



NEWS Utah Labor Commission

April 15, 2015

2015 LEGISLATIVE SESSION UPDATE

The Utah Legislature enacted a number of bills during the 2015 Session that impact the Labor Commission to one degree or another. These bills enact changes to the workers' compensation system, workplace safety, discrimination in housing and employment, and the payment of wages after a separation of employment.

The effective date for these bills is May 12, 2015.

Workers' Compensation

SB135: Workers' Compensation Coverage for Firefighters. Under this bill, if a firefighter contracts cancer of the pharynx, esophagus, lung, or mesothelioma cancer, there is a rebuttable presumption that the cancer was contracted in the course of employment and was not contracted by a willful act of the firefighter. To be entitled to this presumption, the firefighter must have undergone annual physical examinations while employed as a firefighter, been employed as a firefighter for eight years and regularly responded to firefighting or emergency calls during that time period, and, if the firefighter used tobacco, the firefighter must provide documentation from a physician that indicates the firefighter has not used tobacco for the eight years prior to reporting the presumptive cancer to the employer or the Division of Industrial Accidents. This presumption may be rebutted under a preponderance of the evidence standard.

Occupational Safety and Health

SB111: Occupational Safety and Health Regulation. In 2013, the Utah Supreme Court invalidated Utah OSHA's ability to enforce the multi-employer worksite doctrine in *Hughes General Contractors, Inc. v. Utah Labor Commission, Occupational Safety and Health Division*. The Supreme Court found Utah's law did not sufficiently mirror the federal law and that Utah had never adopted the federal regulations necessary to enforce the multi-employer worksite doctrine. The Court also stated that the federal law allowed for enforcement of the doctrine.

The Commission worked closely with Utah industry to remedy this situation. SB111 adopts the specific language contained in the federal regulation and also includes rulemaking authority for the Commission to enact rules for multi-employer worksites. Utah industry also participated in drafting an administrative rule that describes the implementation and enforcement of the multi-

employer worksite doctrine in Utah. This rule will be adopted as soon as the bill becomes effective.

Employment and Housing Discrimination

HB105S01: Antidiscrimination Modifications. This bill modifies the Utah Antidiscrimination Act by clarifying that “pregnancy, childbirth, or pregnancy-related conditions,” conditions currently protected by the Act, includes breastfeeding or medical conditions related to breastfeeding.

SB296: Antidiscrimination and Religious Freedom Amendments. This bill modifies the Utah Antidiscrimination and Fair Housing Acts to prohibit discrimination in employment and housing related to gender identity and sexual orientation. It also modifies the exemptions to the Acts. The bill also provides that employers can adopt reasonable dress and grooming standards so long as those standards are not prohibited by state or federal law and the standards afford reasonable accommodations based on gender identity to all employees. The bill also provides that employers may adopt reasonable rules and policies designating sex-specific facilities (restrooms, shower facilities, and dressing facilities) so long as the rules and policies afford reasonable accommodations based on gender identity to all employees.

SB296 also provides that employees may express religious and moral beliefs in the workplace in a reasonable manner on equal terms with similar expressions allowed by the employer and that employers may not discharge, demote, refuse to hire, retaliate, or discriminate against an individual based on expressions of religious, political, or personal belief outside of the workplace.

Payment of Wages

SB272: Payment of Wages Amendments. This bill clarifies that an employer satisfies the statutory requirement to pay a separated employee’s wages within 24 hours, by mailing the wages one day after the final day of employment, initiating direct deposit, or hand delivering the wages to the employee within 24 hours of the separation of employment.