

An Act

HOUSE BILL 26-1005

BY REPRESENTATIVE(S) Mabrey and Bacon, Duran, Boesenecker, Brown, Camacho, Clifford, Espenoza, Froelich, Garcia, Gilchrist, Hamrick, Jackson, Lieder, Lindsay, Lukens, Martinez, Mauro, McCormick, Phillips, Rydin, Sirota, Stewart K., Stewart R., Titone, Velasco, Woodrow, Zokaie, Carter, English, Goldstein, Joseph, Nguyen, Paschal, Rutinel, Smith, Story, Willford, McCluskie;

also SENATOR(S) Danielson and Jodeh, Bridges, Cutter, Exum, Gonzales J., Hinrichsen, Kipp, Kolker, Lindstedt, Marchman, Sullivan, Wallace, Weissman, Amabile, Ball, Benavidez, Daugherty, Mullica, Roberts, Rodriguez, Snyder, Coleman.

CONCERNING MEASURES TO REDUCE BARRIERS IN THE "LABOR PEACE ACT" TO PROMOTE GOOD FAITH COLLECTIVE BARGAINING NEGOTIATIONS, AND, IN CONNECTION THEREWITH, REDUCING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 8-3-102, **amend** (1)(a), (1)(b), (1)(c), and (1)(e) as follows:

8-3-102. Legislative declaration.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(1) The public policy of the state as to employment relations and collective bargaining, in the furtherance of which this article 3 is enacted, is declared to be as follows:

(a) It recognizes that there are three major interests involved, namely: That of the public, the employee, and the employer. ~~These three interests are to a considerable extent interrelated.~~ It is the policy of the state to protect and promote each of these interests with due regard to ~~the situation and to the rights of the others~~ THE RIGHTS OF ALL INVOLVED.

(b) Industrial peace, ~~regular and adequate income~~ FAIR WAGES AND BENEFITS for the employee, and uninterrupted production of goods and services ~~are promotive of~~ PROMOTE all of these interests. They are largely dependent upon the maintenance of ~~fair, friendly, and mutually satisfactory~~ GOODFAITH employment relations and the availability of suitable machinery for the peaceful adjustment of whatever legitimate controversies may arise. ~~It is recognized that certain employers, including farmers and farmer cooperatives, in addition to their general employer problems, face special problems arising from perishable commodities and seasonal production which require adequate consideration.~~ It is also recognized that whatever may be the rights of disputants with respect to each other in any controversy regarding employment relations, they should not be permitted in the conduct of their controversy to intrude directly or indirectly into the primary rights of third parties to earn a livelihood, transact business, and engage in the ordinary affairs of life by any lawful means and free from ~~molestation,~~ interference, intimidation, restraint, or coercion.

(c) ~~Negotiations of~~ Terms and conditions of work should BE NEGOTIATED IN GOOD FAITH BY ALL PARTIES AND result from voluntary agreement between AN employer and ~~employee~~ ITS EMPLOYEES AND WITHOUT UNDUE INTERFERENCE BY THE STATE. For the purpose of such negotiation, ~~an employee has~~ EMPLOYEES HAVE the right, if ~~he desires~~ DESIRED, to associate with ~~others~~ EACH OTHER in organizing and bargaining collectively through representatives of ~~his own~~ THE EMPLOYEES' free choosing without intimidation or coercion from any source.

(e) In order to preserve and promote the interests of the public, the ~~employee~~ EMPLOYEES, and the employer alike, the state shall establish standards of fair conduct in employment relations and provide a convenient, expeditious, and impartial tribunal by which these interests may have their

respective rights and obligations adjudicated, without limiting the jurisdiction of the courts to ~~protect property~~ PREVENT VIOLENCE, and to prevent and punish the commission of unlawful acts. ~~While limiting individual and group rights of aggression and defense, the state substitutes processes of justice for the more primitive methods of trial by combat.~~

SECTION 2. In Colorado Revised Statutes, **amend** 8-3-106 as follows:

8-3-106. Rights of employees.

In accordance with ~~the provisions of this article~~ ARTICLE 3, employees have the right of self-organization and the right to form, join, or assist labor organizations; to bargain collectively, INCLUDING THE RIGHT TO BARGAIN COLLECTIVELY CONCERNING ANY MANDATORY SUBJECT OF BARGAINING, through representatives of their own free choosing; and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection. Each employee also has the right to refrain from any of such activities. The rights of each employee are essential rights, and nothing contained in this ~~article~~ ARTICLE 3 shall be so construed ~~as~~ to infringe upon or have any operation against or in conflict with such rights.

SECTION 3. In Colorado Revised Statutes, 8-3-108, **amend** (1)(c)(I) and (1)(c)(III); and **repeal** (1)(c)(II) and (1)(c)(IV) as follows:

8-3-108. What are unfair labor practices.

(1) It is an unfair labor practice for an employer, individually or in concert with others, to:

(c) (I) Encourage or discourage membership in ~~any~~ A labor organization, employee agency, committee, association, or representation plan by discrimination in regard to hiring, tenure, or other terms or conditions of employment; except that an employer shall not be prohibited from entering into an all-union agreement with the representatives of ~~his~~ THE EMPLOYER'S employees in a collective bargaining unit. ~~if such all-union agreement is approved by the affirmative vote of at least a majority of all the employees eligible to vote or three-quarters or more of the employees who actually voted, whichever is greater, by secret ballot in favor of such~~

~~all-union agreement in an election provided for in this paragraph (c) conducted under the supervision of the director. Where the collective bargaining unit involved is currently recognized under sections 8 or 9 of the "National Labor Relations Act", as amended, (49 Stat. 449; 61 Stat. 136), or where the collective bargaining unit involved is currently recognized by reason of certification by the director or the national labor relations board; or where such units were so recognized at the time of an election provided for in this paragraph (c), there is and shall be deemed to have been no need for a certification election as a precedent to an election provided for in this paragraph (c) in such collective bargaining unit on the issue of an all-union agreement. The employees in such a recognized or certified unit within this state shall be the only employees eligible to vote in an election provided for in this paragraph (c) held in such unit.~~

~~(II) (A) Any agreement as defined in section 8-3-104 (1.5) between an employer and a labor organization in existence on June 29, 1977, which has not been voted upon by the employees covered by it may, by written mutual agreement of such employer and labor organization, be ratified and upon such ratification shall be filed with the director. Any agreement as defined in section 8-3-104 (1.5) between an employer and a labor organization in existence on June 29, 1977, which has not been ratified and filed, as provided in this subsection (1)(c)(II), shall not be legal, valid, or enforceable during the remaining term of that labor contract unless and until either the employer, the labor organization, or at least twenty percent of the employees covered by such agreement file a petition upon forms provided by the division, demanding an election submitting the question of the all-union agreement to the employees covered by such agreement and said agreement is approved by the affirmative vote of at least a majority of all the employees eligible to vote or three-quarters or more of the employees who actually voted, whichever is greater, by secret ballot in favor of such all-union agreement in an election provided for in this subsection (1)(c) conducted under the supervision of the director.~~

~~(B) Upon filing of such instrument of ratification with the director, the director shall certify that such agreement complies with the provisions of section 8-3-104 (1.5) notwithstanding the absence of any other election requirements of this article 3, and by virtue of such ratification and certification, such agreement shall be deemed legal, valid, and enforceable to the extent permitted under the provisions of this article 3, subject to the provisions of subsection (1)(c)(II)(D) of this section.~~

~~(C) Within two weeks after the certification by the director provided for in sub-subparagraph (B) of this subparagraph (H), the employer which is a party to such agreement shall post or give written notice to all employees covered by such agreement on the date of ratification of the fact that the agreement has been ratified and certified pursuant to the provisions of this subparagraph (H) and of the right of such employees to file a petition demanding an election as provided in sub-subparagraph (D) of this subparagraph (H). Proof of giving of notice shall be filed with the director within twenty days after the certification by the director provided for in sub-subparagraph (B) of this subparagraph (H).~~

~~(D) Within forty-five days after the certification by the director provided for in sub-subparagraph (B) of this subparagraph (H) twenty percent of the employees covered by such agreement may file a petition, upon forms provided by the division, demanding an election submitting the question of ratification of such agreement to the employees covered by such agreement. If ratification of the agreement is approved by the affirmative vote of at least a majority of all the employees eligible to vote or three-quarters or more of the employees who actually voted, whichever is greater, in said election, the agreement shall be conclusively deemed ratified. Such election shall be held as promptly as possible following the filing of the petition. In the event that a certified contract expires or is terminated prior to the conducting of such an election, such certification shall be applicable to any subsequent agreement between the same parties until such election may be held.~~

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

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

~~(B) The employer or twenty percent of the employees covered by such agreement file a petition with the director on forms provided by the division seeking to revoke such all-union agreement and, in an election conducted under the supervision of the director, there is not an affirmative vote of at least a majority of all the employees eligible to vote or~~

~~three-quarters or more of the employees who actually voted, whichever is greater, in such election by secret ballot in favor of such all-union agreement. Such petition may only be filed within a time period between one hundred twenty and one hundred five days prior to the end of the collective bargaining agreement or prior to a triennial anniversary of the date of such agreement, and the division must complete said election within sixty days prior to the termination or triennial anniversary of said collective bargaining agreement. The director may conduct an election within a collective bargaining unit no more often than once during the term of any collective bargaining agreement or once every three years in the case of agreements for a period longer than three years.~~

~~(IV) The director shall provide a means by which employees may submit confidential petitions for an election under this paragraph (c), a means for verifying the employment, status, and eligibility of petitioners; and a means for determining the sufficiency of such petitions with respect to the twenty percent signature requirement, all of which shall be accomplished without disclosing the identification of such petitioners, except as allowed under subparagraph (V) of this paragraph (c). This duty shall apply to petitions filed pursuant to subparagraph (H)(A), (H)(D), or (H)(B) of this paragraph (c).~~

SECTION 4. In Colorado Revised Statutes, 8-3-109, **amend** (3); and **add** (4) as follows:

8-3-109. What are not unfair labor practices - obligation to bargain in good faith.

~~(3) It shall not be IS NOT an unfair labor practice for an employer engaged primarily in the building and construction industry to enter into an all-union agreement. except an agreement providing for an agency shop or modified agency shop, with a labor organization, which agreement is limited in its coverage to employees who, upon their employment, will be engaged in the building and construction industry, if a copy of such agreement is filed with the director and certified by him as provided in section 8-3-108 (1)(c)(H)(B). Such agreement may be ratified as provided in section 8-3-108 (1)(c)(H)(C) or terminated by the director as provided in section 8-3-108 (1)(c)(H):~~

(4) IT IS NOT AN UNFAIR LABOR PRACTICE FOR AN EMPLOYER TO

REFUSE TO AGREE TO A LAWFUL PROPOSAL MADE BY THE EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES, OR FOR THE EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES TO REFUSE TO AGREE TO A LAWFUL PROPOSAL MADE BY THE EMPLOYER, CONCERNING A MANDATORY SUBJECT OF BARGAINING IF THE REFUSING PARTY HAS BARGAINED IN GOOD FAITH WITH THE OTHER PARTY. EMPLOYERS AND EMPLOYEES, THROUGH THEIR EXCLUSIVE REPRESENTATIVE, HAVE THE OBLIGATION TO BARGAIN IN GOOD FAITH. THE OBLIGATION TO BARGAIN IN GOOD FAITH DOES NOT COMPEL EITHER PARTY TO AGREE TO A PROPOSAL OR MAKE A CONCESSION.

SECTION 5. Appropriation - adjustments to 2026 long bill.

(1) Except as provided in subsection (2) of this section, to implement this act, the general fund appropriation made in the annual general appropriation act for the 2026-27 state fiscal year to the department of labor and employment for use by the division of labor standards and statistics for program costs related to labor standards is decreased by \$26,865, and the related FTE is decreased by 0.2 FTE.

(2) Subsection (1) of this section does not require a reduction of an appropriation in the annual general appropriation act for the 2026-27 state fiscal year if:

(a) The amount of general fund appropriation made in the annual general appropriation act for the 2026-27 state fiscal year to the department of labor and employment for use by the division of labor standards and statistics for program costs related to labor standards is less than the amount of the adjustment required in subsection (1) of this section; or

(b) The annual general appropriation act for the 2026-27 state fiscal year does not include an appropriation to the department of labor and employment for use by the division of labor standards and statistics for program costs related to labor standards.

SECTION 6. Effective date - applicability. (1) This act takes effect upon passage; except that section 5 of this act takes effect only if the annual general appropriation act for the 2026-27 state fiscal year becomes law, in which case section 5 takes effect upon the effective date of this act or upon the effective date of the annual general appropriation act for state fiscal year 2026-27, whichever is later.

(2) This act applies to collective bargaining agreements entered into or renewed on or after the effective date of this act.

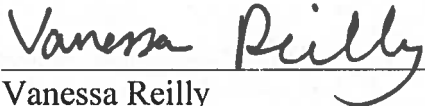
SECTION 7. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE



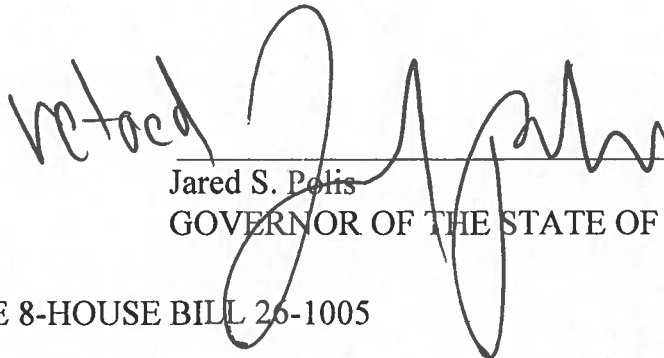
Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Esther van Mourik
SECRETARY OF
THE SENATE

VETO

DIS APPROVED AND VETOED on Friday May 29th 2008 at 12:50pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO