board shall conduct a runoff election if no choice for
354 a representative on the ballot in the election described in Subsection (1) receives a
355 majority of the votes cast.
- 356 (b) In the runoff election described in Subsection (5)(a), the board or an agent of the
357 board shall place on the ballot the two choices that received the highest amount of
358 votes in the election described in Subsection (1).
- 359 (6) The board or agent of the board shall certify a labor organization that receives the
360 majority of the votes in an election or a runoff election as the exclusive representative.
- 361 (7) Nothing in this section or Section 34-20b-110 prohibits the waiving of hearings by
362 stipulation for the purpose of a consent election in conformity with the rules of the board.
- 363 (8) An election conducted under this section may not occur within a bargaining unit or any
364 subdivision of the bargaining unit if the bargaining unit or the subdivision of the
365 bargaining unit has held a valid election within the previous twelve months.

366 Section 14. Section **34-20b-112** is enacted to read:

367 **34-20b-112 . Representative of public employer.**

368 The governor of the state, the governing body of a political subdivision, the
369 commissioner of higher education, or the designated authorized representative shall represent
370 the public employer in collective bargaining with an exclusive representative.

371 Section 15. Section **34-20b-113** is enacted to read:

372 **34-20b-113 . Management rights of public employers.**

373 Public employees and the public employees' representatives shall recognize the
374 prerogative of a public employer to operate and manage the public employer's affairs in areas
375 that involve:

376 (1) directing an employee;

377 (2) hiring, promoting, transferring, assigning, and retaining an employee; and

378 (3) relieving an employee from duties due to:

379 (a) lack of work or funds; or

380 (b) conditions where continuation of the employee's work would be inefficient and
381 nonproductive.

382 Section 16. Section **34-20b-114** is enacted to read:

383 **34-20b-114 . Duty to bargain collectively -- Good faith requirement.**

384 (1) The public employer and the exclusive representative, through an appropriate official or
385 the appropriate official's representative, have the authority and the duty to bargain
386 collectively in good faith as described in Subsection (2).

387 (2) For purposes of this chapter, collective bargaining occurs when a public employer or the
388 public employer's representative and the representative of the exclusive representative:

389 (a) meet at reasonable times and negotiate in good faith with respect to:

390 (i) wages;

391 (ii) hours;

392 (iii) fringe benefits; and

393 (iv) other conditions of employment; or

394 (b) negotiate, in good faith, an agreement or any question that arises under the
395 agreement and execute a written contract incorporating the negotiated agreement.

396 (3) Nothing in this section requires either party to a collective bargaining process to:

397 (a) agree to a proposal made by the other party; or

398 (b) make a concession.

399 (4)(a) When the state government is a party to collective bargaining, the parties may
400 meet the requirement of negotiating in good faith described in Subsection (2)(b) by
401 submitting a negotiated settlement to the Legislature in the executive budget or by a
402 bill or joint resolution.

403 (b) The failure of the parties to comply with Subsection (4)(a) does not constitute, by
404 itself, prima facie evidence of a failure to negotiate in good faith.

405 (5) Nothing in this chapter requires a board of trustees to bargain collectively upon a matter
406 other than a matter specified in Subsection (2).

407 Section 17. Section **34-20b-115** is enacted to read:

408 **34-20b-115 . Collective bargaining agreement.**

409 (1) A public employer and an exclusive representative, upon reaching an agreement in
410 accordance with Section 34-20b-114, shall:

411 (a) reduce the agreement to writing; and

412 (b) sign the agreement.

413 (2) An agreement may contain a grievance procedure culminating in a final and binding
414 arbitration of an unresolved grievance or a disputed interpretation of the agreement.

415 (3) The public employer and a labor organization shall ensure that an agreement between
416 the public employer and a labor organization is valid and enforceable.

417 Section 18. Section **34-20b-116** is enacted to read:

418 **34-20b-116 . Mediation of disputes -- Initiation of fact finding -- Designation of**
419 **fact finder.**

420 (1) If, after a reasonable period of negotiation over the terms of an agreement or upon
421 expiration of an existing collective bargaining agreement, a dispute concerning the
422 collective bargaining agreement arises between the public employer and a labor
423 organization, the parties shall request mediation.

424 (2) If, upon expiration of an existing collective bargaining agreement or 30 days following
425 certification or recognition of an exclusive representative, a dispute concerning the
426 collective bargaining agreement arises between the employer and the exclusive
427 representative, either the employer or the exclusive representative may petition the board
428 to initiate fact finding.

429 (3)(a) Within three days of receiving the petition described in Subsection (2), the board
430 shall submit to the parties a list of five qualified, disinterested individuals from which
431 the parties shall alternate in striking two names.

432 (b) The remaining individual, after the process described in Subsection (3)(a), is the
433 designated fact finder.

434 (4) The parties shall, within five days of receiving the list described in Subsection (3)(a):

435 (a) complete the process described in Subsection (2); and

436 (b) notify the board of the designated fact finder.

437 (5) If neither party makes a request for fact finding, before the expiration of the agreement
438 or 30 days following certification or recognition of an exclusive representative, the

439 board may initiate fact finding as provided in Subsection (2).

440 Section 19. Section **34-20b-117** is enacted to read:

441 **34-20b-117 . Fact finding proceedings.**

442 (1) As used in this section, "fact finder" means the individual designated to conduct fact
443 finding under Section 34-20b-116.

444 (2) The fact finder shall, immediately after the parties designate the individual as a fact
445 finder, establish the dates and places of hearings.

446 (3) For the hearings described in Subsection (2):

447 (a) the public employer and exclusive representative are the only proper parties to a
448 hearing;

449 (b) upon request of either the public employer or the exclusive representative, the board
450 shall issue a subpoena for a hearing conducted by the fact finder; and

451 (c) the fact finder may administer oaths.

452 (4) Upon completion of the hearings described in Subsection (2), but no later than 20 days
453 from the day on which the fact finder is designated as a fact finder, the fact finder shall:

454 (a) make written findings of facts and recommendations for resolution of the dispute; and

455 (b) serve the findings on the public employer and exclusive representative.

456 (5) The fact finder may make the written findings described in Subsection (4)(a) public five
457 days after the day on which the fact finder submits the findings to the public employer
458 and exclusive representative.

459 (6) If the public employer and exclusive representative do not resolve the dispute within 15
460 days after the day on which the fact finder submits the report to the parties, the fact
461 finder shall make the report public.

462 (7)(a) When a party to a dispute initiates fact finding proceedings, all parties to a fact
463 finding dispute shall equally bear the cost of the fact finding proceedings.

464 (b) When the board initiates fact finding proceedings, the board and the parties shall
465 equally bear the cost of the fact finding proceedings.

466 (8) Nothing in this chapter prohibits a fact finder from mediating a dispute in which the fact
467 finder is appointed.

468 Section 20. Section **34-20b-118** is enacted to read:

469 **34-20b-118 . Arbitration not prohibited.**

470 (1) Nothing in this chapter prohibits a public employer and exclusive representative from
471 agreeing to submit a dispute to a final and binding arbitration.

472 (2) If a public employer and exclusive representative agree to submit a dispute to

473 arbitration, the arbitration agreement supersedes the fact finding provisions described in
474 Sections 34-20b-116 and 34-20b-117.

475 (3) An agreement to arbitrate and any award resulting from arbitration is enforceable in the
476 same manner in which a collective bargaining agreement is enforceable under this
477 chapter.

478 Section 21. Section **34-20b-119** is enacted to read:

479 **34-20b-119 . Training of fact finders and arbitrators.**

480 (1) The board shall establish an education course to train fact finders and arbitrators.

481 (2) An individual shall, prior to serving as a fact finder or an arbitrator under this chapter,
482 successfully complete the education course described in Subsection (1).

483 Section 22. Section **34-20b-120** is enacted to read:

484 **34-20b-120 . Unfair labor practices of public employer.**

485 (1) It is an unfair labor practice for a public employer to:

486 (a) interfere with, restrain, or coerce employees that are exercising the rights guaranteed
487 in Section 34-20-106;

488 (b) dominate, interfere, or assist in the formation or administration of a labor
489 organization;

490 (c) discriminate in regard to hiring or offering tenure of employment, or any term of
491 condition of employment, with the intent to encourage or discourage membership in a
492 labor organization;

493 (d) discharge or otherwise discriminate against an employee because the employee has:

494 (i) signed or filed an affidavit, petition, or complaint; or

495 (ii) given any information or testimony under this chapter; or

496 (e) refuse to bargain collectively in good faith with an exclusive representative.

497 (2) Nothing in this section prohibits an employer from permitting employees to confer with
498 the employer during working hours without loss of time or pay.

499 (3) The board has authority to remedy a violation of this section.

500 Section 23. Section **34-20b-121** is enacted to read:

501 **34-20b-121 . Unfair labor practice complaint -- Investigation -- Notice of hearing**
502 **-- Service -- Answer.**

503 (1) When the board receives a complaint alleging that a person has engaged in or is
504 engaging in an unfair labor practice, the board shall:

505 (a) issue and serve a copy of the complaint on the party alleged to have engaged in an
506 unfair labor practice; and

- 507 (b) provide the party an opportunity to respond to the allegations.
- 508 (2) After receiving the party's response to the allegations described in Subsection (1)(b), an
509 agent designated by the board shall investigate the alleged unfair labor practice.
- 510 (3)(a) If, after the investigation described in Subsection (2), the agent designated by the
511 board determines that the allegation has no probable merit, the board shall issue and
512 cause to be served on the complaining party and the opposing party indicated in the
513 allegation notice of the board's intention to dismiss the complaint.
- 514 (b) A dismissal by the board becomes a final order of the board unless either party
515 requests a review of the decision to dismiss the complaint.
- 516 (c) A party making a request for review described in Subsection (3)(b) shall make the
517 request within 10 days of receipt of the notice of intention to dismiss described in
518 Subsection (1)(a).
- 519 (d) If a party requests a review, the board may uphold the board's decision to dismiss the
520 complaint, or pursuant to Subsection (4), schedule a meeting on the merits of the
521 complaint.
- 522 (e) If the board upholds the board's decision to dismiss the complaint, the dismissal
523 becomes the final order of the board.
- 524 (4) If, after investigation or after the review described in Subsection (3), the board
525 determines probable merit exists for the allegation, the board shall issue and serve upon
526 the complaining party and the opposing party indicated in the allegation a notice of
527 hearing:
- 528 (a) that states:
- 529 (i) whether the hearing is before the board, a member of the board, or before a
530 designated agent of the board; and
- 531 (ii) the time and place the hearing will occur; and
- 532 (b) at least five business days before the day on which the hearing will occur.
- 533 (5) If a hearing is to be held, the opposing party indicated in the allegation shall file an
534 answer to the complaint.
- 535 (6)(a) Each party to an unfair labor practice proceeding has the right to disqualify,
536 without cause, the hearing examiner designated by the board to hear the complaint.
- 537 (b) A party exercising the right under Subsection (6)(a):
- 538 (i) may exercise the right only once; and
- 539 (ii) shall exercise the right within five days from the day on which the board notifies
540 the party of the hearing examiner the board designates to hear the matter.

541 (7) The complaining party may amend the complaining party's complaint at any time,
542 provided that the opposing party indicated in the complaint is not unfairly prejudiced by
543 the amendment.

544 Section 24. Section **34-20b-122** is enacted to read:

545 **34-20b-122 . Hearing on unfair labor practice complaint -- Findings -- Order.**

546 (1) As used in this section, "hearing" means a hearing initiated by a complaint in Section
547 34-20b-121.

548 (2) In a hearing, both the complaining party and the opposing party indicated in the
549 allegation shall:

550 (a) be parties to the hearing; and

551 (b) appear in person at the time and place described in the notice of hearing.

552 (3) In a hearing, the board is not bound by the Utah Rules of Evidence nor the Federal
553 Rules of Evidence.

554 (4) The board or the board's agent shall reduce testimony taken by the board or the board's
555 agent to writing and the board shall file and maintain that testimony.

556 (5) If, upon preponderance of the testimony taken, the board determines that a person
557 named in the complaint has engaged in or is engaging in an unfair labor practice, the
558 board shall:

559 (a) state the board's findings of fact; and

560 (b) issue and cause to be served on the person an order that the person:

561 (i) cease and desist from the unfair labor practice; and

562 (ii) take action, including reinstatement of employees with or without backpay, that
563 will effectuate the policies of this chapter.

564 (6) The order described in Subsection (5):

565 (a) may further require the person that has engaged in or is engaging in an unfair labor
566 practice to make reports showing the extent to which the person has complied with
567 the chapter; and

568 (b) may not require the reinstatement of an individual as an employee if the individual
569 has engaged in or is engaging in an unfair labor practice or was suspended or
570 discharged for cause.

571 (7) If, upon preponderance of the testimony taken, the board determines that a person
572 named in the complaint has not engaged in or is not engaging in an unfair labor practice,
573 the board shall:

574 (a) state the board's findings of fact; and

- 575 (b) issue an order dismissing the complaint.
- 576 (8) If the evidence is presented before a member of the board or before an examiner
577 designated by the board to hear a complaint, the member of the board or the examiner
578 shall:
- 579 (a) issue and cause to be served on the parties to the proceeding a proposed decision and
580 a recommended order; and
- 581 (b) file the proposed decision and recommended order with the board within 20 days
582 after the day on which the member of the board or examiner serves the proposed
583 decision and recommended order on the parties.
- 584 (9) If no party objects to the proposed decision and recommended order described in
585 Subsection (8), the recommended order becomes the final decision of the board.
- 586 (10)(a) The board or the complaining party shall file a record of the hearing and the
587 board's order in a court with jurisdiction.
- 588 (b) Until the board or the complaining party files a record of a proceeding in a court with
589 jurisdiction, the board may, at any time, upon reasonable notice and in a manner the
590 court determines proper, modify or set aside, in whole or in part, any finding or order
591 made or issued by the board.
- 592 Section 25. Section **34-20b-123** is enacted to read:
- 593 **34-20b-123 . Court enforcement and review of board order.**
- 594 (1) As used in this section, "board order" means an order issued in accordance with Section
595 34-20b-122.
- 596 (2) The board or a complaining party may petition for the enforcement a board order and
597 for appropriate injunctive relief.
- 598 (3) The court shall, within 20 days from the day on which the board or complaining party
599 files a petition in accordance with Subsection (2), serve the opposing party named in the
600 complaint a notice of hearing at least 20 days before the day on which the hearing will
601 occur.
- 602 (4) The court may not consider an objection that has not been previously raised or
603 considered before the board unless the failure to consider the objection resulted from
604 extraordinary circumstances.
- 605 (5) The court shall consider the findings of the board, if the findings are supported by
606 substantial evidence, as conclusive.
- 607 (6)(a) If either party petitions the court to present additional evidence and the court
608 determines the additional evidence is material to the dispute and reasonable grounds

609 existed for the failure to present the evidence at the hearing before the board, the
610 court may order the additional evidence to be presented before the board and be made
611 part of the board's record.

612 (b) The board may modify the board's findings as a result of the additional evidence
613 filed as described in Subsection (6)(a) and, if the board modifies the board's findings,
614 the board shall file the modified findings with a court with jurisdiction.

615 (7) After a hearing, the court shall issue the court's order granting relief the court
616 determines proper, including modifying or setting aside, in whole or in part, the board
617 order.

618 (8) The commencement of a proceeding under this section does not, unless ordered by the
619 court, operate as a stay of the board order.

620 Section 26. Section **34-20b-124** is enacted to read:

621 **34-20b-124 . Strikes by police officers prohibited.**

622 (1) As used in this section:

623 (a) "Police officer" means a full-time, salaried member of any regularly constituted
624 police department in any city, town, or county.

625 (b) "Strike" means a police officer taking an action listed in Subsection (1)(c), in
626 concerted action with others, for the purpose of inducing, influencing, or coercing a
627 change in the conditions of employment, compensation, rights, privileges, or
628 obligations of employment.

629 (c) "Strike" includes:

630 (i) refusal to report for duty;

631 (ii) willful absence from the police officer's position;

632 (iii) stoppage of work; or

633 (iv) departure from the full, faithful, or proper performance of duties of employment.

634 (2) For bargaining units that contain a police officer, each collective bargaining agreement
635 shall contain a clause that prohibits police officers from engaging in a strike.

636 Section 27. Section **34-20b-125** is enacted to read:

637 **34-20b-125 . Mediation of disputes -- Appointment of fact finder.**

638 (1)(a) If, after 150 days of good faith negotiation over the terms of a collective
639 bargaining agreement or 150 days after the day of certification or recognition of an
640 exclusive representative, the parties to a dispute have not signed an agreement, either
641 or both of the parties may notify the board of the status of the negotiations and the
642 need for a mediator.

- 643 (b) Notwithstanding Subsection (1)(a), the parties may request a mediator before the end
644 of the 150-day period.
- 645 (c) The 150-day period described in Subsection (1)(a) begins when the parties meet for
646 the first bargaining session and each party has received the other party's initial
647 proposal.
- 648 (d) Upon notice for either or both of the parties, the board shall appoint a mediator and
649 notify the parties of the appointment.
- 650 (2)(a) After 15 days of mediation, either party may declare an impasse.
- 651 (b) A mediator may declare an impasse at any time during the mediation process.
- 652 (c) The party or mediator declaring an impasse shall file a notification of impasse with
653 the board.
- 654 (3)(a) Within seven days after the day on which a party or the mediator declares an
655 impasse, each party shall submit to the mediator a final written offer of the party,
656 including a cost summary of the offer.
- 657 (b) Within seven days after the day on which the mediator receives each final written
658 offer, the mediator shall make public the final written offers, including any proposed
659 contract language and each party's cost summary addressing the issues on which the
660 parties failed to reach an agreement.
- 661 (c) The mediator, in making the final written offers public, shall title each proposed
662 language "Final Offer".
- 663 (4) Within 30 days after the day on which the mediator makes the final written offers
664 public, the parties may agree to and jointly petition the board to appoint a fact finder in
665 accordance with Section 34-20b-116.
- 666 (5) If the parties do not reach an agreement within 30 days after the day on which the
667 mediator makes the final written offers public, or if the parties participated in fact
668 finding, within 30 days after the receipt of the fact finder's report, either party may
669 petition the board for binding arbitration.
- 670 (6) The petition described in Subsection (5) shall include a copy of each party's final written
671 offer.

672 Section 28. Section **34-20b-126** is enacted to read:

673 **34-20b-126 . Arbitration.**

- 674 (1) After either party submits a petition for arbitration under Section 34-20b-125, the
675 parties must schedule arbitration no earlier than 30 days after the day on which either
676 party submits the petition for arbitration.

- 677 (2)(a) After receipt of the petition for arbitration, the board shall submit a list of five
678 qualified, disinterested, and unbiased individuals to the parties.
- 679 (b) Upon receipt of the board's list, the parties shall alternate in striking a name from the
680 list, with each party striking two names.
- 681 (c) The parties shall determine the order of striking names by a coin toss.
- 682 (d) The remaining name, after both parties strike two names, is the arbitrator.
- 683 (e) If the parties have not designated the arbitrator and notified the board of the parties'
684 choice within five days after the day on which the parties receive the list, the board
685 shall appoint an arbitrator from the list.
- 686 (3)(a) Within 14 days before the day on which a hearing will occur, each party shall
687 submit to the other party a written last best offer on all unresolved subjects.
- 688 (b) A party, after submitting a last best offer to the other party, may not change the
689 contents of the last best offer.
- 690 (4) The arbitrator:
- 691 (a) shall:
- 692 (i) set the date, time, and place of a hearing conducted under this section;
- 693 (ii) decide the unresolved mandatory subjects contained in each party's last best offer;
- 694 (iii) base findings and opinions based on the following criteria:
- 695 (A) the interest and welfare of the public;
- 696 (B) the reasonable financial ability of the unit of government to meet the costs of
697 the proposed contract, giving consideration and weight to the other services
698 provided by the unit of government, as determined by the governing body of
699 the unit of government;
- 700 (C) the ability of the unit of government to attract and retain qualified personnel at
701 the wage and benefit levels provided;
- 702 (D) the overall compensation presently received by the public employee,
703 including direct wage compensation, holiday pay, other paid excused time,
704 insurance, and all other direct or indirect monetary benefits;
- 705 (E) comparison of the overall compensation of other public employees in
706 comparable communities with similar populations in this state;
- 707 (F) inflation;
- 708 (G) the stipulations of the parties; and
- 709 (H) other factors that are traditionally taken into consideration in the
710 determination of wages, hours, and other terms and conditions of employment;

- 711 and
- 712 (iv) afford each party the opportunity to examine and cross-examine all witnesses and
- 713 to present evidence relevant to the dispute; and
- 714 (b) may:
- 715 (i) issue a subpoena related to the arbitration under this section; and
- 716 (ii) administer oaths.
- 717 (5) Within 30 days after the day on which the hearings conclude, or an additional period
- 718 agreed upon by the parties, the arbitrator shall:
- 719 (a) select one of the last best offers submitted by the parties and make written findings
- 720 and an opinion and order;
- 721 (b) serve the opinion and order on the parties and board by personal delivery or by
- 722 certified mail; and
- 723 (c) base the opinion and order on the criteria described in Subsection (4)(a)(iii).
- 724 (6)(a) The opinion and order of the arbitrator are final and binding on the parties.
- 725 (b) The board shall issue an order containing the arbitrator's opinion and order.
- 726 (c) A party that fails to comply with the board's issue described in this Subsection (6)
- 727 commits an unfair labor practice.
- 728 (d) A party may enforce an order issued by the board under this Subsection (6) by
- 729 bringing an action in a court with jurisdiction.

730 Section 29. **Effective Date.**

731 This bill takes effect on May 7, 2025.