

Collective Bargaining in Utah

- In Utah, governmental entities are not required by state law to engage in collective bargaining. Likewise, the federal National Labor Relations Act (which governs collective bargaining in the private sector) does not apply to government employers.
- Nevertheless, Salt Lake City has chosen to engage in collective bargaining and is the only government entity in Utah that does so.
- However, because Utah state law (i.e. statutes and case law) provides little to no direction with respect to public sector collective bargaining, the City has had to create and develop its collective bargaining framework from scratch. There are three relevant documents that pertain to collective bargaining between the City and its bargaining units:
 - The Collective Bargaining and Employee Representation Joint Resolution
 - Ground Rules
 - Memorandum of Understanding

Collective Bargaining and Employee Representation Joint Resolution

- The Resolution is the formal document by which the City – through its executive and legislative branch – voluntarily elects to engage in collective bargaining with the exclusive representative(s) of certain groups of City employees (i.e. bargaining units).
- The Resolution is the overarching document that creates the framework and structure for collective bargaining in general. As such, it addresses topics such as how exclusive representatives are recognized, how an MOU is approved, what happens if the City and an exclusive representative are unable to arrive at an agreement (i.e. impasse), etc.
- The Resolution draws inspiration from the collective bargaining statutes of other states (where collective bargaining laws establish the framework of collective bargaining in the public sector).
- The Resolution does not address issues that may be the subject of collective bargaining between the City and an exclusive representative, such as discipline, time spent on union activities, etc.

Ground Rules

- At the beginning of negotiations for a new MOU, the City and the exclusive representative will agree on written Ground Rules.
- Ground Rules address how each party will conduct itself during negotiations and include topics like the degree to which negotiations will be kept confidential, the timing and format for presenting proposals, what occurs when the parties reach mutual agreement regarding one aspect of the MOU, etc.
- Ground Rules apply only to the negotiations for the specific MOU that is being negotiated.

Memorandum of Understanding

- A Memorandum of Understanding (“MOU”) is a labor agreement negotiated by the City and the exclusive representative of a bargaining unit that addresses the terms and conditions of eligible employees’ employment for a specific time period (typically three years).
- MOUs typically address issues specific to each bargaining unit, such as wages, other types of compensation, shift bids, corrective action and discipline, time spent on union activities, etc. However, MOUs do not address any issues required or prohibited by applicable law.
- Given the scope and number of topics addressed in MOUs, MOU negotiations between the City and the exclusive representative of a bargaining unit typically take several months (i.e. from January to late April).
- MOUs are not effective until after they have been approved by the City Council and ratified by a majority of the pertinent bargaining unit.



QUESTIONS?