

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0413.01 Nicole Myers

SENATE BILL 11-038

SENATE SPONSORSHIP

Mitchell,

HOUSE SPONSORSHIP

(None),

Senate Committees
State, Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING THE PROHIBITION OF OFFICIAL STATE RECOGNITION OF
102 CERTAIN ACTIVITIES OF EMPLOYEE ORGANIZATIONS FOR THE
103 BENEFIT OF STATE EMPLOYEES.

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>.)

Employee organizations are currently authorized through a 2007 executive order to become the exclusive representative of the state employees in any occupational group or other categorization of state employees (state employees). Employee organizations are also authorized

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.

to form partnership agreements with state employees to provide the framework for discussing issues of mutual concern to state employees and the state as an employer.

The bill prohibits:

! The director of the division of labor from accepting a petition from an employee organization to become the exclusive employee representative of state employees, certifying any employee organization as the exclusive representative of state employees, or acting as the agent of any employee organization; and

! Any representative of the executive branch of state government from negotiating with an employee organization to create an employee partnership agreement.

The bill terminates any partnership agreement that is currently in effect and that was formed pursuant to executive order D 028 07.

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

2 **SECTION 1.** Part 1 of article 50 of title 24, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **24-50-146. Employee organizations - partnership agreements**
6 **- prohibition - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (a) "EMPLOYEE ORGANIZATION" MEANS AN ORGANIZATION IN
9 WHICH STATE EMPLOYEES MAY PARTICIPATE AND THAT EXISTS FOR THE
10 PURPOSE OF DEALING WITH THE STATE AS AN EMPLOYER CONCERNING
11 ISSUES OF MUTUAL CONCERN BETWEEN EMPLOYEES AND THE STATE.

12 (b) "OCCUPATIONAL GROUP" MEANS STATE EMPLOYEES THAT
13 HAVE THE SAME OR SIMILAR JOB RESPONSIBILITIES. OCCUPATIONAL
14 GROUPS INCLUDE, BUT ARE NOT LIMITED TO, ADMINISTRATIVE SUPPORT
15 AND RELATED SERVICES, ENFORCEMENT AND PROTECTIVE SERVICES,
16 FINANCIAL SERVICES, HEALTH CARE AND MEDICAL SERVICES, LABOR,
17 TRADES AND CRAFTS, PHYSICAL SCIENCES AND ENGINEERING,

1 PROFESSIONAL SERVICES AND TEACHERS, AND STATE TROOPERS.

2 (c) "PARTNERSHIP AGREEMENT" MEANS AN AGREEMENT REACHED
3 THROUGH DISCUSSIONS BETWEEN A REPRESENTATIVE OF THE EXECUTIVE
4 BRANCH OF STATE GOVERNMENT AS AN EMPLOYER AND AN EMPLOYEE
5 ORGANIZATION ON BEHALF OF STATE EMPLOYEES REGARDING
6 GOVERNMENT SERVICES OR EFFICIENCIES OR PROVIDING THE FRAMEWORK
7 FOR DISCUSSING ISSUES OF MUTUAL CONCERN TO THE STATE AS AN
8 EMPLOYER AND STATE EMPLOYEES.

9 (d) "STATE EMPLOYEE" MEANS A PERSON WHO IS EMPLOYED BY
10 THE EXECUTIVE BRANCH OF STATE GOVERNMENT, REGARDLESS OF
11 WHETHER THE PERSON IS INCLUDED IN THE STATE PERSONNEL SYSTEM AND
12 REGARDLESS OF THE NATURE OF THE PERSON'S EMPLOYMENT.

13 (2) THE DIRECTOR OF THE DIVISION OF LABOR IS PROHIBITED FROM
14 ENGAGING IN THE FOLLOWING ACTIVITIES:

15 (a) ACCEPTING A PETITION FROM AN EMPLOYEE ORGANIZATION TO
16 BECOME THE EXCLUSIVE EMPLOYEE REPRESENTATIVE OF EMPLOYEES IN
17 ANY OCCUPATIONAL GROUP OR OTHER CATEGORIZATION OF STATE
18 EMPLOYEES;

19 (b) CERTIFYING ANY EMPLOYEE ORGANIZATION AS THE EXCLUSIVE
20 REPRESENTATIVE OF STATE EMPLOYEES IN A SINGLE OCCUPATIONAL
21 GROUP OR OTHER CATEGORIZATION OF STATE EMPLOYEES; OR

22 (c) ACTING AS THE AGENT OF ANY EMPLOYEE ORGANIZATION.

23 (3) A REPRESENTATIVE OF THE EXECUTIVE BRANCH OF STATE
24 GOVERNMENT IS PROHIBITED FROM NEGOTIATING WITH AN EMPLOYEE
25 ORGANIZATION TO CREATE A PARTNERSHIP AGREEMENT, INCLUDING BUT
26 NOT LIMITED TO:

27 (a) A PARTNERSHIP AGREEMENT THAT GOVERNS DISCUSSIONS OF

1 MATTERS IMPACTING ALL STATE EMPLOYEES AS A WHOLE;

2 (b) A PARTNERSHIP AGREEMENT THAT GOVERNS MATTERS
3 IMPACTING STATE EMPLOYEES IN A SINGLE OCCUPATIONAL GROUP; OR

4 (c) A PARTNERSHIP AGREEMENT THAT GOVERNS DISCUSSIONS OF
5 MATTERS IMPACTING STATE EMPLOYEES IN A SINGLE DEPARTMENT OR
6 AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

7 (4) ANY PARTNERSHIP AGREEMENT THAT WAS FORMED PURSUANT
8 TO EXECUTIVE ORDER D 028 07 AND THAT IS IN EFFECT ON THE EFFECTIVE
9 DATE OF THIS SUBSECTION (4) SHALL BE TERMINATED AS OF THE
10 EFFECTIVE DATE OF THIS SUBSECTION (4).

11 (5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT
12 ANY STATE EMPLOYEE FROM INDIVIDUALLY JOINING OR MAINTAINING A
13 MEMBERSHIP IN AN EMPLOYEE ORGANIZATION IN THE STATE.

14 **SECTION 2. Act subject to petition - effective date.** This act
15 shall take effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part shall not take effect
21 unless approved by the people at the general election to be held in
22 November 2012 and shall take effect on the date of the official
23 declaration of the vote thereon by the governor.