

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Lundeen

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, 8-3-108, **amend**
4 (1)(c)(I), (1)(c)(II)(A), (1)(c)(II)(B), and (1)(c)(III) as follows:

5 **8-3-108. What are unfair labor practices.** (1) It is an unfair
6 labor practice for an employer, individually or in concert with others, to:

7 (c) (I) Encourage or discourage membership in ~~any~~ A labor
8 organization, employee agency, committee, association, or representation
9 plan by discrimination in regard to hiring, tenure, or other terms or
10 conditions of employment; except that an AGRICULTURAL employer shall
11 not be prohibited from entering into an all-union agreement with the
12 representatives of ~~his~~ THE EMPLOYER'S employees in a collective
13 bargaining unit if such all-union agreement is approved by the affirmative
14 vote of at least a majority of all the employees eligible to vote or
15 three-quarters or more of the employees who actually voted, whichever
16 is greater, by secret ballot in favor of such all-union agreement in an
17 election provided for in this ~~paragraph (e)~~ SUBSECTION (1)(c) conducted
18 under the supervision of the director. Where the collective bargaining unit
19 involved is currently recognized under ~~sections~~ SECTION 8 or 9 of the
20 "National Labor Relations Act", ~~as amended, (49 Stat. 449, 61 Stat. 136)~~
21 29 U.S.C. SEC. 151 ET SEQ., or where the collective bargaining unit
22 involved is currently recognized by reason of certification by the director
23 or the national labor relations board, or where such units were so
24 recognized at the time of an election provided for in this ~~paragraph (e)~~
25 SUBSECTION (1)(c), there is and shall be deemed to have been no need for
26 a certification election as a precedent to an election provided for in this
27 ~~paragraph (e)~~ SUBSECTION (1)(c) in such collective bargaining unit on the
28 issue of an all-union agreement. The employees in such a recognized or
29 certified unit within this state shall be the only employees eligible to vote
30 in an election provided for in this ~~paragraph (e)~~ SUBSECTION (1)(c) held
31 in such unit.

32 (II) (A) ~~Any~~ AN agreement as defined in section 8-3-104 (1.5)
33 between an AGRICULTURAL employer and a labor organization in
34 existence on June 29, 1977, ~~which~~ THAT has not been voted upon by the
35 employees covered by it may, by written mutual agreement of ~~such~~ THE
36 AGRICULTURAL employer and labor organization, be ratified and upon
37 such ratification shall be filed with the director. ~~Any~~ AN agreement as
38 defined in section 8-3-104 (1.5) between an AGRICULTURAL employer and
39 a labor organization in existence on June 29, 1977, ~~which~~ THAT has not
40 been ratified and filed, as provided in this subsection (1)(c)(II), shall not

1 be legal, valid, or enforceable during the remaining term of that labor
2 contract unless and until either the AGRICULTURAL employer, the labor
3 organization, or at least twenty percent of the employees covered by such
4 agreement file a petition upon forms provided by the division, demanding
5 an election submitting the question of the all-union agreement to the
6 employees covered by ~~such~~ THE agreement and ~~said~~ THE agreement is
7 approved by the affirmative vote of at least a majority of all the
8 employees eligible to vote or three-quarters or more of the employees
9 who actually voted, whichever is greater, by secret ballot in favor of ~~such~~
10 THE all-union agreement in an election provided for in this subsection
11 (1)(c) conducted under the supervision of the director.

12 (B) Upon filing of ~~such~~ THE instrument of ratification with the
13 director, the director shall certify that ~~such~~ THE agreement BETWEEN THE
14 AGRICULTURAL EMPLOYER AND THE LABOR ORGANIZATION complies with
15 the ~~provisions~~ of section 8-3-104 (1.5) notwithstanding the absence of
16 any other election requirements of this article 3, and by virtue of ~~such~~ THE
17 ratification and certification, ~~such~~ THE agreement shall be deemed legal,
18 valid, and enforceable to the extent permitted under the ~~provisions~~ of this
19 article 3, subject to ~~the provisions~~ of subsection (1)(c)(II)(D) of this
20 section.

21 (III) The director shall declare ~~any~~ ~~such~~ AN all-union agreement
22 terminated whenever:

23 (A) ~~He~~ THE DIRECTOR finds that the labor organization involved
24 HAS unreasonably ~~has~~ refused to receive as a member ~~any~~ AN employee
25 of ~~such~~ THE employer, and ~~any~~ ~~person~~ AN interested INDIVIDUAL may
26 come before the director, as provided in section 8-3-110, and ask the
27 performance of this duty; or

28 (B) ~~The~~ AN AGRICULTURAL employer or twenty percent of the
29 employees ~~OF~~ THE AGRICULTURAL EMPLOYER covered by ~~such~~ THE
30 ALL-UNION agreement file a petition with the director on forms provided
31 by the division seeking to revoke ~~such~~ THE all-union agreement and, in an
32 election conducted under the supervision of the director, there is not an
33 affirmative vote of at least a majority of all the employees eligible to vote
34 or three-quarters or more of the employees who actually voted, whichever
35 is greater, in ~~such~~ THE election by secret ballot in favor of ~~such~~ THE
36 all-union agreement. ~~Such~~ THE petition may only be filed within a time
37 period between one hundred twenty and one hundred five days ~~prior to~~
38 BEFORE the end of the collective bargaining agreement or ~~prior to~~ BEFORE
39 a triennial anniversary of the date of such agreement, and the division
40 must complete said election within sixty days ~~prior to~~ BEFORE the
41 termination or triennial anniversary of said collective bargaining
42 agreement. The director may conduct an election within a collective
43 bargaining unit no more often than once during the term of any collective

1 bargaining agreement or once every three years in the case of agreements
2 for a period longer than three years.

3 **SECTION 2. Safety clause.** The general assembly finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety or for appropriations for
6 the support and maintenance of the departments of the state and state
7 institutions.".

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