Utah Public Employees Association

Understand the issues

Protecting employees' health and retirement benefits

The Issue

Protecting public employees' health and retirement benefits from legislators' attempts to erode them over time is a primary objective for UPEA. The Utah Constitution does not guarantee public employee benefits, according to a key 2006 ruling by the Utah Supreme Court. Benefits are subject to change by legislative policy and statute, "as thought best by the people, acting through their legislative representatives," Justice Michael Wilkins wrote. That same ruling, however, cautions lawmakers against overstepping constitutional separation of powers in legislating benefits-related policy, calling them out in the case for appearing to have used threats as a legal strategy.

What Happened

In 2005, the Legislature passed House Bill 213, which phased out a 20-year-old state policy that allowed retiring state workers to trade eight hours of unused sick leave for one month of health insurance benefits after they retired. Led by Rep. Dave Clark, R-Santa Clara, lawmakers argued the state could no longer sustain the practice due to ballooning premium costs for state retirees.

UPEA immediately sued the state in an effort to preempt the change, arguing it amounted to a breach in contract between the state and its employees and would create an undue hardship for many who had counted on the benefit to make ends meet in retirement.

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The Association took its legal challenge all the way to Utah Supreme Court after 3rd District Judge William Barrett in December 2005 ruled in the state's favor. The Supreme Court also eventually sided with the state, but included language that UPEA believes may help protect public employees in future legal disputes with the state.

Why It Matters

A key UPEA objective is to protect public employee health and retirement benefits. The Association is committed to challenge in court any policy changes that eliminate benefits if it believes such action is in the public employees' best interest.

UPEA in Action

Retaining public employee health and retirement benefits is a constant challenge for UPEA, which also advocates on behalf of employees to improve those benefits. UPEA actively lobbies lawmakers and educates them about public employees during the Legislature and year-round to ensure employee-benefit packages remain competitive.

Understand the issue, and help UPEA advocate for state employee rights. For more information or to join now, call (801) 264-8732

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