



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# FINAL FISCAL NOTE

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<b>Drafting Number:</b>	LLS 18-1214	<b>Date:</b>	June 4, 2018
<b>Prime Sponsors:</b>	Sen. Gardner Rep. Lundeen	<b>Bill Status:</b>	Postponed Indefinitely
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**Bill Topic:** PROHIBIT PUBLIC SCHOOL TEACHER STRIKES

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<b>Summary of Fiscal Impact:</b>	<input checked="" type="checkbox"/> State Revenue ( <i>minimal</i> )	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure ( <i>minimal</i> )	<input checked="" type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill prohibits public school teachers and teacher organizations from planning or participating in a strike, and prohibits public school employers from authorizing or condoning a strike. The bill increases state and local government revenue and workload by a minimal amount on an ongoing basis.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** The fiscal note reflects the introduced bill. The bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

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### Summary of Legislation

The bill prohibits public school teachers and every teacher organization from directly or indirectly inducing, instigating, encouraging, authorizing, ratifying, or participating in a strike against an employer. Public school employers may not authorize, consent, or condone a strike or pay a public school teacher for a day in which the teacher participates in a strike.

Should a strike occur or be imminently threatened, the public school employer may apply to the district court in the county in which the strike or potential strike may occur for an order to prohibit the strike. The bill specifies what must be included in the application to the court. If the court finds that a strike occurred or is likely to occur, the court must issue an injunction prohibiting the strike. Failure to comply with an injunction constitutes contempt of the court, punishable by:

- a fine of not more than \$10,000 for each day during which the failure to comply occurs, imprisonment in a county jail for up to 6 months, or both, for a public school teacher or officer of a teacher organization;
- a fine of up to \$10,000 for each day the failure to comply occurs for a teacher organization.

**Violation by a teacher.** If a public school teacher is found in contempt for failure to comply with a court injunction, or otherwise violates the prohibition, the public school employer must immediately terminate the teacher's employment without a hearing. The court may request that

the employer delay the termination pending judicial proceedings. The fired teacher is not entitled to a hearing or to file a separate action for judicial review, and is ineligible for employment with any public school employer for one year.

**Violation by a teacher organization.** If a teacher organization or organization officer is found in contempt for failure to comply with a court injunction, or otherwise violates the prohibition, the teacher organization may not represent or receive dues from public school teachers for one year following the conviction or finding of contempt. In addition, any collective bargaining agreement negotiated by the organization is void and public school employers may not negotiate with the organization for one year.

The court may suspend or modify the penalties in the bill upon request of the employer and if the court determines it is in the public interest; however, a teacher organization and public school employer may not bargain with each other regarding a request to suspend or modify the penalize.

### **State Revenue**

Beginning in the current FY 2017-18, this bill is anticipated to increase state General Fund revenue by a minimal amount. A public school teacher or officer of a teacher organization may be fined up to \$500 for each day the violation occurs and a teacher organization may be fined up to \$10,000 for each day the violation occurs. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined.

### **State Expenditures**

The bill increases the workload for the district courts in the Judicial Department, beginning in FY 2017-18. Workload will increase for district courts to handle requests for injunctions filed by school districts, and violations of the strike prohibition. Any increase is expected to be minimal and does not require an increase in appropriations for the Judicial Department.

### **Local Government Impact**

Overall, this bill is expected to impact school district and county jail workload, and costs as described below. The exact impact will vary depending on the number of offenses committed within its jurisdiction.

**School districts.** For school districts in which a teacher strike occurs or is imminent, the bill increases costs and workload for a school districts that file a request with district court for an injunction prohibiting the strike. In addition, to the extent that teacher's strike, district expenditures decrease, as teachers may not be paid while on strike. Should a collective bargaining agreement be null and void as a result of a teacher organization's involvement in a strike, the bill increases workload to adjust procedures and determine compensation and employment of teachers.

**County jails.** Under the bill, a court may sentence a public school teacher to jail for failing to comply with a court injunction prohibiting a teacher strike for up to 6 months. Because the courts have the discretion of incarceration or imposing a fine, the precise impact at the local level cannot be determined. Estimated costs to house an offender in a county jail vary from \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$54.39 to house state inmates.

**Technical Note**

The bill specifies that public school employers may not authorize or condone a strike, or pay a teacher for any day during which the teacher participates in a strike. The bill does not specify the mechanism for enforcement of such a violation. As a result, the fiscal note does not include any impact from a violation by a public school employer.

**Effective Date**

The bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee on April 30, 2018.

**State and Local Government Contacts**

Education

Judicial

Law