

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0991.01 Nicole Myers x4326

SENATE BILL 18-175

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

Lundeen,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING THE PROHIBITION AGAINST PAID UNION ACTIVITIES BY
102 PUBLIC 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://leg.colorado.gov>.)

The bill prohibits a public employer from entering into an employment bargain with a public employee or union to compensate a public employee or a third party for union activities or to pay the expenses of an employee or third party's participation in union activities. The prohibition applies to any employment bargain that is currently in existence or that is entered into in the future and that includes

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

compensation to public employees or third parties for union activities or that includes payment of expenses for union activities.

The bill requires the attorney general to enforce the prohibition of an employment bargain that compensates a public employee for union activities or pays the costs of participation in union activities. Any taxpayer of the jurisdiction in which a violation of the prohibition occurs has standing in any court to bring a special action against a public employer that violates the prohibition.

The bill specifies that the regulation of employment bargains is a matter of statewide concern and is not subject to further inconsistent regulation by any public employer.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 8-2-130** as
3 follows:

4 **8-2-130. Compensation for public employee union activities -**
5 **prohibition - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (a) "EMPLOYMENT BARGAIN" MEANS ANY FORMAL OR INFORMAL
8 EMPLOYMENT CONTRACT, AGREEMENT, OR UNDERSTANDING REGARDING
9 THE WAGES, BENEFITS, OR TERMS AND CONDITIONS OF EMPLOYMENT OF
10 ANY PUBLIC EMPLOYEE.

11 (b) "PUBLIC EMPLOYEE" MEANS ANY INDIVIDUAL WHO IS
12 EMPLOYED BY A PUBLIC EMPLOYER.

13 (c) "PUBLIC EMPLOYER" MEANS THE STATE AND ANY OF ITS
14 DEPARTMENTS, BOARDS, AGENCIES, INSTRUMENTALITIES, AUTHORITIES,
15 AND COMMISSIONS AND ANY POLITICAL SUBDIVISIONS, INCLUDING BUT
16 NOT LIMITED TO COUNTIES, CITY AND COUNTIES, MUNICIPALITIES, SCHOOL
17 DISTRICTS, LOCAL IMPROVEMENT DISTRICTS, LAW ENFORCEMENT
18 AUTHORITIES, WATER, SANITATION, FIRE PROTECTION, METROPOLITAN,
19 IRRIGATION, DRAINAGE, OR OTHER SPECIAL DISTRICTS, AND ANY OTHER

1 MUNICIPAL, QUASI-MUNICIPAL, OR PUBLIC CORPORATION ORGANIZED
2 PURSUANT TO THE CONSTITUTION OR OTHER LAW, AND ANY OF THE
3 POLITICAL SUBDIVISION'S RESPECTIVE DEPARTMENTS, BOARDS, AGENCIES,
4 INSTRUMENTALITIES, AUTHORITIES, AND COMMISSIONS, THAT HAS
5 EMPLOYEES.

6 (d) "UNION" MEANS ANY ASSOCIATION OR ORGANIZATION,
7 WHETHER INCORPORATED OR UNINCORPORATED, THAT REPRESENTS THE
8 INTERESTS OF MEMBER EMPLOYEES IN WAGES, BENEFITS, AND TERMS AND
9 CONDITIONS OF EMPLOYMENT.

10 (e) "UNION ACTIVITIES" MEANS ACTIVITIES THAT ARE PERFORMED
11 BY A UNION, UNION MEMBERS, OR UNION REPRESENTATIVES THAT RELATE
12 TO ADVOCATING THE INTERESTS OF MEMBER EMPLOYEES IN WAGES,
13 BENEFITS, TERMS AND CONDITIONS OF EMPLOYMENT, OR THE
14 ENFORCEMENT, FULFILLMENT, OR ADVANCEMENT OF THE UNION'S
15 ORGANIZATIONAL PURPOSES, OBLIGATIONS, EXTERNAL RELATIONS, OR
16 INTERNAL POLICIES AND PROCEDURES.

17 (2) A PUBLIC EMPLOYER SHALL NOT ENTER INTO ANY
18 EMPLOYMENT BARGAIN WITH ANY PUBLIC EMPLOYEE OR UNION TO
19 COMPENSATE ANY PUBLIC EMPLOYEE OR THIRD PARTY FOR UNION
20 ACTIVITIES OR TO PAY THE COSTS OF ANY PUBLIC EMPLOYEE OR THIRD
21 PARTY'S PARTICIPATION IN UNION ACTIVITIES. ANY EMPLOYMENT BARGAIN
22 IN EXISTENCE ON THE EFFECTIVE DATE OF THIS SECTION OR ENTERED INTO
23 ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION THAT INCLUDES
24 COMPENSATION TO OR THE PAYMENT OF EXPENSES OF PUBLIC EMPLOYEES
25 OR THIRD PARTIES FOR UNION ACTIVITIES IS VOID.

26 (3) THIS SECTION DOES NOT PROHIBIT A PUBLIC EMPLOYEE FROM
27 RECEIVING COMPENSATED LEAVE TIME FOR ANY PERSONAL PURPOSE.

1 (4) THE ATTORNEY GENERAL SHALL ENFORCE THE REQUIREMENTS
2 OF THIS SECTION. ANY TAXPAYER OF THE JURISDICTION IN WHICH A
3 VIOLATION OF THIS SECTION OCCURS HAS STANDING IN ANY COURT OF
4 RECORD TO BRING A SPECIAL ACTION AGAINST THE AGENT OF ANY PUBLIC
5 EMPLOYER TO REMEDY A VIOLATION OF ANY PROVISION OF THIS SECTION.

6 (5) THE REGULATION OF EMPLOYMENT BARGAINS IS A MATTER OF
7 STATEWIDE CONCERN AND IS NOT SUBJECT TO FURTHER INCONSISTENT
8 REGULATION BY ANY PUBLIC EMPLOYER. THIS SECTION PREEMPTS ALL
9 INCONSISTENT RULES, REGULATIONS, CODES, OR ORDINANCES, AND ANY
10 OTHER LAWS ADOPTED BY A PUBLIC EMPLOYER REGARDING EMPLOYMENT
11 BARGAINS.

12 **SECTION 2. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.