

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

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.

SENATE
Amended 2nd Reading
March 12, 2018

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; EXCEPT THAT "PUBLIC EMPLOYER" DOES NOT INCLUDE HOME
6 RULE MUNICIPALITIES.

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

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

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

27 (3) THIS SECTION DOES NOT PROHIBIT A PUBLIC EMPLOYEE FROM

1 RECEIVING COMPENSATED LEAVE TIME FOR ANY PERSONAL PURPOSE.

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

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

13 **SECTION 2. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2018 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.