

CHAPTER 199

LABOR AND INDUSTRY

SENATE BILL 99-155

BY SENATORS Blickensderfer, Andrews, Arnold, Congrove, Musgrave, Powers, and Tebedo;
also REPRESENTATIVES McPherson and McKay.

AN ACT

CONCERNING THE DENIAL OF UNEMPLOYMENT BENEFITS TO EMPLOYEES LOCKED OUT BY AN EMPLOYER
IN A DEFENSIVE LOCKOUT, AND, IN CONNECTION THEREWITH, DEFINING EMPLOYEES ELIGIBLE TO
RECEIVE BENEFITS IN AN OFFENSIVE LOCKOUT.

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

SECTION 1. 8-73-109 (1), Colorado Revised Statutes, is amended to read:

8-73-109. Strikes or other labor disputes. (1) (a) FOR PURPOSES OF THIS SECTION:

(I) "COORDINATED BARGAINING" MEANS TWO OR MORE EMPLOYERS BARGAINING WITH A UNION WHERE THERE IS COMMUNICATION AND ACCOMMODATION AMONG THE EMPLOYERS BUT WHERE EACH IS FREE TO MAKE INDEPENDENT DECISIONS ON SOME OR ALL OF THE ISSUES BEING NEGOTIATED WITH THE UNION, EITHER WRITTEN NOTIFICATION OF THE INTENT TO ENGAGE IN COORDINATED BARGAINING HAS BEEN PROVIDED TO THE UNION OR THE UNION HAS REJECTED AN OFFER TO ENGAGE IN MULTIEMPLOYER BARGAINING, AND ONE OR MORE REPRESENTATIVES OF EACH EMPLOYER PARTICIPATING IN THE COORDINATED BARGAINING IS PRESENT AT ONE OR MORE BARGAINING SESSIONS.

(II) "DEFENSIVE LOCKOUT" MEANS A LOCKOUT:

(A) REASONABLY IMPOSED BY AN EMPLOYER TO PROTECT MATERIALS, PROPERTY, OR OPERATIONS; OR

(B) WHERE A UNION OR TWO OR MORE EMPLOYEES THAT ARE REPRESENTED BY THE UNION TAKE ECONOMIC ACTION AGAINST AN EMPLOYER AND THAT ACTION CAUSES THE EMPLOYER TO LOCK OUT; OR

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(C) BY ANY MEMBER OF A MULTIEMPLOYER BARGAINING UNIT OR AN EMPLOYER ENGAGED IN COORDINATED BARGAINING WITH ONE OR MORE OTHER EMPLOYERS IF SUCH LOCKOUT IS INITIATED BECAUSE OF A STRIKE OR LABOR DISPUTE INVOLVING ANY MEMBER OF SUCH MULTIEMPLOYER BARGAINING UNIT OR COORDINATED BARGAINING GROUP.

(III) "LOCKOUT" MEANS A REFUSAL BY AN EMPLOYER ENGAGED IN A DISPUTE WITH A UNION TO PERMIT ITS EMPLOYEES TO PERFORM EMPLOYMENT SERVICES.

(IV) "MULTIEMPLOYER BARGAINING UNIT" MEANS ANY GROUP OF TWO OR MORE EMPLOYERS BARGAINING WITH A UNION AS A SINGLE UNIT WITH THE CONSENT OF EACH EMPLOYER AND THE UNION.

(V) "OFFENSIVE LOCKOUT" MEANS ANY LOCKOUT BY AN EMPLOYER THAT DOES NOT SATISFY THE DEFINITION OF A DEFENSIVE LOCKOUT.

(VI) "STRIKE OR LABOR DISPUTE" MEANS THE WITHHOLDING OF EMPLOYMENT SERVICES OR OTHER ECONOMIC ACTION BY TWO OR MORE EMPLOYEES THAT ARE REPRESENTED BY THE UNION DIRECTED AT AN EMPLOYER'S BUSINESS.

(b) An individual is ineligible for unemployment compensation benefits for any week with respect to which the division finds that his OR HER total or partial unemployment is due to a strike or labor dispute in the factory, establishment, or other premises in which he OR SHE was employed and thereafter for such reasonable period of time, if any, as may be necessary for such factory, establishment, or other premises to resume normal operations.

(c) For the purposes of this section, a lockout by any member of a multiemployer bargaining unit OR AN EMPLOYER ENGAGED IN COORDINATED BARGAINING WITH ANOTHER EMPLOYER shall constitute a labor dispute if such lockout was ~~initiated because of a strike or labor dispute involving any member of such multiemployer bargaining unit~~ A DEFENSIVE LOCKOUT. IN ACCORDANCE WITH PARAGRAPH (b) OF THIS SUBSECTION (1), THE EMPLOYEES LAID OFF IN SUCH A DEFENSIVE LOCKOUT ARE INELIGIBLE FOR UNEMPLOYMENT COMPENSATION BENEFITS.

(d) HOWEVER, NOTWITHSTANDING PARAGRAPH (b) OF THIS SUBSECTION (1), IF his OR HER unemployment is due to ~~a~~ AN OFFENSIVE lockout ~~involving a multiemployer bargaining unit member or otherwise~~ INITIATED BY THE EMPLOYER the individual will ~~not~~ be determined ~~ineligible unless~~ ELIGIBLE FOR UNEMPLOYMENT COMPENSATION BENEFITS. ~~the lockout results from the demands of employees as distinguished from an effort on the part of the employer to deprive the employees of some advantage they already possess.~~

SECTION 2. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 19, 1999