

**STATE and LOCAL  
FISCAL IMPACT**

**Drafting Number:** LLS 13-0194

**Date:** January 22, 2013

**Prime Sponsor(s):** Sen. Tochtrop

**Bill Status:** Senate Business, Labor, & Technology

**Fiscal Analyst:** Jonathan Senft (303-866-3523)

**TITLE:** CONCERNING COLLECTIVE BARGAINING BY FIREFIGHTERS.

<b>Fiscal Impact Summary</b>	<b>FY 2013-2014</b>	<b>FY 2014-2015</b>
<b>State Revenue</b>		
<b>State Expenditures</b>		
<b>FTE Position Change</b>		
<b>Effective Date:</b> August 7, 2013, if the General Assembly adjourns on May 8, 2013, as scheduled, and no referendum petition is filed.		
<b>Appropriation Summary for FY 2013-2014:</b> None required.		
<b>Local Government Impact:</b> See Local Government Impact section.		

**Summary of Legislation**

This bill gives professional firefighters the ability to form a union designated as the exclusive representative for purposes of collective bargaining. The bill applies to public employers, including municipalities, counties, and special districts, but not to volunteer firefighters.

If 30 percent of firefighters in a bargaining unit petition the American Arbitration Association (AAA), or another agreed-upon arbiter, the arbiter will conduct an election by secret ballot and certify an employee organization as the exclusive representative of the bargaining unit for collective bargaining. Firefighters may also request a vote to decertify an existing employee organization. A *bargaining unit* is comprised of firefighters employed by the same public employer, excluding management; an *employee organization* is a group that admits firefighters and represents firefighters in collective bargaining, usually a labor union.

If a public employer and its union are unable to reach an agreement concerning the terms of an employment contract, the parties must hire a fact finder and permit fact finder hearings. Any cost for fact finders must be shared between the parties. If either party rejects the fact finder's recommendations, unresolved issues will be decided by a special election. The cost of the special election must be borne by whichever party refused to accept the recommendation. If both parties refused, the costs must be shared between them.

Finally, the bill prohibits firefighters from striking, and sets out procedures and timing for negotiations and resolving conflicts.

**State Expenditures**

This bill authorizes an employee or employee organization to file suit in district court to enforce the provisions of the legislation, which creates a new avenue of civil action for the courts. It is assumed that cases arising from this bill will be rare and thus require no additional appropriation.

**Local Government Impact**

Public employers that engage in collective bargaining but reach an impasse in negotiations are required to use a fact finder identified by the arbiter. These costs will be paid by whichever entity refuses to accept a final offer made in negotiations. Since public employers may reject a final offer, they would be responsible for the cost of fact finders and hearings. If the parties are unable to reach a settlement with the assistance of the fact finder, the public employer may also be responsible for the costs of conducting a special election.

To the extent that collective bargaining agreements result in higher employee compensation, costs for public employers could increase. As it is unknown how many unions will be formed among firefighters, as well as the cost of negotiated contracts, this impact cannot be estimated.

**Departments Contacted**

Counties  
Law  
Natural Resources

Judicial  
Local Affairs  
Public Safety

Labor  
Municipalities