

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 13-0967.01 Kristen Forrester x4217

HOUSE BILL 13-1304

HOUSE SPONSORSHIP

Moreno, Exum, Hamner, Kraft-Tharp, Rosenthal, Ryden, Williams

SENATE SPONSORSHIP

Guzman, Aguilar, Carroll, Giron, Heath, Hodge, Hudak, Johnston, Jones, Kefalas, Kerr, Morse, Newell, Nicholson, Schwartz, Steadman, Tochtrop, Todd, Ulibarri

House Committees

Business, Labor, Economic, & Workforce Development

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION**
102 **BENEFITS WHEN UNEMPLOYMENT IS DUE TO A LOCKOUT.**

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://www.leg.state.co.us/billsummaries>.)

The bill removes the distinction between an offensive lockout and a defensive lockout, making an individual eligible for unemployment compensation benefits whenever his or her unemployment is due to a lockout.

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

HOUSE
2nd Reading Unamended
April 19, 2013

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-73-109, **amend** (1)
3 (b); and **repeal** (1) (a) (II), (1) (a) (IV), (1) (a) (V), (1) (c), and (1) (d) as
4 follows:

5 **8-73-109. Strikes or other labor disputes - definitions.**

6 (1) (a) For purposes of this section:

7 (II) "Defensive lockout" means a lockout:

8 ~~(A) Reasonably imposed by an employer to protect materials,~~
9 ~~property, or operations; or~~

10 ~~(B) Where a union or two or more employees that are represented~~
11 ~~by the union take economic action against an employer and that action~~
12 ~~causes the employer to lock out; or~~

13 ~~(C) By any member of a multiemployer bargaining unit or an~~
14 ~~employer engaged in coordinated bargaining with one or more other~~
15 ~~employers if such lockout is initiated because of a strike or labor dispute~~
16 ~~involving any member of such multiemployer bargaining unit or~~
17 ~~coordinated bargaining group.~~

18 (IV) "Multiemployer bargaining unit" means any group of two or
19 more employers bargaining with a union as a single unit with the consent
20 of each employer and the union.

21 (V) "Offensive lockout" means any lockout by an employer that
22 does not satisfy the definition of a defensive lockout.

23 (b) (I) An individual is ineligible for unemployment compensation
24 benefits for any week with respect to which the division finds that his or
25 her total or partial unemployment is due to a strike or labor dispute in the
26 factory, establishment, or other premises in which he or she was

1 employed and thereafter for such reasonable period of time, if any, as may
2 be necessary for ~~such~~ THE factory, establishment, or other premises to
3 resume normal operations.

4 (II) AN INDIVIDUAL IS ELIGIBLE FOR UNEMPLOYMENT
5 COMPENSATION BENEFITS FOR ANY WEEK WITH RESPECT TO WHICH THE
6 DIVISION FINDS THAT HIS OR HER TOTAL OR PARTIAL UNEMPLOYMENT IS
7 DUE TO A LOCKOUT.

8 (c) ~~For the purposes of this section, a lockout by any member of~~
9 ~~a multiemployer bargaining unit or an employer engaged in coordinated~~
10 ~~bargaining with another employer shall constitute a labor dispute if such~~
11 ~~lockout was a defensive lockout. In accordance with paragraph (b) of this~~
12 ~~subsection (1), the employees laid off in such a defensive lockout are~~
13 ~~ineligible for unemployment compensation benefits.~~

14 (d) ~~However, notwithstanding paragraph (b) of this subsection (1),~~
15 ~~if his or her unemployment is due to an offensive lockout initiated by the~~
16 ~~employer, the individual will be determined eligible for unemployment~~
17 ~~compensation benefits.~~

18 **SECTION 2. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2014 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.