

**PUBLIC TRANSIT AUTHORITY COLLECTIVE**

**BARGAINING AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to collective bargaining by public transit district employees.

**Highlighted Provisions:**

This bill:

- defines terms;
  - excludes "professional employees" and "supervisors" from the definition of "employee";
  - provides a method for certification of a labor organization to bargain on behalf of a group of employees;
  - provides minimum intervals between votes for certification of a labor organization;
- and
- makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



28 **17B-2a-802**, as last amended by Laws of Utah 2016, Chapter 387

29 **17B-2a-813**, as last amended by Laws of Utah 2013, Chapter 448

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

31 Section 1. Section **17B-2a-802** is amended to read:

32 **17B-2a-802. Definitions.**

33 As used in this part:

34 (1) (a) "Affordable housing" means housing occupied or reserved for occupancy by  
35 households that meet certain gross household income requirements based on the area median  
36 income for households of the same size.

37 ~~[(a)]~~ (b) "Affordable housing" may include housing occupied or reserved for  
38 occupancy by households that meet specific area median income targets or ranges of area  
39 median income targets.

40 ~~[(b)]~~ (c) "Affordable housing" does not include housing occupied or reserved for  
41 occupancy by households with gross household incomes that are more than 60% of the area  
42 median income for households of the same size.

43 (2) "Appointing entity" means the person, county, unincorporated area of a county, or  
44 municipality appointing a member to a public transit district board of trustees.

45 (3) (a) "Chief executive officer" means ~~[a person]~~ an individual appointed by the board  
46 of trustees to serve as chief executive officer.

47 (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities  
48 defined in Sections **17B-2a-810** and **17B-2a-811** and includes all rights, duties, and  
49 responsibilities assigned to the general manager but prescribed by the board of trustees to be  
50 fulfilled by the chief executive officer.

51 (4) "Department" means the Department of Transportation created in Section **72-1-201**.

52 (5) (a) Except as provided in Subsection (5)(b), "employee" means an individual  
53 employed by a public transit district.

54 (b) "Employee" does not include an independent contractor, a professional employee,  
55 or a supervisor.

56 ~~[(5)]~~ (6) (a) "General manager" means ~~[a person]~~ an individual appointed by the board  
57 of trustees to serve as general manager.

(b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees.

~~[(6)]~~ (7) (a) "Locally elected public official" means ~~[a person]~~ an individual who holds an elected position with a county or municipality.

(b) "Locally elected public official" does not include ~~[a person]~~ an individual who holds an elected position if the elected position is not with a county or municipality.

~~[(7)]~~ (8) "Metropolitan planning organization" means the same as that term is defined in Section 72-1-208.5.

~~[(8)]~~ (9) "Multicounty district" means a public transit district located in more than one county.

~~[(9)]~~ (10) "Operator" means a public entity or other person engaged in the transportation of passengers for hire.

(11) "Professional employee" means the same as that term is defined in 29 U.S.C. Sec.152.

~~[(10)]~~ (12) "Public transit" means the transportation of passengers only and their incidental baggage by means other than:

(a) chartered bus;

(b) sightseeing bus; or

(c) taxi.

(13) "Supervisor" means the same as that term is defined in 29 U.S.C. Sec.152.

~~[(11)]~~ (14) "Transit facility" means a transit vehicle, transit station, depot, passenger loading or unloading zone, parking lot, or other facility:

(a) leased by or operated by or on behalf of a public transit district; and

(b) related to the public transit services provided by the district, including:

(i) railway or other right-of-way;

(ii) railway line; and

(iii) a reasonable area immediately adjacent to a designated stop on a route traveled by a transit vehicle.

~~[(12)]~~ (15) "Transit-oriented development" means a mixed use residential or commercial area that is designed to maximize access to public transit and includes the development of land owned by a public transit district that serves a county of the first class.

90           ~~[(13)]~~ (16) "Transit-supportive development" means a mixed use residential or  
91 commercial area that is designed to maximize access to public transit and does not include the  
92 development of land owned by a public transit district.

93           ~~[(14)]~~ (17) "Transit vehicle" means a passenger bus, coach, railcar, van, or other  
94 vehicle operated as public transportation by a public transit district.

95           Section 2. Section **17B-2a-813** is amended to read:

96           **17B-2a-813. Rights, benefits, and protective conditions for employees of a public**  
97 **transit district -- Strike prohibited -- Employees of an acquired transit system.**

98           (1) The rights, benefits, and other employee protective conditions and remedies of  
99 Section 13(c) of the Urban Mass Transportation Act of 1964, 49 U.S.C. Sec. 5333(b), as  
100 determined by the Secretary of Labor, apply to a public transit district's establishment and  
101 operation of a public transit service or system.

102           (2) (a) Employees of a public transit system established and operated by a public transit  
103 district have the right to:

104           (i) self-organization;

105           (ii) form, join, or assist labor organizations; ~~[and]~~

106           (iii) bargain collectively through representatives of their own choosing~~[-];~~ or

107           (iv) refrain from any or all of the above.

108           (b) Employees of a public transit district and labor organizations may not join in a  
109 strike against the public transit system operated by the public transit district.

110           (c) Each public transit district shall:

111           (i) recognize and bargain exclusively with any labor organization ~~[representing]~~  
112 authorized to represent a majority of the district's employees in an appropriate unit with respect  
113 to wages, salaries, hours, working conditions, and welfare, pension, and retirement provisions;  
114 and

115           (ii) upon reaching agreement with the labor organization as described in Subsection  
116 (2)(c)(i), enter into and execute a written contract incorporating the agreement.

117           (3) For recognition and bargaining authority as described in Subsection (2)(c), a public  
118 transit district shall recognize a labor organization acting on behalf of a bargaining unit if the  
119 labor organization:

120           (a) presents a petition to the public transit district in which 30% of employees in the

121 bargaining unit allege their desire to be represented by a labor organization; and

122 (b) obtains a majority vote in favor of having the labor organization act as the  
123 bargaining unit representative in a secret ballot election among the employees in the bargaining  
124 unit.

125 (4) Subsection (3) shall not apply to labor organizations with collective bargaining  
126 agreements in effect before January 1, 2017.

127 (5) (a) The election described in Subsection (3)(b) shall be overseen by:

128 (i) a third party selected by agreement between the labor organization and the public  
129 transit district; or

130 (ii) in the absence of an agreement, by the Utah Labor Commission.

131 (b) Elections held pursuant to Subsection (3)(b) may be conducted at the intervals  
132 prescribed in 29 U.S.C. Sec. 159(c)(3).

133 ~~[(3)]~~ (6) If a public transit district acquires an existing public transit system:

134 (a) all employees of the acquired system who are necessary for the operation of the  
135 acquired system, except executive and administrative officers and employees, shall be:

136 (i) transferred to and appointed employees of the acquiring public transit district; and

137 (ii) given sick leave, seniority, vacation, and pension or retirement credits in  
138 accordance with the acquired system's records;

139 (b) members and beneficiaries of a pension or retirement plan or other program of  
140 benefits that the acquired system has established shall continue to have rights, privileges,  
141 benefits, obligations, and status with respect to that established plan or program; and

142 (c) the public transit district may establish, amend, or modify, by agreement with  
143 employees or their authorized representatives, the terms, conditions, and provisions of a  
144 pension or retirement plan or of an amendment or modification of a pension or retirement plan.

145 ~~[(4)]~~ (7) A pension administrator for a retirement plan sponsored by a public transit  
146 district or a person designated by the administrator shall maintain retirement records in  
147 accordance with Subsection ~~49-11-618~~(2).

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**