First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0323.01 Kristen Forrestal x4217

HOUSE BILL 13-1107

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A BILL FOR AN ACT

101 **CONCERNING THE PROHIBITION OF COLLECTIVE BARGAINING BY**
102 **PUBLIC EMPLOYEES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

Employee organizations are currently authorized, through a 2007 executive order, to become the exclusive representative of the state employees in any occupational group or other categorization of state employees (state employees). Employee organizations are also authorized to form partnership agreements with state employees to provide the

framework for discussing issues of mutual concern to state employees and the state as an employer.

The bill prohibits:

- The director of the division of labor from accepting a petition from an employee organization to become the exclusive employee representative of state employees, certifying any employee organization as the exclusive representative of state employees, or acting as the agent of any employee organization;
- Any representative of the executive branch of state government from negotiating with an employee organization to create an employee partnership agreement;
- A political subdivision from accepting a petition from an employee organization to become the exclusive employee representative of political subdivision employees, certifying any employee organization as the exclusive representative of political subdivision employees, or acting as the agent of any employee organization;
- A political subdivision from negotiating with an employee organization to create a labor agreement;
- Employee organizations, state employees, representatives of state government, political subdivision employees, and representatives of political subdivisions from collective bargaining.

The bill terminates any partnership agreement that is currently in effect and that was formed pursuant to executive order D 028 07. The bill also terminates any labor contract or labor agreement that is in effect between an employee organization and the state and between an employee organization and a political subdivision.

A political subdivision includes a county, city and county, city, town, service authority, school district, local improvement district, law enforcement authority, city or county housing authority, or water, sanitation, fire protection, metropolitan, irrigation, drainage, or other special district, or any other kind of municipal, quasi-municipal, or public corporation organized pursuant to law.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 24-50-146 as follows:

24-50-146. Employee organizations - partnership agreements - prohibition - definitions. (1) AS USED IN THIS SECTION, UNLESS THE

CONTEXT OTHERWISE REQUIRES:

(a) "COLLECTIVE BARGAINING" MEANS NEGOTIATION BY A REPRESENTATIVE OF STATE GOVERNMENT AND AN EMPLOYEE ORGANIZATION WITH RESPECT TO ANY FACTOR OR CONDITION OF EMPLOYMENT.

(b) "EMPLOYEE ORGANIZATION" MEANS AN ORGANIZATION IN WHICH STATE EMPLOYEES MAY PARTICIPATE AND THAT EXISTS FOR THE PURPOSE OF DEALING WITH THE STATE AS AN EMPLOYER CONCERNING ISSUES OF MUTUAL CONCERN BETWEEN EMPLOYEES AND THE STATE.

(c) "OCCUPATIONAL GROUP" MEANS STATE EMPLOYEES THAT HAVE THE SAME OR SIMILAR JOB RESPONSIBILITIES. OCCUPATIONAL GROUPS INCLUDE, BY WAY OF EXAMPLE, ADMINISTRATIVE SUPPORT AND RELATED SERVICES, ENFORCEMENT AND PROTECTIVE SERVICES, FINANCIAL SERVICES, HEALTH CARE AND MEDICAL SERVICES, LABOR, TRADES AND CRAFTS, PHYSICAL SCIENCES AND ENGINEERING, PROFESSIONAL SERVICES AND TEACHERS, AND STATE TROOPERS.

(d) "PARTNERSHIP AGREEMENT" MEANS AN AGREEMENT REACHED THROUGH DISCUSSIONS BETWEEN A REPRESENTATIVE OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT AS AN EMPLOYER AND AN EMPLOYEE ORGANIZATION ON BEHALF OF STATE EMPLOYEES REGARDING GOVERNMENT SERVICES OR EFFICIENCIES OR PROVIDING THE FRAMEWORK FOR DISCUSSING ISSUES OF MUTUAL CONCERN TO THE STATE AS AN EMPLOYER AND STATE EMPLOYEES.

(e) "STATE EMPLOYEE" MEANS A PERSON WHO IS EMPLOYED BY THE STATE GOVERNMENT, REGARDLESS OF WHETHER THE PERSON IS INCLUDED IN THE STATE PERSONNEL SYSTEM AND REGARDLESS OF THE NATURE OF THE PERSON'S EMPLOYMENT.

(2) THE DIRECTOR OF THE DIVISION OF LABOR IS PROHIBITED FROM ENGAGING IN THE FOLLOWING ACTIVITIES:

(a) ACCEPTING A PETITION FROM AN EMPLOYEE ORGANIZATION TO BECOME THE EXCLUSIVE EMPLOYEE REPRESENTATIVE OF EMPLOYEES IN ANY OCCUPATIONAL GROUP OR OTHER CATEGORIZATION OF STATE EMPLOYEES;

(b) CERTIFYING ANY EMPLOYEE ORGANIZATION AS THE EXCLUSIVE REPRESENTATIVE OF STATE EMPLOYEES IN A SINGLE OCCUPATIONAL GROUP OR OTHER CATEGORIZATION OF STATE EMPLOYEES; AND

(c) ACTING AS THE AGENT OF ANY EMPLOYEE ORGANIZATION.

(3) A REPRESENTATIVE OF THE STATE GOVERNMENT IS PROHIBITED FROM NEGOTIATING WITH AN EMPLOYEE ORGANIZATION TO CREATE A PARTNERSHIP AGREEMENT OR ANY OTHER TYPE OF AGREEMENT, INCLUDING:

(a) A PARTNERSHIP AGREEMENT THAT GOVERNS DISCUSSIONS OF MATTERS IMPACTING ALL STATE EMPLOYEES AS A WHOLE;

(b) A PARTNERSHIP AGREEMENT THAT GOVERNS MATTERS IMPACTING STATE EMPLOYEES IN A SINGLE OCCUPATIONAL GROUP; OR

(c) A PARTNERSHIP AGREEMENT THAT GOVERNS DISCUSSIONS OF MATTERS IMPACTING STATE EMPLOYEES IN A SINGLE DEPARTMENT OR AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(4) EMPLOYEE ORGANIZATIONS, STATE EMPLOYEES, AND REPRESENTATIVES OF STATE GOVERNMENT ARE PROHIBITED FROM COLLECTIVE BARGAINING.

(5) ANY PARTNERSHIP AGREEMENT THAT WAS FORMED PURSUANT TO EXECUTIVE ORDER D 028 07 AND THAT IS IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION IS TERMINATED AS OF THE EFFECTIVE DATE OF THIS

SECTION.

(6) ANY LABOR CONTRACT OR LABOR AGREEMENT THAT IS IN EFFECT BETWEEN AN EMPLOYEE ORGANIZATION AND THE STATE ON THE EFFECTIVE DATE OF THIS SECTION IS TERMINATED ON THE EFFECTIVE DATE OF THIS SECTION.

(7) NOTHING IN THIS SECTION PREVENTS ANY STATE EMPLOYEE FROM INDIVIDUALLY JOINING OR MAINTAINING A MEMBERSHIP IN AN EMPLOYEE ORGANIZATION IN THE STATE.

SECTION 2. In Colorado Revised Statutes, **add** article 11.9 to title 29 as follows:

ARTICLE 11.9

Prohibition Against Collective

Bargaining by Public Employees

29-11.9-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COLLECTIVE BARGAINING" MEANS A NEGOTIATION BY A REPRESENTATIVE OF A POLITICAL SUBDIVISION AND AN EMPLOYEE ORGANIZATION WITH RESPECT TO ANY FACTOR OR CONDITION OF EMPLOYMENT.

(2) "EMPLOYEE ORGANIZATION" MEANS AN ORGANIZATION IN WHICH POLITICAL SUBDIVISION EMPLOYEES MAY PARTICIPATE AND THAT EXISTS FOR THE PURPOSE OF DEALING WITH THE POLITICAL SUBDIVISION AS AN EMPLOYER CONCERNING ISSUES OF MUTUAL CONCERN BETWEEN EMPLOYEES AND THE POLITICAL SUBDIVISION.

(3) "LABOR AGREEMENT" MEANS AN AGREEMENT REACHED THROUGH DISCUSSIONS BETWEEN A REPRESENTATIVE OF A POLITICAL SUBDIVISION AS AN EMPLOYER AND AN EMPLOYEE ORGANIZATION ON

BEHALF OF POLITICAL SUBDIVISION EMPLOYEES REGARDING GOVERNMENT SERVICES OR EFFICIENCIES OR PROVIDING THE FRAMEWORK FOR DISCUSSING ISSUES OF MUTUAL CONCERN TO A POLITICAL SUBDIVISION AS AN EMPLOYER AND POLITICAL SUBDIVISION EMPLOYEES.

(4) "POLITICAL SUBDIVISION" MEANS A COUNTY, CITY AND COUNTY, CITY, TOWN, SERVICE AUTHORITY, SCHOOL DISTRICT, LOCAL IMPROVEMENT DISTRICT, LAW ENFORCEMENT AUTHORITY, CITY OR COUNTY HOUSING AUTHORITY, OR WATER, SANITATION, FIRE PROTECTION, METROPOLITAN, IRRIGATION, DRAINAGE, OR OTHER SPECIAL DISTRICT, OR ANY OTHER KIND OF MUNICIPAL, QUASI-MUNICIPAL, OR PUBLIC CORPORATION ORGANIZED PURSUANT TO LAW.

29-11.9-102. Labor agreements - collective bargaining - prohibited. (1) A POLITICAL SUBDIVISION IS PROHIBITED FROM ENGAGING IN THE FOLLOWING ACTIVITIES:

(a) ACCEPTING A PETITION FROM AN EMPLOYEE ORGANIZATION TO BECOME THE EXCLUSIVE EMPLOYEE REPRESENTATIVE OF EMPLOYEES IN ANY OCCUPATIONAL GROUP OR OTHER CATEGORIZATION OF POLITICAL SUBDIVISION EMPLOYEES;

(b) CERTIFYING ANY EMPLOYEE ORGANIZATION AS THE EXCLUSIVE REPRESENTATIVE OF POLITICAL SUBDIVISION EMPLOYEES IN A SINGLE OCCUPATIONAL GROUP OR OTHER CATEGORIZATION OF POLITICAL SUBDIVISION EMPLOYEES; AND

(c) ACTING AS THE AGENT OF ANY EMPLOYEE ORGANIZATION.

(2) A REPRESENTATIVE OF A POLITICAL SUBDIVISION IS PROHIBITED FROM NEGOTIATING WITH AN EMPLOYEE ORGANIZATION TO CREATE A LABOR AGREEMENT, INCLUDING:

(a) A LABOR AGREEMENT THAT GOVERNS DISCUSSIONS OF

MATTERS IMPACTING ALL POLITICAL SUBDIVISION EMPLOYEES AS A WHOLE;

(b) A LABOR AGREEMENT THAT GOVERNS MATTERS IMPACTING POLITICAL SUBDIVISION EMPLOYEES IN A SINGLE OCCUPATIONAL GROUP; OR

(c) A LABOR AGREEMENT THAT GOVERNS DISCUSSIONS OF MATTERS IMPACTING POLITICAL SUBDIVISION EMPLOYEES IN A SINGLE DEPARTMENT OR AGENCY WITHIN A POLITICAL SUBDIVISION.

(3) EMPLOYEE ORGANIZATIONS, POLITICAL SUBDIVISION EMPLOYEES, AND REPRESENTATIVES OF POLITICAL SUBDIVISIONS ARE PROHIBITED FROM COLLECTIVE BARGAINING.

(4) ANY LABOR CONTRACT OR LABOR AGREEMENT THAT IS IN EFFECT BETWEEN AN EMPLOYEE ORGANIZATION AND A POLITICAL SUBDIVISION ON THE EFFECTIVE DATE OF THIS SECTION IS TERMINATED AS OF THE EFFECTIVE DATE OF THIS SECTION.

(5) NOTHING IN THIS SECTION PREVENTS ANY POLITICAL SUBDIVISION EMPLOYEE FROM INDIVIDUALLY JOINING OR MAINTAINING A MEMBERSHIP IN AN EMPLOYEE ORGANIZATION IN THE STATE.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.