Utah Public Employees Association

Understand the issues

Protecting employees' right to political action

The Issue

As Utah public employees' staunchest advocate, the Utah Public Employees' Association (UPEA) identifies and endorses political candidates who demonstrate a commitment to competitive compensation and fair and equitable workplaces for public workers. Candidates whose actions prevent them from earning UPEA's endorsement sometimes retaliate with punitive laws such as the Voluntary Contributions Act, a law first enacted in 2001 that prohibits UPEA from collecting political contributions as part of automatic payroll dues deductions.

What Happened

In the mid-1980s, UPEA began committing a small percentage of its membership dues collected through payroll deduction to Citizen Action by Public Employees (CAPE), the Association's political action committee (PAC) created in 1983. The practice made it easy for members to help fund political action on their behalf. It also ensured stable funding for the PAC as it worked to ensure that policymakers know and address issues important to thousands of public workers in Utah. Unlike many PACs, CAPE received no national donations, and UPEA maintained that member contributions that funded the PAC through payroll deduction represented grass-roots funding from constituents using local money to elect employee-friendly leaders.

In 2001, lawmakers who failed to earn UPEA endorsements or were otherwise unhappy about employee associations' growing influence passed House Bill 179, the Voluntary Contributions Act, which ended associations' practice of committing a portion of dues collected through payroll deduction to political action.

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UPEA sued the state before the Voluntary Contributions Act took effect, questioning the law's constitutionality. It later joined the Utah Education Association (UEA) to fight the law until a 3rd District Court ruling in December 2002 found in favor of the state on key provisions.

Rather than continue to challenge 3rd District Judge Stephen Henriod's decision, UPEA in July 2003 settled with the state, which agreed to cover $160,000 in legal fees UPEA accrued during the legal battle and said it wouldn't prosecute the Association for any violations of the law that may have occurred after Henriod's ruling.

The UEA continued to challenge the law's constitutionality but ultimately was unsuccessful, validating UPEA's decision to settle with the state when it did.

Why It Matters
Political action on public employees' behalf is a key function of UPEA, and the Association works tirelessly to ensure employees' voice is heard in matters that affect them. If UPEA believes a court challenge to any effort to silence the Association is in public employees' best interest, it pursues it.

UPEA in Action
UPEA has not allowed the Voluntary Contributions Act to hinder its political action. CAPE continues to endorse candidates in each election.

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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