

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 20-0018.01 Nicole Myers x4326

HOUSE BILL 20-1153

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A BILL FOR AN ACT

101 **CONCERNING THE RELATIONSHIP BETWEEN STATE EMPLOYEES AND**
102 **THE STATE AS THEIR EMPLOYER, AND, IN CONNECTION**
103 **THEREWITH, CREATING THE "COLORADO PARTNERSHIP FOR**
104 **QUALITY JOBS AND SERVICES ACT", AND MAKING AN**
105 **APPROPRIATION.**

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://leg.colorado.gov>.)

The bill creates the "Colorado Partnership for Quality Jobs and Services Act" to facilitate the creation of formal labor-management

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
June 1, 2020

HOUSE
3rd Reading Unamended
February 18, 2020

HOUSE
Amended 2nd Reading
February 14, 2020

partnership agreements between state employees in the state personnel system and the executive branch of state government. The bill specifies that certain employees in the state personnel system, due to the nature and responsibilities of their jobs, are not able to participate in partnership agreements. State employees who are allowed to participate in partnership agreements are designated covered employees.

Partnership units: The bill specifies that there is one partnership unit in the state that consists of all covered employees. Any partnership units established pursuant to the existing Colorado executive order that authorizes partnership agreements (executive order) will be merged into the single partnership unit created in the bill. Covered employees in a partnership unit that was created by the executive order and that are represented by an employee organization that the partnership unit chose to exclusively represent it (certified employee organization), will continue to be represented by the existing certified employee organization.

Certified employee organizations: An employee organization that wants to represent an unrepresented partnership unit may file a petition with the division of labor standards and statistics (division) in the department of labor and employment requesting that it hold an election to determine whether covered employees want to be represented by an employee organization (representation election). An employee organization requesting a representation election is required to submit a petition to the division signed by at least 30% of the covered employees in the partnership unit. The division is required to certify as the certified employee organization, the employee organization that receives the majority of votes cast by the covered employees.

The bill specifies circumstances under which the division is not allowed to hold a representation election. The bill also specifies that a covered employee or an employee organization may initiate a process to decertify a certified employee organization for a partnership unit.

Rights of covered employees and certified employee organizations: A covered employee has the right to work with an employee organization and communicate with other covered employees to form a partnership agreement or to discuss other work-related issues. A covered employee has the right to refrain from any activities in connection with employee organizations and the partnership process. A covered employee may also opt not to have the state provide certain personal information to a certified employee organization.

Certified employee organizations have the right to reasonable access to covered employees at work, through e-mail, and through other forms of communication.

Duties of the certified employee organization: A certified employee organization is required to represent the interests of all covered employees, regardless of membership in the employee organization, in the negotiation of a partnership agreement. A certified employee organization

is not required to represent covered employees in certain personnel actions. In addition, a certified employee organization is prohibited from threatening, facilitating, supporting, or causing a strike, work stoppage, work slowdown, group sickout, or any other action that would disrupt the daily functioning of the state or any of its agencies or departments. An employee who engages in such activities may be subject to disciplinary action.

Executive and management rights: The bill specifies that nothing contained in the employee partnership process impairs the ability of the state to determine, carry out, and administer specified existing duties and rights of the state.

Duties of the state: The bill specifies that the state is required to:

- ! Make payroll deductions for membership dues and other payments that covered employees authorize to be made to the certified employee organization;
- ! Provide specified information about every covered employee to a certified employee organization on a monthly basis;
- ! Allow a certified employee organization to meet with a newly hired covered employee;
- ! Allow a certified employee organization to attend orientations for new covered employees;
- ! After the state and the certified employee organization reach a partnership agreement, submit a request to the general assembly for sufficient appropriations to implement terms of the partnership agreement requiring the expenditure of money; and
- ! Engage in good faith in all aspects of the partnership process.

The bill specifies that not engaging in such duties constitutes an unfair labor practice that can be subject to review by the division.

Partnership agreements: A certified employee organization and the state are required to discuss and cooperatively draft mutually agreed upon written partnership agreements, which are binding on the state, the certified employee organization, and covered employees. The parties are required to bargain over wages, hours, and terms and conditions of employment. All other subjects are permissive and may be addressed by mutual agreement.

A partnership agreement is required to provide a grievance procedure to resolve disputes over the interpretation, application, and enforcement of any provision of the partnership agreement. Meetings held to negotiate a partnership agreement and grievance and arbitration proceedings are not open meetings as defined in law. In addition, records prepared or exchanged prior to submission of a final partnership agreement are not subject to the "Colorado Open Records Act".

Dispute resolution: If disputes arise during the formation of a partnership agreement, the certified employee organization and the state are required to engage in the dispute resolution process established by the bill or in a mutually agreed upon alternate procedure. The bill specifies how mediators will be selected. If the parties do not reach an agreement on outstanding issues within 30 days of commencing mediation, the mediator is required to issue a recommendation on all of the outstanding issues. Either party may make the mediator's recommendation public.

Any controversy concerning unfair labor practices of the state or a certified employee organization may be submitted to the division for review.

Judicial review: The state or the certified employee organization may seek judicial review of decisions or orders on representation or decertification petitions, unfair labor practice charges, rules or regulations issued by the division, or an arbitrator's decision.

The bill makes the following changes to the state personnel system:

- ! Eliminates the account dedicated to each department in the state employee reserve fund and requires that the money in the fund be used to provide merit pay to employees in a manner consistent with current law;
- ! Repeals the limit on the number of senior executive service employees in the state; and
- ! When considering a disciplinary action against an employee in the state personnel system for engaging in or threatening violent behavior against another person while on duty, requires the appointing authority to give predominant weight to the safety of the other person over the interests of the employee. If the appointing authority finds that the employee has engaged in or threatened violent behavior, the appointing authority is authorized to take disciplinary action as deemed appropriate by the appointing authority.

In addition, the bill modifies the "Colorado Open Records Act" to specify that records created in compliance with the requirements of a partnership agreement and documents created in connection with the dispute resolution process for a partnership agreement are not public records.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that the "Colorado Partnership for Quality Jobs

1 and Services Act" is intended to create formal labor-management
2 partnerships between state employees and the executive branch of state
3 government.

4 (2) The general assembly further finds and declares that:

5 (a) It is crucial that state employees understand that they are
6 valued partners in the work of the state. To that end, state employees
7 should be able to enter into a dialogue, through a collective voice, about
8 wages, hours, and terms and conditions of employment.

9 (b) The state and its employees have a shared commitment to
10 delivering excellent services and customer satisfaction, and to serve all
11 Colorado residents with an exemplary degree of professionalism across
12 state government. This act is designed to ensure that state management
13 and state employees, through chosen representatives, jointly work to
14 promote cooperative relationships with the shared goal of providing the
15 best possible services to the taxpayers and residents of the state.

16 **SECTION 2.** In Colorado Revised Statutes, **add** part 11 to article
17 50 of title 24 as follows:

18 PART 11

19 COLORADO PARTNERSHIP FOR
20 QUALITY JOBS AND SERVICES ACT

21 **24-50-1101. Short title.** THE SHORT TITLE OF THIS PART 11 IS THE
22 "COLORADO PARTNERSHIP FOR QUALITY JOBS AND SERVICES ACT".

23 **24-50-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE
24 CONTEXT OTHERWISE REQUIRES:

25 (1) "CERTIFIED EMPLOYEE ORGANIZATION" MEANS AN EMPLOYEE
26 ORGANIZATION THAT HAS BEEN CERTIFIED AS THE REPRESENTATIVE OF
27 COVERED EMPLOYEES IN A PARTNERSHIP UNIT PURSUANT TO SECTION

1 24-50-1106.

2 (2) "CONFIDENTIAL EMPLOYEE" MEANS A PERSON WHO IS
3 REQUIRED TO DEVELOP OR PRESENT MANAGEMENT POSITIONS WITH
4 RESPECT TO EMPLOYER-EMPLOYEE RELATIONS, WHOSE DUTIES NORMALLY
5 REQUIRE ACCESS TO CONFIDENTIAL INFORMATION CONTRIBUTING
6 SIGNIFICANTLY TO THE DEVELOPMENT OF SUCH MANAGEMENT POSITIONS,
7 OR WHO IS EMPLOYED BY THE DEPARTMENT OF LAW AND WHOSE DUTIES
8 ARE TO PROVIDE DIRECT SUPPORT TO ASSISTANT ATTORNEYS GENERAL IN
9 THE APPLICATION, INTERPRETATION, OR ENFORCEMENT OF THIS PART 11.

10 (3) "COVERED EMPLOYEE" MEANS AN EMPLOYEE WHO IS
11 EMPLOYED IN THE PERSONNEL SYSTEM OF THE STATE ESTABLISHED IN
12 SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION, UNLESS THE
13 INDIVIDUAL FALLS INTO ANY OF THE FOLLOWING CATEGORIES:

14 (a) CONFIDENTIAL EMPLOYEES;

15 (b) MANAGERIAL EMPLOYEES;

16 (c) EXECUTIVE EMPLOYEES;

17 (d) THE DIRECTOR, THE DIRECTOR OF THE DIVISION OF LABOR
18 STANDARDS AND STATISTICS, THE GOVERNOR'S DESIGNEE, AND
19 EMPLOYEES WORKING WITH EITHER DIRECTOR TO IMPLEMENT THIS PART
20 11;

21 (e) ADMINISTRATIVE LAW JUDGES AND HEARING OFFICERS;

22 (f) STATE TROOPERS;

23 (g) EMPLOYEES OF THE LEGISLATIVE BRANCH; OR

24 (h) TEMPORARY APPOINTEES AS DESCRIBED IN SECTION 24-50-114.

25 (4) "DECERTIFICATION ELECTION" MEANS AN ELECTION
26 CONDUCTED BY THE DIVISION WHEN THE PARTNERSHIP UNIT IS ALREADY
27 REPRESENTED BY A CERTIFIED EMPLOYEE ORGANIZATION, TO DETERMINE

1 BY A MAJORITY OF THE VOTES CAST WHETHER THE COVERED EMPLOYEES
2 WANT TO BE REPRESENTED BY A DIFFERENT EMPLOYEE ORGANIZATION OR
3 BY NO EMPLOYEE ORGANIZATION AT ALL.

4 (5) "DIRECTOR" MEANS THE STATE PERSONNEL DIRECTOR
5 ESTABLISHED IN SECTION 14 OF ARTICLE XII OF THE STATE CONSTITUTION,
6 OR HIS OR HER DESIGNEE.

7 (6) "DIVISION" MEANS THE DIVISION OF LABOR STANDARDS AND
8 STATISTICS WITHIN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

9 (7) "EMPLOYEE ORGANIZATION" MEANS A NONPROFIT
10 ORGANIZATION THAT ENGAGES WITH THE STATE AS AN EMPLOYER
11 CONCERNING WAGES, HOURS, AND TERMS AND CONDITIONS OF
12 EMPLOYMENT AND THAT REPRESENTS OR SEEKS TO REPRESENT COVERED
13 EMPLOYEES IN A PARTNERSHIP UNIT AS DESCRIBED IN SECTION 24-50-1105.

14 (8) "EXECUTIVE EMPLOYEE" MEANS AN EMPLOYEE:

15 (a) WHOSE PRIMARY DUTY IS MANAGEMENT OF THE ENTITY IN
16 WHICH THE EMPLOYEE IS EMPLOYED OR OF A CUSTOMARILY RECOGNIZED
17 DEPARTMENT OR SUBDIVISION THEREOF;

18 (b) WHO CUSTOMARILY AND REGULARLY DIRECTS THE WORK OF
19 TWO OR MORE OTHER EMPLOYEES; AND

20 (c) WHO HAS THE AUTHORITY TO HIRE OR FIRE OTHER EMPLOYEES
21 OR WHOSE SUGGESTIONS AND RECOMMENDATIONS AS TO THE HIRING,
22 FIRING, ADVANCEMENT, PROMOTION, OR ANY OTHER CHANGE OF STATUS
23 OF OTHER EMPLOYEES ARE GIVEN PARTICULAR WEIGHT.

24 (9) "GOVERNOR'S DESIGNEE" MEANS THE PERSON OR PERSONS THE
25 GOVERNOR DESIGNATES, IN WRITING, AS THE INDIVIDUAL OR INDIVIDUALS
26 WHO WILL REPRESENT THE STATE IN THE EXERCISE OF THE STATE'S
27 RESPONSIBILITIES UNDER THIS PART 11.

1 (10) "MANAGERIAL EMPLOYEE" MEANS ANY EMPLOYEE HAVING
2 SIGNIFICANT RESPONSIBILITIES FOR FORMULATING AGENCY OR
3 DEPARTMENTAL POLICIES AND PROGRAMS OR ADMINISTERING AN AGENCY
4 OR DEPARTMENT.

5 (11) "NEW EMPLOYEE ORIENTATION" MEANS THE ONBOARDING
6 PROCESS OF A NEWLY HIRED COVERED EMPLOYEE, WHETHER IN PERSON,
7 ONLINE, OR THROUGH OTHER MEANS OR MEDIUMS, IN WHICH COVERED
8 EMPLOYEES ARE ADVISED OF THEIR EMPLOYMENT STATUS, RIGHTS,
9 BENEFITS, DUTIES AND RESPONSIBILITIES, OR ANY OTHER
10 EMPLOYMENT-RELATED MATTERS.

11 (12) "PARTNERSHIP AGREEMENT" MEANS AN AGREEMENT
12 ESTABLISHED PURSUANT TO SECTION 24-50-1112 BETWEEN THE STATE
13 AND A CERTIFIED EMPLOYEE ORGANIZATION.

14 (13) "PARTNERSHIP AGREEMENT GRIEVANCE" MEANS A DISPUTE
15 CONCERNING THE INTERPRETATION, APPLICATION, OR ENFORCEMENT OF
16 ANY PROVISION OF A PARTNERSHIP AGREEMENT.

17 (14) "PETITION" MEANS A DOCUMENT SIGNED BY A COVERED
18 EMPLOYEE IN WHICH THE COVERED EMPLOYEE EXPRESSES THE DESIRE TO
19 BE REPRESENTED BY AN EMPLOYEE ORGANIZATION. A "PETITION"
20 INCLUDES INDIVIDUAL PETITIONS OR PETITION CARDS WITH A SINGLE
21 COVERED EMPLOYEE'S SIGNATURE, OR MEMBERSHIP FORMS OR CARDS
22 SHOWING THAT A COVERED EMPLOYEE HAS JOINED AN EMPLOYEE
23 ORGANIZATION.

24 (15) "REPRESENTATION ELECTION" MEANS AN ELECTION
25 CONDUCTED BY THE DIVISION WHEN THE PARTNERSHIP UNIT IS NOT
26 REPRESENTED BY A CERTIFIED EMPLOYEE ORGANIZATION, TO DETERMINE
27 BY A MAJORITY OF THE VOTES CAST WHETHER THE COVERED EMPLOYEES

1 WISH TO BE REPRESENTED BY AN EMPLOYEE ORGANIZATION.

2 (16) "STATE" MEANS THE STATE OF COLORADO, INCLUDING ITS
3 AGENCIES, DIVISIONS, AND DEPARTMENTS.

4 **24-50-1103. Duties and responsibilities of the division - rules.**

5 (1) THE DIVISION SHALL ENFORCE THIS PART 11 AND SHALL PROMULGATE
6 RULES AND CONDUCT RULE-MAKING HEARINGS IN ACCORDANCE WITH
7 ARTICLE 4 OF THIS TITLE 24 AS MAY BE NECESSARY FOR THE
8 ENFORCEMENT OF THIS PART 11. THE DIVISION SHALL PROMULGATE SUCH
9 RULES WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF
10 THIS PART 11.

11 (2) THE DIVISION HAS THE AUTHORITY TO ADJUDICATE UNFAIR
12 LABOR PRACTICE CHARGES AND ISSUE DECISIONS PURSUANT TO ARTICLE
13 3 OF TITLE 8.

14 (3) THE DIVISION HAS THE AUTHORITY TO CONDUCT ELECTIONS
15 PURSUANT TO SECTION 24-50-1106.

16 **24-50-1104. Duties and responsibilities of the director - rules.**

17 THE DIRECTOR SHALL PROMULGATE RULES IN CONNECTION WITH ANY
18 RESPONSIBILITY DESIGNATED TO THE DIRECTOR UNDER THIS PART 11 AND
19 CONDUCT RULE-MAKING HEARINGS IN ACCORDANCE WITH ARTICLE 4 OF
20 THIS TITLE 24.

21 **24-50-1105. Partnership units.** (1) THERE IS A SINGLE
22 PARTNERSHIP UNIT COMPOSED OF ALL COVERED EMPLOYEES.

23 (2) COVERED EMPLOYEES WHO ARE REPRESENTED BY A CERTIFIED
24 EMPLOYEE ORGANIZATION PURSUANT TO EXECUTIVE ORDER D 028 07 ON
25 THE EFFECTIVE DATE OF THIS PART 11 SHALL CONTINUE TO BE
26 REPRESENTED BY THE EXISTING CERTIFIED EMPLOYEE ORGANIZATION. ALL
27 PARTNERSHIP UNITS OF COVERED EMPLOYEES ESTABLISHED PURSUANT TO

1 EXECUTIVE ORDER D 028 07 SHALL BE MERGED INTO THE STATEWIDE
2 PARTNERSHIP UNIT.

3 (3) ANY FUTURE REPRESENTATION OR DECERTIFICATION
4 ELECTIONS SHALL BE AT THE LEVEL OF THE SINGLE STATEWIDE UNIT.

5 (4) MATTERS SET FORTH IN SECTION 24-50-1112 (3)(a) SHALL BE
6 BARGAINED AT THE STATEWIDE LEVEL.

7 (5) MATTERS SET FORTH IN SECTION 24-50-1112 (3)(b) SHALL BE
8 BARGAINED AT THE AGENCY OR DEPARTMENT LEVEL BUT, UPON MUTUAL
9 AGREEMENT, MAY BE BARGAINED AT THE STATEWIDE LEVEL.

10 **24-50-1106. Covered employees' choice of certified employee**

11 **organization - rules.** (1) THE DIVISION SHALL RECOGNIZE AS VALID THE
12 CERTIFIED STATUS OF THE EMPLOYEE ORGANIZATION PREVIOUSLY
13 CERTIFIED PURSUANT TO EXECUTIVE ORDER D 028 07 AND SHALL
14 CONSIDER SUCH ORGANIZATION THE CERTIFIED EMPLOYEE ORGANIZATION
15 FOR ALL PURPOSES UNDER THIS PART 11 UNLESS DECERTIFIED.

16 (2) (a) IN THE EVENT THERE IS NO CERTIFIED EMPLOYEE
17 ORGANIZATION, ANY EMPLOYEE ORGANIZATION MAY FILE A PETITION WITH
18 THE DIVISION REQUESTING THAT IT HOLD A REPRESENTATION ELECTION TO
19 ALLOW COVERED EMPLOYEES IN AN UNREPRESENTED PARTNERSHIP UNIT
20 TO ELECT AN EMPLOYEE ORGANIZATION TO SERVE AS THE CERTIFIED
21 EMPLOYEE ORGANIZATION. AN EMPLOYEE ORGANIZATION REQUESTING
22 THAT THE DIVISION HOLD AN ELECTION SHALL SUBMIT A PETITION TO THE
23 DIVISION, SIGNED BY AT LEAST THIRTY PERCENT OF THE COVERED
24 EMPLOYEES IN A PARTNERSHIP UNIT.

25 (b) THE DIVISION SHALL CERTIFY AS THE CERTIFIED EMPLOYEE
26 ORGANIZATION THE EMPLOYEE ORGANIZATION THAT RECEIVES THE
27 MAJORITY OF VOTES CAST BY THE COVERED EMPLOYEES.

1 (c) THE DIVISION SHALL NOT HOLD A REPRESENTATION ELECTION:

2 (I) WITHIN THE TWENTY-FOUR-MONTH PERIOD IMMEDIATELY
3 FOLLOWING THE EFFECTIVE DATE OF THIS PART 11; OR

4 (II) IF AN ELECTION OR RUNOFF ELECTION HAS BEEN CONDUCTED
5 WITHIN THE TWELVE-MONTH PERIOD IMMEDIATELY PRECEDING THE
6 PROPOSED ELECTION.

7 (3) (a) A COVERED EMPLOYEE OR AN EMPLOYEE ORGANIZATION
8 MAY INITIATE A DECERTIFICATION ELECTION OF A CERTIFIED EMPLOYEE
9 ORGANIZATION BY SUBMITTING A PETITION SIGNED BY AT LEAST THIRTY
10 PERCENT OF THE COVERED EMPLOYEES REQUESTING A DECERTIFICATION
11 ELECTION.

12 (b) WHEN THERE IS A PARTNERSHIP AGREEMENT IN EFFECT, A
13 COVERED EMPLOYEE OR EMPLOYEE ORGANIZATION MUST SUBMIT A
14 REQUEST FOR A DECERTIFICATION ELECTION TO THE DIVISION NO EARLIER
15 THAN ONE HUNDRED TWENTY CALENDAR DAYS AND NO LATER THAN
16 NINETY CALENDAR DAYS BEFORE THE EXPIRATION OF THE PARTNERSHIP
17 AGREEMENT, OR AFTER THE EXPIRATION OF THE FOURTH YEAR OF A
18 PARTNERSHIP AGREEMENT WITH A TERM OF MORE THAN FOUR YEARS. IF
19 ONE YEAR AFTER EXPIRATION OF A PARTNERSHIP AGREEMENT, A NEW
20 PARTNERSHIP AGREEMENT IS NOT RATIFIED, THEN A NEW DECERTIFICATION
21 ELECTION WINDOW OPENS BUT THEN CLOSES AT RATIFICATION.

22 (c) WHEN AN EMPLOYEE ORGANIZATION HAS BEEN CERTIFIED BUT
23 NO PARTNERSHIP AGREEMENT IS IN EFFECT, THE DIVISION SHALL NOT
24 ACCEPT A REQUEST FOR A DECERTIFICATION ELECTION EARLIER THAN TWO
25 YEARS FROM THE DATE OF THE CERTIFICATION OR THE EFFECTIVE DATE OF
26 THIS PART 11, WHICHEVER IS LATER.

27 (4) A CERTIFIED EMPLOYEE ORGANIZATION OR THE STATE MAY

1 FILE A PETITION WITH THE DIRECTOR TO RESOLVE DISPUTES ABOUT
2 WHETHER CERTAIN EMPLOYEES ARE APPROPRIATELY CLASSIFIED AS
3 COVERED EMPLOYEES. APPEALS OF THE DIRECTOR'S DECISION SHALL BE
4 BROUGHT TO THE DIVISION FOR ADJUDICATION. ANY CHALLENGES TO THE
5 EXEMPTION OF AN EMPLOYEE FROM THE STATE PERSONNEL SYSTEM UNDER
6 ARTICLE XII, SECTION 13 OF THE STATE CONSTITUTION MAY BE FILED
7 ONLY WITH THE STATE PERSONNEL BOARD.

8 **24-50-1107. Rights of covered employees.** (1) COVERED
9 EMPLOYEES SHALL HAVE THE RIGHT TO SELF-ORGANIZATION; TO FORM,
10 JOIN, OR ASSIST AN EMPLOYEE ORGANIZATION; TO ENGAGE IN THE
11 PARTNERSHIP PROCESS AND THE FORMATION OF A PARTNERSHIP
12 AGREEMENT COLLECTIVELY THROUGH REPRESENTATIVES OF THEIR OWN
13 CHOOSING; TO ENGAGE IN OTHER CONCERTED ACTIVITIES FOR THE
14 PURPOSE OF THE PARTNERSHIP PROCESS OR OTHER MUTUAL AID OR
15 PROTECTION; AND SHALL ALSO HAVE THE RIGHT TO REFRAIN FROM ANY OR
16 ALL SUCH ACTIVITIES, WITHOUT INTERFERENCE, RESTRAINT, OR COERCION
17 BY THE STATE OR EMPLOYEE ORGANIZATION.

18 (2) COVERED EMPLOYEES HAVE THE RIGHT TO COMMUNICATE
19 WITH ONE ANOTHER AND WITH EMPLOYEE ORGANIZATION
20 REPRESENTATIVES CONCERNING ORGANIZATION, REPRESENTATION,
21 WORKPLACE ISSUES, THE PARTNERSHIP PROCESS, AND THE BUSINESS AND
22 PROGRAMS OF CERTIFIED EMPLOYEE ORGANIZATIONS BY MEANS OF E-MAIL
23 SYSTEMS, TEXTS, OTHER ELECTRONIC COMMUNICATIONS, TELEPHONE,
24 PAPER DOCUMENTS, AND OTHER MEANS OF COMMUNICATION SUBJECT TO
25 REASONABLE RESTRICTIONS.

26 (3) (a) WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS PART
27 11, THE STATE SHALL COMPLETE A ONE-TIME NOTIFICATION PROCESS TO

1 INFORM EACH COVERED EMPLOYEE OF THE OPTION TO DIRECT THE STATE
2 NOT TO PROVIDE A CERTIFIED EMPLOYEE ORGANIZATION THE COVERED
3 EMPLOYEE'S HOME ADDRESS, HOME AND PERSONAL CELLULAR PHONE
4 NUMBERS, AND PERSONAL E-MAIL ADDRESS.

5 (b) THE STATE SHALL INFORM NEW EMPLOYEES, WITHIN THIRTY
6 DAYS OF THEIR START DATE, OF THE OPTION TO OPT OUT PURSUANT TO
7 SUBSECTION (3)(a) OF THIS SECTION.

8 (c) AT ANY TIME, A COVERED EMPLOYEE MAY DIRECT THE STATE
9 TO NOT PROVIDE THE EMPLOYEE'S HOME ADDRESS, HOME AND PERSONAL
10 CELLULAR PHONE NUMBERS, AND PERSONAL E-MAIL ADDRESS. A COVERED
11 EMPLOYEE MAY RESCIND SUCH REQUEST AT ANY TIME.

12 (d) ANY COMMUNICATION BY THE STATE PURSUANT TO THIS
13 SUBSECTION (3) SHALL BE SUBJECT TO THE REQUIREMENTS OF SECTION
14 24-50-1111 (7)(a) AND SHALL BE NEUTRAL WITH RESPECT TO THE
15 EMPLOYEE'S EXERCISE OF THIS OPTION.

16 (4) THE INTERFERENCE WITH THE RIGHTS AS STATED IN THIS
17 SECTION BY THE STATE OR CERTIFIED EMPLOYEE ORGANIZATION
18 CONSTITUTES AN UNFAIR LABOR PRACTICE SUBJECT TO REVIEW PURSUANT
19 TO SECTION 24-50-1113 (3).

20 **24-50-1108. Rights of certified employee organizations.** THE
21 CERTIFIED EMPLOYEE ORGANIZATION SHALL HAVE REASONABLE ACCESS
22 TO COVERED EMPLOYEES AT WORK, THROUGH ELECTRONIC
23 COMMUNICATION AND OTHER MEANS. REASONABLE ACCESS SHALL BE
24 DETERMINED THROUGH THE PARTNERSHIP AGREEMENT PROCESS
25 PURSUANT TO SECTION 24-50-1112. THE CERTIFIED EMPLOYEE
26 ORGANIZATION IS THE ONLY EMPLOYEE ORGANIZATION THAT HAS THE
27 RIGHT TO SUCH ACCESS EXCEPT TO THE EXTENT ACCESS IS PROVIDED TO

1 THE GENERAL PUBLIC.

2 **24-50-1109. Duties of the certified employee organization.**

3 (1) IN PERFORMING ITS DUTIES UNDER THIS PART 11, THE CERTIFIED
4 EMPLOYEE ORGANIZATION SHALL REPRESENT THE INTERESTS OF ALL
5 COVERED EMPLOYEES WITHOUT DISCRIMINATION OR REGARD TO
6 MEMBERSHIP IN THE CERTIFIED EMPLOYEE ORGANIZATION, AND SHALL
7 NEGOTIATE PARTNERSHIP AGREEMENTS THAT APPLY EQUALLY TO ALL
8 COVERED EMPLOYEES REGARDLESS OF MEMBERSHIP STATUS IN THE
9 CERTIFIED EMPLOYEE ORGANIZATION. THIS DOES NOT LIMIT THE STATE
10 AND THE CERTIFIED EMPLOYEE ORGANIZATION FROM HAVING A
11 PARTNERSHIP AGREEMENT THAT ALSO COVERS DEPARTMENT OR AGENCY
12 SPECIFIC ISSUES.

13 (2) THE CERTIFIED EMPLOYEE ORGANIZATION IS NOT REQUIRED TO
14 REPRESENT COVERED EMPLOYEES IN PERSONNEL ACTIONS PURSUANT TO
15 SECTION 13 (8) OF ARTICLE XII OF THE STATE CONSTITUTION AND
16 SECTIONS 24-50-123, 24-50-124, 24-50-125, AND 24-50-125.3 BEFORE THE
17 STATE PERSONNEL BOARD OR IN ANY OTHER PROCEEDING NOT CREATED BY
18 A PARTNERSHIP AGREEMENT NEGOTIATED PURSUANT TO THIS PART 11.

19 (3) (a) A CERTIFIED EMPLOYEE ORGANIZATION SHALL NOT
20 THREATEN, FACILITATE, SUPPORT, OR CAUSE A STATE EMPLOYEE:

21 (I) STRIKE;

22 (II) WORK STOPPAGE;

23 (III) WORK SLOWDOWN;

24 (IV) GROUP SICK OUT; OR

25 (V) ACTION THAT DISRUPTS, ON A WIDESPREAD BASIS, THE
26 DAY-TO-DAY FUNCTIONING OF THE STATE OR ANY OF ITS AGENCIES OR
27 DEPARTMENTS.

1 (b) ANY CONTROVERSY CONCERNING AN ACTIVITY PROHIBITED BY
2 SUBSECTION (3)(a) OF THIS SECTION MAY BE SUBMITTED TO THE DIVISION
3 PURSUANT TO SECTION 24-50-1113. UPON FINDING THAT THE CERTIFIED
4 EMPLOYEE ORGANIZATION HAS VIOLATED SUBSECTION (3)(a) OF THIS
5 SECTION, THE DIVISION SHALL AWARD ANY APPROPRIATE RELIEF,
6 INCLUDING BUT NOT LIMITED TO SANCTIONS, FINES, OR DECERTIFICATION.
7 IF DECERTIFIED BY THE DIVISION, AN EMPLOYEE ORGANIZATION MAY
8 INCLUDING BUT NOT LIMITED TO SANCTIONS, FINES, OR DECERTIFICATION.
9 IF DECERTIFIED BY THE DIVISION, AN EMPLOYEE ORGANIZATION MAY
10 BEGIN THE CERTIFICATION PROCESS IN SECTION 24-50-1106(2) AFTER ONE
11 YEAR FROM THE DATE OF DECERTIFICATION.

12 (c) NOTHING IN THIS SUBSECTION (3) PROHIBITS THE CERTIFIED
13 EMPLOYEE ORGANIZATION FROM ENGAGING IN OTHER CONCERTED
14 ACTIVITIES FOR THE PURPOSE OF THE PARTNERSHIP PROCESS OF OTHER
15 MUTUAL AID OR PROTECTION, WITHOUT INTERFERENCE, RESTRAINT, OR
16 COERCION BY THE STATE.

17 (4) IT SHALL CONSTITUTE AN UNFAIR LABOR PRACTICE SUBJECT TO
18 REVIEW PURSUANT TO SECTION 24-50-1113 (3) FOR THE CERTIFIED
19 EMPLOYEE ORGANIZATION TO ENGAGE IN THE ACTIVITIES PROHIBITED BY
20 THIS SECTION, OR TO FAIL TO DISCHARGE ITS DUTIES UNDER THIS SECTION.

21 (5) COVERED EMPLOYEES WHO ARE FOUND TO HAVE ENGAGED IN
22 PROHIBITED CONDUCT DESCRIBED IN THIS SECTION MAY BE SUBJECT TO
23 DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.

24 **24-50-1110. Executive and management rights.** (1) NOTHING
25 IN THIS PART 11 IMPAIRS THE ABILITY OF THE STATE TO:

26 (a) EXERCISE ANY RIGHT OR RESPONSIBILITY RESERVED TO AN
27 APPOINTING AUTHORITY, THE DIRECTOR, OR THE STATE PERSONNEL BOARD

1 PURSUANT TO THE STATE PERSONNEL SYSTEM AS DESCRIBED IN SECTION
2 13 OF ARTICLE XII OF THE STATE CONSTITUTION AND PART 1 OF THIS
3 ARTICLE 50 AND RULES OR PROCEDURES PROMULGATED BY THE STATE
4 PERSONNEL BOARD OR THE DIRECTOR PURSUANT TO SECTION 24-50-101
5 (3)(c);

6 (b) DETERMINE AND CARRY OUT ANY MISSION, INITIATIVE, TASK
7 FORCE, AGENDA, POLICY, OR PROGRAM OF ANY DEPARTMENT, DIVISION,
8 OFFICE, OR OTHER SUBDIVISION OF THE STATE;

9 (c) ESTABLISH AND OVERSEE BUDGET, FINANCES, AND
10 ACCOUNTING;

11 (d) DETERMINE UTILIZATION OF TECHNOLOGY;

12 (e) NEGOTIATE WITH, PROCURE, AND ADMINISTER CONTRACTS
13 THAT THE STATE HAS LAWFUL AUTHORITY TO ENTER;

14 (f) MAKE, AMEND AND ENFORCE, OR REVOKE REASONABLE
15 PERSONAL CONDUCT RULES; OR

16 (g) TAKE SUCH ACTIONS AS MAY BE NECESSARY TO CARRY OUT
17 ANY GOVERNMENT FUNCTION DURING AN EMERGENCY.

18 (2) NOTHING IN THIS PART 11 OR IN ANY PARTNERSHIP AGREEMENT
19 MAY RESTRICT, DUPLICATE, OR USURP ANY RESPONSIBILITY OF OR POWER
20 GRANTED TO THE GOVERNOR, THE DIRECTOR, OR STATE PERSONNEL BOARD
21 BY THE STATE CONSTITUTION OR THE COLORADO REVISED STATUTES.

22 (3) NOTHING IN THIS PART 11 SHALL PREVENT THE STATE FROM
23 CONVENING, OR ENGAGING IN DISCUSSIONS WITH ANY STATE EMPLOYEE OR
24 GROUP OF STATE EMPLOYEES TO ACCOMPLISH ANY OF THE MATTERS
25 LISTED IN THIS SECTION.

26 **24-50-1111. Duties of the state.** (1) THE STATE SHALL MAKE
27 PAYROLL DEDUCTIONS FOR MEMBERSHIP DUES AND OTHER PAYMENTS

1 THAT COVERED EMPLOYEES AUTHORIZE TO BE MADE TO THE CERTIFIED
2 EMPLOYEE ORGANIZATION AND RELATED ENTITIES. THE CERTIFIED
3 EMPLOYEE ORGANIZATION AND RELATED ENTITIES SHALL BE THE ONLY
4 EMPLOYEE ORGANIZATION FOR WHICH THE STATE SHALL MAKE PAYROLL
5 DEDUCTIONS FROM COVERED EMPLOYEES.

6 (2) THE STATE SHALL HONOR THE TERMS OF COVERED EMPLOYEES'
7 AUTHORIZATIONS FOR PAYROLL DEDUCTIONS MADE IN ANY FORM THAT
8 SATISFIES THE REQUIREMENTS OF THE "UNIFORM ELECTRONIC
9 TRANSACTIONS ACT", ARTICLE 71.3 OF THIS TITLE 24, INCLUDING
10 WITHOUT LIMITATION ELECTRONIC AUTHORIZATIONS, INCLUDING VOICE
11 AUTHORIZATIONS, THAT MEET THE REQUIREMENTS OF AN ELECTRONIC
12 SIGNATURE AS DEFINED IN SECTION 24-71.3-102 (8). COVERED
13 EMPLOYEES' REQUESTS TO CANCEL OR CHANGE AUTHORIZATIONS FOR
14 PAYROLL DEDUCTIONS SHALL BE DIRECTED TO THE CERTIFIED EMPLOYEE
15 ORGANIZATION RATHER THAN TO THE STATE. THE CERTIFIED EMPLOYEE
16 ORGANIZATION SHALL BE RESPONSIBLE FOR PROCESSING THESE REQUESTS
17 IN ACCORDANCE WITH THE TERMS OF THE AUTHORIZATION. AN
18 AUTHORIZATION FOR A PAYROLL DEDUCTION MAY NOT BE IRREVOCABLE
19 FOR A PERIOD OF MORE THAN ONE YEAR. A CERTIFIED EMPLOYEE
20 ORGANIZATION THAT CERTIFIES THAT IT HAS AND WILL MAINTAIN
21 INDIVIDUAL COVERED EMPLOYEE AUTHORIZATIONS IS NOT REQUIRED TO
22 PROVIDE A COPY OF AN INDIVIDUAL AUTHORIZATION TO THE STATE UNLESS
23 A DISPUTE ARISES ABOUT THE EXISTENCE OR TERMS OF THAT
24 AUTHORIZATION. THE CERTIFIED EMPLOYEE ORGANIZATION SHALL
25 INDEMNIFY THE STATE FOR ANY CLAIMS MADE BY THE COVERED
26 EMPLOYEE FOR DEDUCTIONS MADE IN RELIANCE ON THAT INFORMATION.

27 (3) (a) EACH MONTH THE DEPARTMENT OF PERSONNEL SHALL,

1 UNLESS PROHIBITED BY LAW, PROVIDE TO A CERTIFIED EMPLOYEE
2 ORGANIZATION THE FOLLOWING INFORMATION FOR EACH COVERED
3 EMPLOYEE:

4 (I) NAME, EMPLOYEE IDENTIFICATION NUMBER, DEPARTMENT, JOB
5 CLASS, JOB TITLE, WORK TELEPHONE NUMBER, WORK E-MAIL ADDRESS,
6 WORK LOCATION, SALARY, AND DATE OF HIRE, AS CONTAINED IN THE
7 STATEWIDE SYSTEM OF RECORD; AND

8 (II) HOME ADDRESS, HOME AND PERSONAL CELLULAR PHONE
9 NUMBERS, AND PERSONAL E-MAIL ADDRESS UNLESS DIRECTED BY THE
10 COVERED EMPLOYEE NOT TO PROVIDE THE SAME PURSUANT TO SECTION
11 24-50-1107 (3).

12 (b) IF THE INFORMATION IS NOT CONTAINED IN THE STATEWIDE
13 SYSTEM OF RECORD, THE DEPARTMENT OF PERSONNEL SHALL PROVIDE THE
14 EMPLOYEE ORGANIZATION NOTICE AND WILL HAVE NO OBLIGATION TO
15 PROVIDE THE INFORMATION UNTIL IT IS CONTAINED IN THE STATEWIDE
16 SYSTEM OF RECORD.

17 (c) A CERTIFIED EMPLOYEE ORGANIZATION SHALL TREAT THE
18 INFORMATION IT RECEIVES UNDER THIS SUBSECTION (3) AS CONFIDENTIAL
19 AND MAY NOT RELEASE THE INFORMATION TO ANY THIRD PARTY EXCEPT
20 FOR THE PURPOSE OF CARRYING OUT THE CERTIFIED EMPLOYEE
21 ORGANIZATION'S DUTIES UNDER THIS TITLE 24 AND COMMUNICATING WITH
22 COVERED EMPLOYEES.

23 (d) RECORDS CREATED IN COMPLYING WITH THIS SUBSECTION (3)
24 AND CONTAINING A COVERED EMPLOYEE'S PERSONAL HOME ADDRESS,
25 HOME AND PERSONAL CELLULAR PHONE NUMBER, AND PERSONAL E-MAIL
26 ADDRESS SHALL BE EXEMPT FROM THE "COLORADO OPEN RECORDS ACT",
27 PART 2 OF ARTICLE 72 OF THIS TITLE 24.

1 (4) WITHIN THIRTY DAYS OF A COVERED EMPLOYEE BEING HIRED,
2 THE STATE SHALL ALLOW THE CERTIFIED EMPLOYEE ORGANIZATION TO
3 MEET WITH THAT COVERED EMPLOYEE DURING WORK TIME AS
4 DETERMINED BY SUBSECTION (5)(c) OF THIS SECTION.

5 (5) (a) THE STATE MUST PROVIDE THE CERTIFIED EMPLOYEE
6 ORGANIZATION ACCESS TO ITS NEW EMPLOYEE ORIENTATIONS ON PAID
7 TIME FOR NEWLY HIRED COVERED EMPLOYEES.

8 (b) THE STATE MUST PROVIDE THE CERTIFIED EMPLOYEE
9 ORGANIZATION AT LEAST TEN DAYS NOTICE IN ADVANCE OF A NEW
10 EMPLOYEE ORIENTATION; EXCEPT THAT A SHORTER NOTICE MAY BE
11 PROVIDED WHERE THERE IS AN URGENT NEED CRITICAL TO THE STATE'S
12 OPERATIONS THAT WAS NOT REASONABLY FORESEEABLE.

13 (c) THE STATE AND THE CERTIFIED EMPLOYEE ORGANIZATION
14 SHALL DETERMINE THE STRUCTURE, TIME, AND MANNER OF THE EMPLOYEE
15 ORGANIZATION'S ACCESS THROUGH THE PARTNERSHIP AGREEMENT
16 PROCESS SET FORTH IN SECTION 24-50-1112.

17 (6) AFTER THE STATE AND THE CERTIFIED EMPLOYEE
18 ORGANIZATION REACH A PARTNERSHIP AGREEMENT, THE INITIAL OR
19 SUPPLEMENTAL BUDGET REQUEST FROM THE GOVERNOR TO THE GENERAL
20 ASSEMBLY SHALL INCLUDE SUFFICIENT APPROPRIATIONS TO IMPLEMENT
21 THE TERMS OF THE AGREEMENT REQUIRING THE EXPENDITURE OF MONEY.
22 THE PROVISIONS OF A PARTNERSHIP AGREEMENT THAT REQUIRE THE
23 EXPENDITURE OF MONEY SHALL BE CONTINGENT UPON THE AVAILABILITY
24 OF MONEY AND THE SPECIFIC APPROPRIATION OF MONEY BY THE GENERAL
25 ASSEMBLY. IF THE GENERAL ASSEMBLY REJECTS ANY PART OF THE
26 REQUEST, OR WHILE ACCEPTING THE REQUEST TAKES ANY ACTION WHICH
27 WOULD RESULT IN A MODIFICATION OF THE TERMS OF THE COST ITEM

1 SUBMITTED TO IT, EITHER PARTY MAY REOPEN NEGOTIATIONS
2 CONCERNING ECONOMIC ISSUES.

3 (7) THE STATE AND ITS DESIGNEES AND AGENTS, INCLUDING THE
4 GOVERNOR'S DESIGNEE, THE EXECUTIVE DIRECTORS OF STATE AGENCIES,
5 AND OTHER STATE OFFICIALS CHARGED WITH ADMINISTERING
6 PARTNERSHIP AGREEMENTS, SHALL ENGAGE IN GOOD FAITH IN ALL
7 ASPECTS OF THE PARTNERSHIP PROCESS. THE STATE AND ITS DESIGNEES
8 AND AGENTS SHALL NOT:

9 (a) TAKE ANY ACTION OR MAKE ANY STATEMENT IN FAVOR OF OR
10 IN OPPOSITION TO A COVERED EMPLOYEE'S DECISION TO PARTICIPATE IN,
11 SELECT, OR JOIN AN EMPLOYEE ORGANIZATION, OR TO REFRAIN FROM
12 THESE ACTIVITIES; EXCEPT THAT THE STATE MAY RESPOND TO QUESTIONS
13 FROM A COVERED EMPLOYEE PERTAINING TO THE COVERED EMPLOYEE'S
14 EMPLOYMENT OR ANY MATTER DESCRIBED IN THIS PART 11, PROVIDED
15 THAT SUCH RESPONSE IS NEUTRAL TOWARD PARTICIPATION, SELECTION,
16 AND MEMBERSHIP IN AN EMPLOYEE ORGANIZATION;

17 (b) EXPEND PUBLIC MONEY OR RESOURCES FOR A NEGATIVE
18 CAMPAIGN AGAINST AN EMPLOYEE ORGANIZATION OR PROVIDE
19 ASSISTANCE TO ANY INDIVIDUAL OR GROUP TO ENGAGE IN SUCH A
20 CAMPAIGN. IT IS NOT A VIOLATION OF THIS SECTION FOR THE STATE TO
21 RESPOND TO ANY REQUESTS PURSUANT TO THE "COLORADO OPEN
22 RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE 24, OR TO EXERCISE
23 ANY OTHER OBLIGATION REQUIRED BY LAW.

24 (c) INTERFERE WITH, RESTRAIN, OR COERCE COVERED EMPLOYEES
25 FROM EXERCISING THE RIGHTS GRANTED BY THIS PART 11; EXCEPT THAT
26 THIS SUBSECTION (7)(c) DOES NOT IMPAIR THE RIGHT OF A CERTIFIED
27 EMPLOYEE ORGANIZATION TO PRESCRIBE ITS OWN RULES WITH RESPECT TO

1 RECRUITING AND MAINTAINING ITS MEMBERSHIP SUBJECT TO SECTION
2 24-50-1109 (3)(a);

3 (d) DISCHARGE OR DISCRIMINATE AGAINST ANY COVERED
4 EMPLOYEE BECAUSE THE EMPLOYEE FILED AN AFFIDAVIT, OR GAVE ANY
5 INFORMATION OR TESTIMONY UNDER THIS PART 11, OR BECAUSE THE
6 EMPLOYEE FORMED, JOINED, OR CHOSE TO BE REPRESENTED BY ANY
7 EMPLOYEE ORGANIZATION, OR REFRAINED FROM ANY SUCH ACTIVITIES;

8 (e) REFUSE TO PARTICIPATE IN THE PARTNERSHIP PROCESS SET
9 FORTH IN SECTION 24-50-1112, ONCE A CERTIFIED EMPLOYEE
10 ORGANIZATION IS CERTIFIED; OR

11 (f) REFUSE TO PARTICIPATE IN THE PARTNERSHIP DISPUTE
12 RESOLUTION PROCESS.

13 (8) IT SHALL CONSTITUTE AN UNFAIR LABOR PRACTICE SUBJECT TO
14 REVIEW PURSUANT TO SECTION 24-50-1113 (3) FOR THE STATE TO ENGAGE
15 IN THE ACTIVITIES PROHIBITED UNDER THIS SECTION, OR TO FAIL TO
16 DISCHARGE ITS DUTIES UNDER THIS SECTION. THE GOVERNOR SHALL NOT
17 BE SUBJECT TO AN UNFAIR LABOR PRACTICE CHARGE.

18 **24-50-1112. Partnership agreements.** (1) WITHIN THIRTY DAYS
19 AFTER THE EFFECTIVE DATE OF THIS PART 11, IF AN EMPLOYEE
20 ORGANIZATION IS ALREADY CERTIFIED, OR WITHIN SIXTY DAYS AFTER AN
21 EMPLOYEE ORGANIZATION HAS BEEN CERTIFIED PURSUANT TO A
22 REPRESENTATION ELECTION, OR NO LATER THAN APRIL 15 OF THE YEAR
23 PRECEDING THE EXPIRATION OF A PARTNERSHIP AGREEMENT, THE STATE
24 SHALL BEGIN MEETINGS TO DISCUSS AND COOPERATIVELY DRAFT A
25 MUTUALLY AGREED UPON WRITTEN PARTNERSHIP AGREEMENT TO BE
26 BINDING ON THE STATE, THE CERTIFIED EMPLOYEE ORGANIZATION, AND
27 COVERED EMPLOYEES WHEN RATIFIED BY THE CERTIFIED EMPLOYEE

1 ORGANIZATION AND APPROVED BY THE GOVERNOR. SUBJECT TO SECTION
2 24-50-1110, BOTH THE CERTIFIED EMPLOYEE ORGANIZATION AND THE
3 STATE SHALL BARGAIN IN GOOD FAITH TO REACH AGREEMENT ON WAGES,
4 HOURS, AND TERMS AND CONDITIONS OF EMPLOYMENT FOR ALL COVERED
5 EMPLOYEES. NEITHER THE CERTIFIED EMPLOYEE ORGANIZATION NOR THE
6 STATE SHALL BE REQUIRED TO AGREE TO A PROPOSAL OR TO MAKE A
7 CONCESSION. DISPUTES SHALL BE RESOLVED PURSUANT TO SECTION
8 24-50-1113.

9 (2) THE PARTIES SHALL BARGAIN OVER WAGES, HOURS, AND TERMS
10 AND CONDITIONS OF EMPLOYMENT. ALL OTHER SUBJECTS ARE PERMISSIVE
11 AND MAY BE ADDRESSED DURING BARGAINING UPON MUTUAL AGREEMENT
12 OF THE PARTIES. A PARTNERSHIP AGREEMENT MAY NOT INCLUDE A
13 REQUIREMENT OR AGREEMENT THAT THE EXECUTIVE BRANCH OR ANY
14 DEPARTMENT NEGOTIATE WITH RESPECT TO THE STATUTORY FUNCTION OF
15 ANY DEPARTMENT OR AGENCY OR MATTERS RELATED TO THE PUBLIC
16 EMPLOYEES' RETIREMENT ASSOCIATION.

17 (3) (a) ECONOMIC ISSUES, MATTERS IMPACTING ALL COVERED
18 EMPLOYEES, MATTERS THAT NECESSITATE STATEWIDE UNIFORMITY
19 PURSUANT TO THE STATE CONSTITUTION, THE COLORADO REVISED
20 STATUTES, OR ADMINISTRATIVE RULE, SHALL BE NEGOTIATED BETWEEN
21 THE CERTIFIED EMPLOYEE ORGANIZATION AND THE GOVERNOR'S
22 DESIGNEE. THE GOVERNOR'S DESIGNEE MAY CONSULT WITH THE
23 EXECUTIVE DIRECTOR CHARGED WITH ADMINISTERING THE ISSUES SUBJECT
24 TO STATEWIDE BARGAINING.

25 (b) MATTERS IMPACTING COVERED EMPLOYEES IN A SINGLE
26 DEPARTMENT OR AGENCY OR SUBDIVISION THEREOF SHALL BE
27 NEGOTIATED BY THE CERTIFIED EMPLOYEE ORGANIZATION AND THE

1 EXECUTIVE DIRECTOR OF THE DEPARTMENT OR AGENCY OR THE
2 EXECUTIVE DIRECTOR'S DESIGNEE. ANY AGREEMENTS MADE AT THE
3 DEPARTMENT OR AGENCY LEVEL SHALL BE INCORPORATED INTO THE
4 PARTNERSHIP AGREEMENT. THE CERTIFIED EMPLOYEE ORGANIZATION AND
5 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR AGENCY MAY CHOOSE
6 TO BRING DEPARTMENT OR AGENCY MATTERS TO STATEWIDE BARGAINING
7 UPON MUTUAL AGREEMENT.

8 (4) A PARTNERSHIP AGREEMENT SHALL PROVIDE FOR A
9 PARTNERSHIP AGREEMENT GRIEVANCE PROCEDURE CULMINATING IN FINAL
10 AND BINDING ARBITRATION TO RESOLVE DISPUTES OVER THE
11 INTERPRETATION, APPLICATION, AND ENFORCEMENT OF ANY PROVISION OF
12 THE PARTNERSHIP AGREEMENT.

13 (5) A PARTNERSHIP AGREEMENT THAT IS EXECUTED BY THE STATE
14 AND THE CERTIFIED EMPLOYEE ORGANIZATION IS ENFORCEABLE AND
15 BINDING ON THE STATE, THE CERTIFIED EMPLOYEE ORGANIZATION, AND
16 COVERED EMPLOYEES COVERED BY THE AGREEMENT. IN THE EVENT OF
17 CONFLICT BETWEEN THE PROVISIONS OF A PARTNERSHIP AGREEMENT AND
18 STATE LAWS OR RULES IN EFFECT AS OF THE INITIAL PARTNERSHIP
19 AGREEMENT, STATE LAWS AND RULES CONTROL.

20 (6) MEETINGS AND DISCUSSIONS HELD PURSUANT TO THIS SECTION
21 AND THE PARTNERSHIP AGREEMENT GRIEVANCE AND ARBITRATION
22 PROCESS SPECIFIED IN SUBSECTION (4) OF THIS SECTION AND THE DISPUTE
23 RESOLUTION PROCESS SPECIFIED IN SECTION 24-50-1113 ARE NOT
24 MEETINGS AS DEFINED IN SECTION 24-6-402.

25 (7) EXCEPT FOR A PARTNERSHIP AGREEMENT SUBMITTED FOR
26 RATIFICATION, ALL DOCUMENTS, PROPOSALS, AND DRAFT AND TENTATIVE
27 AGREEMENTS DRAFTED OR EXCHANGED PURSUANT TO THE PROCESS

1 ESTABLISHED IN THIS SECTION ARE PRIVILEGED AND NOT SUBJECT TO
2 DISCLOSURE PURSUANT TO THE "COLORADO OPEN RECORDS ACT", PART
3 2 OF ARTICLE 72 OF THIS TITLE 24. NOTHING IN THIS SECTION SHALL BE
4 CONSTRUED TO PREVENT A CERTIFIED EMPLOYEE ORGANIZATION OR THE
5 STATE FROM PRESENTING SUCH MATERIALS IN ANY PARTNERSHIP
6 AGREEMENT GRIEVANCE OR ARBITRATION PROCESS PURSUANT TO
7 SUBSECTION (4) OF THIS SECTION OR THE DISPUTE RESOLUTION PROCESS
8 SPECIFIED IN SECTION 24-50-1113.

9 **24-50-1113. Dispute resolution.** (1) IF DISPUTES ARISE DURING
10 THE FORMATION OF A PARTNERSHIP AGREEMENT, THE CERTIFIED
11 EMPLOYEE ORGANIZATION AND THE STATE, TO ENCOURAGE A TRUE
12 COOPERATIVE PARTNERSHIP, SHALL ENGAGE IN THE DISPUTE RESOLUTION
13 PROCESS ESTABLISHED IN THIS SECTION OR AN ALTERNATIVE PROCEDURE
14 ESTABLISHED BY MUTUAL AGREEMENT. ALL DEADLINES MAY BE
15 EXTENDED PURSUANT TO MUTUAL AGREEMENT OF THE PARTIES.

16 (2)(a) IF THE CERTIFIED EMPLOYEE ORGANIZATION AND THE STATE
17 CANNOT REACH AGREEMENT WITHIN NINETY CALENDAR DAYS AFTER
18 COMMENCING MEETINGS TO DRAFT A PARTNERSHIP AGREEMENT, EITHER
19 PARTY MAY REQUEST THAT THE MATTERS ON WHICH THE PARTIES CANNOT
20 REACH AGREEMENT BE SENT TO MEDIATION WITH A MUTUALLY AGREED
21 UPON MEDIATOR. THE MEDIATOR SHALL BE SELECTED FROM A LIST OF FIVE
22 CANDIDATES PROVIDED BY A RESPECTED, NATIONAL, NOT-FOR-PROFIT
23 ENTITY THAT PROVIDES ALTERNATIVE DISPUTE RESOLUTION SERVICES.

24 (b) IF THE PARTIES DO NOT REACH AN AGREEMENT ON
25 OUTSTANDING ISSUES WITHIN THIRTY CALENDAR DAYS AFTER
26 COMMENCING MEDIATION, THE MEDIATOR SHALL ISSUE A
27 RECOMMENDATION ON ALL OF THE OUTSTANDING ISSUES. THE MEDIATOR

1 SHALL ISSUE THE RECOMMENDATION WITHIN FIFTEEN CALENDAR DAYS OF
2 THE END OF THE THIRTY-DAY MEDIATION PERIOD. THE MEDIATOR'S
3 RECOMMENDATION SHALL BE SHARED WITH BOTH PARTIES AND EITHER
4 PARTY MAY SHARE IT WITH OTHERS OR MAKE IT PUBLIC.

5 (c) IF, AFTER MEDIATION, THE PARTIES DO NOT REACH AGREEMENT
6 ON ALL ISSUES, THEY MAY ENTER INTO A PARTNERSHIP AGREEMENT ON
7 THE ISSUES ON WHICH THEY HAVE REACHED AGREEMENT.

8 (d) THE COST OF THE MEDIATOR PURSUANT TO THIS SECTION SHALL
9 BE SHARED EQUALLY BY THE CERTIFIED EMPLOYEE ORGANIZATION AND
10 THE STATE.

11 (e) WITH THE EXCEPTION OF THE RECOMMENDATION OF THE
12 MEDIATOR, ALL DOCUMENTS, PROPOSALS, AND DRAFT AND TENTATIVE
13 AGREEMENTS, DRAFTED OR EXCHANGED PURSUANT TO THE PROCESS
14 ESTABLISHED IN THIS SECTION, ARE PRIVILEGED AND NOT SUBJECT TO
15 DISCLOSURE PURSUANT TO THE "COLORADO OPEN RECORDS ACT", PART
16 2 OF ARTICLE 72 OF THIS TITLE 24.

17 (3) ANY CONTROVERSY CONCERNING UNFAIR LABOR PRACTICES OF
18 THE STATE OR CERTIFIED EMPLOYEE ORGANIZATION MAY BE SUBMITTED
19 TO THE DIVISION BY THE STATE, CERTIFIED EMPLOYEE ORGANIZATION, OR
20 AFFECTED EMPLOYEE IN A MANNER AND WITH THE EFFECT PROVIDED IN
21 ARTICLE 3 OF TITLE 8 AND RULES PROMULGATED THEREUNDER; EXCEPT
22 THAT NOTHING IN THIS PART 11 PREVENTS THE PURSUIT OF EQUITABLE OR
23 LEGAL RELIEF IN COURTS OF COMPETENT JURISDICTION. A CLAIMANT IS
24 NOT REQUIRED TO EXHAUST ADMINISTRATIVE REMEDIES.

25 **24-50-1114. Maintenance of the partnership relationship.** AN
26 EXISTING PARTNERSHIP AGREEMENT SHALL CONTINUE IN FULL FORCE AND
27 EFFECT UNTIL IT IS REPLACED BY A SUBSEQUENT PARTNERSHIP

1 AGREEMENT.

2 **24-50-1115. Judicial review.** (1) THE CERTIFIED EMPLOYEE
3 ORGANIZATION OR THE STATE MAY SEEK JUDICIAL REVIEW OF THE
4 DIVISION'S DECISIONS OR ORDERS ON CLASSIFICATION OF COVERED
5 EMPLOYEES UNDER SECTION 24-50-1106 (4); REPRESENTATION OR
6 DECERTIFICATION PETITIONS UNDER SECTION 24-50-1106; DIVISION
7 DECISIONS ON UNFAIR LABOR PRACTICE CHARGES UNDER SECTION
8 24-50-1113 (3); OR RULES OR REGULATIONS ISSUED BY THE DIVISION
9 UNDER THIS PART 11, IN THE MANNER AND WITH THE EFFECT PROVIDED IN
10 THE "STATE ADMINISTRATIVE PROCEDURES ACT", ARTICLE 4 OF THIS
11 TITLE 24, AND RULES PROMULGATED THEREUNDER.

12 (2) (a) THE CERTIFIED EMPLOYEE ORGANIZATION OR THE STATE
13 MAY SEEK JUDICIAL REVIEW OF AN ARBITRATOR'S DECISION ON A
14 PARTNERSHIP AGREEMENT GRIEVANCE PURSUANT TO SECTION 24-50-1112
15 (4) IN A DISTRICT COURT IN THE CITY AND COUNTY OF DENVER.

16 (b) THE ARBITRATOR'S DECISION SHALL BE ENFORCED AND THE
17 PARTIES SHALL COMPLY WITH THE DECISION AND AWARD UNLESS THE
18 DISTRICT COURT CONCLUDES THAT:

19 (I) THE DECISION AND AWARD WAS PROCURED BY CORRUPTION,
20 FRAUD, OR UNDUE MEANS;

21 (II) THE ARBITRATOR EXCEEDED HIS OR HER AUTHORITY;

22 (III) THE DECISION AND AWARD DID NOT DRAW ITS ESSENCE FROM
23 THE PARTNERSHIP AGREEMENT; OR

24 (IV) THE DECISION AND AWARD VIOLATED PUBLIC POLICY, THAT
25 THE ARBITRATOR ENGAGED IN MANIFEST DISREGARD OF THE LAW, OR THAT
26 THE ARBITRATION DENIED THE PARTIES A FUNDAMENTALLY FAIR HEARING.

27 **24-50-1116. Construction of other laws.** IF ANY PROVISION OF

1 THIS PART 11 IS INCONSISTENT WITH THE PROVISIONS OF ANY OTHER
2 PREVIOUSLY ENACTED LAW OR RULE, THE PROVISIONS OF THIS PART 11
3 CONTROL; EXCEPT THAT THE PROVISIONS OF THIS PART 11 DO NOT
4 CONTROL OVER ARTICLE 51 OF THIS TITLE 24. NOTHING IN THIS PART 11
5 DEPRIVES THE DIRECTOR OR STATE PERSONNEL BOARD OF ANY
6 CONSTITUTIONALLY REQUIRED AUTHORITY.

7 **24-50-1117. Implementation and administration - costs. COSTS**
8 **ASSOCIATED WITH THE IMPLEMENTATION OR ADMINISTRATION OF THIS**
9 **PART 11 DURING THE 2020-21 AND 2020-22 STATE FISCAL YEARS SHALL**
10 **BE PAID FROM THE COVID HEROES COLLABORATION FUND, CREATED IN**
11 **SECTION 24-50-104 (1)(k). FOR THE 2022-23 STATE FISCAL YEAR AND**
12 **EACH STATE FISCAL YEAR THEREAFTER, SUCH COSTS SHALL BE PAID FROM**
13 **THE GENERAL FUND, SUBJECT TO AVAILABLE APPROPRIATION.**

14 **SECTION 3.** In Colorado Revised Statutes, 24-50-104, **amend**
15 **(1)(j)(II)(A), (1)(j)(III)(A), (1)(j)(IV), and (5)(c); repeal (1)(j)(VI); and**
16 **add (1)(j)(III)(D) and (1)(k)** as follows:

17 **24-50-104. Job evaluation and compensation - state employee**
18 **reserve fund - created - definitions - repeal. (1) Total compensation**
19 **philosophy. (j) (II) (A)** The state employee reserve fund is hereby
20 created in the state treasury, ~~Within the fund there is an account dedicated~~
21 ~~to each department. A department's account~~ WHICH consists of moneys
22 MONEY transferred pursuant to ~~subparagraph (IV) of this paragraph (j)~~
23 ~~and any transfers directed by the governor pursuant to subparagraph (VI)~~
24 ~~of this paragraph (j). Moneys within a department's account are~~
25 ~~continuously appropriated to such department~~ SUBSECTION (1)(j)(IV) OF
26 THIS SECTION. MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED for
27 the purpose of providing merit pay to ~~certified~~ employees as provided in

1 this subsection (1). ~~A department may not expend any moneys from its~~
2 ~~account without the approval of the director of the office of state planning~~
3 ~~and budgeting.~~ NO MONEY FROM THE FUND SHALL BE EXPENDED WITHOUT
4 THE APPROVAL OF THE DIRECTOR OF THE OFFICE OF STATE PLANNING AND
5 BUDGETING.

6 (III) (A) Any money in the fund not expended as provided in
7 subsection (1)(j)(II) of this section may be invested by the state treasurer
8 as provided by law. All interest and income derived from the investment
9 and deposit of money in ~~a department's account~~ THE FUND shall be
10 credited to the ~~same account~~ FUND. Except as set forth in subsection
11 (1)(j)(III)(B) of this section, any unexpended and unencumbered money
12 remaining in the fund at the end of a fiscal year shall remain in the fund
13 and shall not be credited or transferred to the general fund or another
14 fund.

15 (D) ON THE EFFECTIVE DATE OF THIS SUBSECTION (1)(j)(III)(D)
16 THE STATE TREASURER SHALL TRANSFER SEVEN MILLION DOLLARS FROM
17 THE FUND TO THE COVID HEROES COLLABORATION FUND CREATED IN
18 SUBSECTION (1)(k) OF THIS SECTION.

19 (IV) On the date the state controller publishes the comprehensive
20 annual financial report of the state, the state controller and state treasurer
21 shall transfer an amount of ~~moneys~~ MONEY equal to a reversion amount
22 from the general fund or a qualifying cash fund to the state employee
23 reserve fund. ~~to be allocated to the eligible department's account.~~

24 (VI) ~~In order to provide moneys to a department that is unable to~~
25 ~~generate substantial reversion amounts because of the manner in which~~
26 ~~moneys are appropriated to the department or other factors, the governor~~
27 ~~may direct the state treasurer to reallocate moneys among department~~

1 ~~accounts in the fund. The total amount reallocated pursuant to this~~
2 ~~subparagraph (VI) during a state fiscal year shall not exceed two million~~
3 ~~dollars. No other reallocation of moneys among accounts is permitted.~~

4 (k) THE COVID HEROES COLLABORATION FUND IS HEREBY
5 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY
6 TRANSFERRED TO THE FUND PURSUANT TO SECTION 24-50-104
7 (1)(j)(III)(D), AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY
8 MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER
9 SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT
10 AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY
11 UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT
12 THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND. SUBJECT TO
13 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, APPLICABLE STATE
14 AGENCIES MAY EXPENDED MONEY FROM THE FUND FOR THE PURPOSES OF
15 THE "COLORADO PARTNERSHIP FOR QUALITY JOBS AND SERVICES ACT",
16 CREATED IN PART 11 OF THIS ARTICLE 50.

17 (5) **Pay plans.** ~~(c) The senior executive service is limited to one~~
18 ~~hundred twenty-five positions.~~ The state personnel director shall establish
19 criteria for inclusion in the senior executive service and shall review each
20 nominated position before it is placed in the pay plan for the senior
21 executive service. The head of the department or agency or state auditor
22 for employees of the state auditor's office shall make appointments to the
23 senior executive service based on competitive selection and is responsible
24 for the management of the employees in such plan. Any person in the
25 senior executive service has no right to any position within the state.

26 **SECTION 4.** In Colorado Revised Statutes, 24-50-125, **add** (1.5)
27 as follows:

1 **24-50-125. Disciplinary proceedings - appeals - hearings -**

2 **procedure - definitions.** (1.5) (a) IN CONSIDERING ANY DISCIPLINARY
3 ACTION PURSUANT TO THIS SECTION AGAINST AN EMPLOYEE WHO IS
4 CERTIFIED TO ANY CLASS OR POSITION IN THE STATE PERSONNEL SYSTEM
5 FOR ENGAGING IN VIOLENT BEHAVIOR OR A THREAT OF VIOLENT BEHAVIOR
6 AGAINST ANOTHER PERSON WHILE ON DUTY, THE APPOINTING AUTHORITY
7 SHALL GIVE PREDOMINANT WEIGHT TO THE SAFETY OF THE OTHER PERSON
8 OVER THE INTERESTS OF THE EMPLOYEE. FOR PURPOSES OF THIS
9 SUBSECTION (1.5), "VIOLENT BEHAVIOR" MEANS ANY ACT OR THREAT OF
10 PHYSICAL, VERBAL, OR PSYCHOLOGICAL AGGRESSION OR THE
11 DESTRUCTION OR ABUSE OF PROPERTY BY ANY INDIVIDUAL. A THREAT
12 MAY INCLUDE A VEILED, CONDITIONAL, OR DIRECT THREAT IN VERBAL,
13 WRITTEN, ELECTRONIC, OR GESTURAL FORM, RESULTING IN INTIMIDATION,
14 HARASSMENT, HARM, OR ENDANGERMENT TO THE SAFETY OF ANOTHER
15 PERSON OR PROPERTY.

16 (b) IF THE APPOINTING AUTHORITY FINDS THAT THE EMPLOYEE HAS
17 ENGAGED IN VIOLENT BEHAVIOR OR A THREAT OF VIOLENT BEHAVIOR
18 AGAINST ANOTHER PERSON, THE APPOINTING AUTHORITY MAY TAKE SUCH
19 DISCIPLINARY ACTION AS THE APPOINTING AUTHORITY DEEMS
20 APPROPRIATE, UP TO AND INCLUDING TERMINATION, TAKING INTO
21 CONSIDERATION THE HARM OR RISK OF HARM TO THE PERSON CREATED BY
22 THE EMPLOYEE'S ACTIONS. NOTHING IN THIS SUBSECTION (1.5)(b) AFFECTS
23 THE CONSTITUTIONAL OR STATUTORY DUE PROCESS RIGHTS AFFORDED TO
24 AN EMPLOYEE WHO IS CERTIFIED TO ANY CLASS OR POSITION IN THE STATE
25 PERSONNEL SYSTEM.

26 (c) THIS SUBSECTION (1.5) APPLIES REGARDLESS OF WHETHER THE
27 EMPLOYEE HAS BEEN CHARGED WITH OR CONVICTED OF A CRIME.

1 **SECTION 5.** In Colorado Revised Statutes, 24-72-202, **add**
2 (6)(b)(XIV) as follows:

3 **24-72-202. Definitions.** As used in this part 2, unless the context
4 otherwise requires:

5 (6) (b) "Public records" does not include:

6 (XIV) PURSUANT TO THE "COLORADO PARTNERSHIP FOR QUALITY
7 JOBS AND SERVICES ACT", PART 11 OF ARTICLE 50 OF THIS TITLE 24,
8 RECORDS CREATED IN COMPLIANCE WITH THE REQUIREMENTS OF A STATE
9 EMPLOYEE PARTNERSHIP AGREEMENT AS SPECIFIED IN SECTION
10 24-50-1111 (3)(d) AND DOCUMENTS CREATED IN CONNECTION WITH THE
11 DISPUTE RESOLUTION PROCESS FOR AN EMPLOYEE PARTNERSHIP
12 AGREEMENT AS SPECIFIED IN SECTION 24-50-1113 (2)(e).

13 **SECTION 6.** In Colorado Revised Statutes, 24-101-401, **repeal**
14 (2)(b) as follows:

15 **24-101-401. Public access to procurement information -**
16 **repeal.** (2) (b) (F) ~~Each agreement entered into by a governmental body~~
17 ~~with a certified employee organization for state employees under~~
18 ~~executive order D 028 07, or any similar successor executive order with~~
19 ~~respect to the existence of a certified employee organization for state~~
20 ~~employees, shall specify that the agreement is open to public inspection~~
21 ~~as provided in sections 24-72-203 and 24-72-204.~~

22 ~~(H) If executive order D 028 07, or any similar successor~~
23 ~~executive order with respect to the existence of a certified employee~~
24 ~~organization for state employees, is rescinded or altered by the governor~~
25 ~~in any way to create a situation where a certified employee organization~~
26 ~~for state employees no longer represents state employees, the governor~~
27 ~~shall provide written notice of this fact to the revisor of statutes.~~

1 ~~(H) This paragraph (b) is repealed, effective upon the receipt by~~
2 ~~the revisor of statutes of the written notice under subparagraph (H) of this~~
3 ~~paragraph (b).~~

4 **SECTION 7. Appropriation.** (1) For the 2020-21 state fiscal
5 year, \$879,159 is appropriated to the department of personnel. This
6 appropriation is from the COVID heroes collaboration fund created in
7 section 24-50-104 (1)(k). To implement this act, the department may use
8 this appropriation as follows:

9 (a) \$457,649 for use by the division of human resources for
10 personal services related to labor relations services, which amount is
11 based on an assumption that the division will require an additional 4.5
12 FTE;

13 (b) \$37,750 for use by the division of human resources for
14 operating expenses related to labor relations services; and

15 (c) \$383,760 for the purchase of legal services.

16 (2) For the 2020-21 state fiscal year, \$412,584 is appropriated to
17 the department of labor and employment. This appropriation is from the
18 COVID heroes collaboration fund created in section 24-50-104 (1)(k). To
19 implement this act, the department may use this appropriation as follows:

20 (a) \$389,558 for use by the division of labor standards and
21 statistics for program costs related to labor standards, which amount is
22 based on an assumption that the program will require an additional 4.4
23 FTE;

24 (b) \$23,026 for the purchase of legal services.

25 (3) For the 2020-21 state fiscal year, \$197,445 is appropriated to
26 the department of law. This appropriation is from the COVID heroes
27 collaboration fund created in section 24-50-104 (1)(k) and is based on an

1 assumption that the department will require an additional 1.1 FTE. To
2 implement this act, the department may use this appropriation for the
3 provision of legal services.

4 (4) For the 2020-21 state fiscal year, \$112,931 is appropriated to
5 the office of the governor. This appropriation is from the COVID heroes
6 collaboration fund created in section 24-50-104 (1)(k). To implement this
7 act, the office may use this appropriation as follows:

8 (a) \$101,994 for use by the governor's office for administration of
9 the governor's office and residence, which amount is based on an
10 assumption that the office will require an additional 0.9 FTE;

11 (b) \$10,937 for the purchase of legal services.

12 (5) For the 2020-21 state fiscal year, \$118,646 is appropriated to
13 the department of corrections. This appropriation is from the COVID
14 heroes collaboration fund created in section 24-50-104 (1)(k). To
15 implement this act, the department may use this appropriation for the
16 purchase of legal services.

17 (6) For the 2020-21 state fiscal year, \$96,132 is appropriated to
18 the department of human services. This appropriation is from the COVID
19 heroes collaboration fund created in section 24-50-104 (1)(k). To
20 implement this act, the department may use this appropriation for the
21 purchase of legal services.

22 (7) For the 2020-21 state fiscal year, \$52,980 is appropriated to
23 the department of transportation. This appropriation is from the state
24 highway fund created in section 43-1-219, C.R.S. To implement this act,
25 the department may use this appropriation for the purchase of legal
26 services.

27 (8) For the 2020-21 state fiscal year, \$26,479 is appropriated to

1 the department of revenue. This appropriation is from the COVID heroes
2 collaboration fund created in section 24-50-104 (1)(k). To implement this
3 act, the department may use this appropriation for the purchase of legal
4 services.

5 (9) For the 2020-21 state fiscal year, \$25,904 is appropriated to
6 the department of natural resources. This appropriation is from the
7 COVID heroes collaboration fund created in section 24-50-104 (1)(k). To
8 implement this act, the department may use this appropriation for the
9 purchase of legal services.

10 (10) For the 2020-21 state fiscal year, \$18,996 is appropriated to
11 the department of public safety. This appropriation is from the COVID
12 heroes collaboration fund created in section 24-50-104 (1)(k). To
13 implement this act, the department may use this appropriation for the
14 purchase of legal services.

15 (11) For the 2020-21 state fiscal year, \$383,760 is appropriated to
16 the department of law. This appropriation is from reappropriated funds
17 received from the department of personnel under subsection (1)(c) of this
18 section and is based on an assumption that the department of law will
19 require an additional 2.0 FTE. To implement this act, the department of
20 law may use this appropriation to provide legal services for the
21 department of personnel.

22 (12) For the 2020-21 state fiscal year, \$23,026 is appropriated to
23 the department of law. This appropriation is from reappropriated funds
24 received from the department of labor and employment under subsection
25 (2)(b) of this section and is based on an assumption that the department
26 of law will require an additional 0.1 FTE. To implement this act, the
27 department of law may use this appropriation to provide legal services for

1 the department of labor and employment.

2 (13) For the 2020-21 state fiscal year, \$10,937 is appropriated to
3 the department of law. This appropriation is from reappropriated funds
4 received from the office of the governor under subsection (3)(b) of this
5 section and is based on an assumption that the department of law will
6 require an additional 0.1 FTE. To implement this act, the department of
7 law may use this appropriation to provide legal services for the office of
8 the governor.

9 (14) For the 2020-21 state fiscal year, \$118,646 is appropriated to
10 the department of law. This appropriation is from reappropriated funds
11 received from the department of corrections under subsection (4) of this
12 section and is based on an assumption that the department of law will
13 require an additional 0.6 FTE. To implement this act, the department of
14 law may use this appropriation to provide legal services for the
15 department of corrections.

16 (15) For the 2020-21 state fiscal year, \$96,132 is appropriated to
17 the department of law. This appropriation is from reappropriated funds
18 received from the department of human services under subsection (5) of
19 this section and is based on an assumption that the department of law will
20 require an additional 0.5 FTE. To implement this act, the department of
21 law may use this appropriation to provide legal services for the
22 department of human services.

23 (16) For the 2020-21 state fiscal year, \$52,980 is appropriated to
24 the department of law. This appropriation is from reappropriated funds
25 received from the department of transportation under subsection (6) of
26 this section and is based on an assumption that the department of law will
27 require an additional 0.3 FTE. To implement this act, the department of

1 law may use this appropriation to provide legal services for the
2 department of transportation.

3 (17) For the 2020-21 state fiscal year, \$26,479 is appropriated to
4 the department of law. This appropriation is from reappropriated funds
5 received from the department of revenue under subsection (7) of this
6 section and is based on an assumption that the department of law will
7 require an additional 0.1 FTE. To implement this act, the department of
8 law may use this appropriation to provide legal services for the
9 department of revenue.

10 (18) For the 2020-21 state fiscal year, \$25,904 is appropriated to
11 the department of law. This appropriation is from reappropriated funds
12 received from the department of natural resources under subsection (8) of
13 this section and is based on an assumption that the department of law will
14 require an additional 0.1 FTE. To implement this act, the department of
15 law may use this appropriation to provide legal services for the
16 department of natural resources.

17 (19) For the 2020-21 state fiscal year, \$18,996 is appropriated to
18 the department of law. This appropriation is from reappropriated funds
19 received from the department of public safety under subsection (9) of this
20 section and is based on an assumption that the department of law will
21 require an additional 0.1 FTE. To implement this act, the department of
22 law may use this appropriation to provide legal services for the
23 department of public safety.

24 (20) For the 2020-21 state fiscal year, \$197,445 is appropriated to
25 the department of law. This appropriation is from reappropriated funds
26 received from various departments and is based on an assumption that the
27 department of law will require an additional 1.1 FTE. To implement this

1 act, the department of law may use this appropriation to provide legal
2 services to various departments.

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4 **SECTION 8. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety.