

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 20-0018.01 Nicole Myers x4326

**HOUSE BILL 20-1153**

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**A BILL FOR AN ACT**

101      **CONCERNING THE RELATIONSHIP BETWEEN STATE EMPLOYEES AND**  
102            **THE STATE AS THEIR EMPLOYER, AND, IN CONNECTION**  
103            **THEREWITH, CREATING THE "COLORADO PARTNERSHIP FOR**  
104            **QUALITY JOBS AND SERVICES ACT".**

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**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 creates the "Colorado Partnership for Quality Jobs and Services Act" to facilitate the creation of formal labor-management partnership agreements between state employees in the state personnel

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.

system and the executive branch of state government. The bill specifies that certain employees in the state personnel system, due to the nature and responsibilities of their jobs, are not able to participate in partnership agreements. State employees who are allowed to participate in partnership agreements are designated covered employees.

**Partnership units:** The bill specifies that there is one partnership unit in the state that consists of all covered employees. Any partnership units established pursuant to the existing Colorado executive order that authorizes partnership agreements (executive order) will be merged into the single partnership unit created in the bill. Covered employees in a partnership unit that was created by the executive order and that are represented by an employee organization that the partnership unit chose to exclusively represent it (certified employee organization), will continue to be represented by the existing certified employee organization.

**Certified employee organizations:** An employee organization that wants to represent an unrepresented partnership unit may file a petition with the division of labor standards and statistics (division) in the department of labor and employment requesting that it hold an election to determine whether covered employees want to be represented by an employee organization (representation election). An employee organization requesting a representation election is required to submit a petition to the division signed by at least 30% of the covered employees in the partnership unit. The division is required to certify as the certified employee organization, the employee organization that receives the majority of votes cast by the covered employees.

The bill specifies circumstances under which the division is not allowed to hold a representation election. The bill also specifies that a covered employee or an employee organization may initiate a process to decertify a certified employee organization for a partnership unit.

**Rights of covered employees and certified employee organizations:** A covered employee has the right to work with an employee organization and communicate with other covered employees to form a partnership agreement or to discuss other work-related issues. A covered employee has the right to refrain from any activities in connection with employee organizations and the partnership process. A covered employee may also opt not to have the state provide certain personal information to a certified employee organization.

Certified employee organizations have the right to reasonable access to covered employees at work, through e-mail, and through other forms of communication.

**Duties of the certified employee organization:** A certified employee organization is required to represent the interests of all covered employees, regardless of membership in the employee organization, in the negotiation of a partnership agreement. A certified employee organization is not required to represent covered employees in certain personnel

actions. In addition, a certified employee organization is prohibited from threatening, facilitating, supporting, or causing a strike, work stoppage, work slowdown, group sickout, or any other action that would disrupt the daily functioning of the state or any of its agencies or departments. An employee who engages in such activities may be subject to disciplinary action.

**Executive and management rights:** The bill specifies that nothing contained in the employee partnership process impairs the ability of the state to determine, carry out, and administer specified existing duties and rights of the state.

**Duties of the state:** The bill specifies that the state is required to:

- ! Make payroll deductions for membership dues and other payments that covered employees authorize to be made to the certified employee organization;
- ! Provide specified information about every covered employee to a certified employee organization on a monthly basis;
- ! Allow a certified employee organization to meet with a newly hired covered employee;
- ! Allow a certified employee organization to attend orientations for new covered employees;
- ! After the state and the certified employee organization reach a partnership agreement, submit a request to the general assembly for sufficient appropriations to implement terms of the partnership agreement requiring the expenditure of money; and
- ! Engage in good faith in all aspects of the partnership process.

The bill specifies that not engaging in such duties constitutes an unfair labor practice that can be subject to review by the division.

**Partnership agreements:** A certified employee organization and the state are required to discuss and cooperatively draft mutually agreed upon written partnership agreements, which are binding on the state, the certified employee organization, and covered employees. The parties are required to bargain over wages, hours, and terms and conditions of employment. All other subjects are permissive and may be addressed by mutual agreement.

A partnership agreement is required to provide a grievance procedure to resolve disputes over the interpretation, application, and enforcement of any provision of the partnership agreement. Meetings held to negotiate a partnership agreement and grievance and arbitration proceedings are not open meetings as defined in law. In addition, records prepared or exchanged prior to submission of a final partnership agreement are not subject to the "Colorado Open Records Act".

**Dispute resolution:** If disputes arise during the formation of a

partnership agreement, the certified employee organization and the state are required to engage in the dispute resolution process established by the bill or in a mutually agreed upon alternate procedure. The bill specifies how mediators will be selected. If the parties do not reach an agreement on outstanding issues within 30 days of commencing mediation, the mediator is required to issue a recommendation on all of the outstanding issues. Either party may make the mediator's recommendation public.

Any controversy concerning unfair labor practices of the state or a certified employee organization may be submitted to the division for review.

**Judicial review:** The state or the certified employee organization may seek judicial review of decisions or orders on representation or decertification petitions, unfair labor practice charges, rules or regulations issued by the division, or an arbitrator's decision.

The bill makes the following changes to the state personnel system:

- ! Eliminates the account dedicated to each department in the state employee reserve fund and requires that the money in the fund be used to provide merit pay to employees in a manner consistent with current law;
- ! Repeals the limit on the number of senior executive service employees in the state; and
- ! When considering a disciplinary action against an employee in the state personnel system for engaging in or threatening violent behavior against another person while on duty, requires the appointing authority to give predominant weight to the safety of the other person over the interests of the employee. If the appointing authority finds that the employee has engaged in or threatened violent behavior, the appointing authority is authorized to take disciplinary action as deemed appropriate by the appointing authority.

In addition, the bill modifies the "Colorado Open Records Act" to specify that records created in compliance with the requirements of a partnership agreement and documents created in connection with the dispute resolution process for a partnership agreement are not public records.

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that the "Colorado Partnership for Quality Jobs  
4 and Services Act" is intended to create formal labor-management

1 partnerships between state employees and the executive branch of state  
2 government.

3 (2) The general assembly further finds and declares that:

4 (a) It is crucial that state employees understand that they are  
5 valued partners in the work of the state. To that end, state employees  
6 should be able to enter into a dialogue, through a collective voice, about  
7 wages, hours, and terms and conditions of employment.

8 (b) The state and its employees have a shared commitment to  
9 delivering excellent services and customer satisfaction, and to serve all  
10 Colorado residents with an exemplary degree of professionalism across  
11 state government. This act is designed to ensure that state management  
12 and state employees, through chosen representatives, jointly work to  
13 promote cooperative relationships with the shared goal of providing the  
14 best possible services to the taxpayers and residents of the state.

15 **SECTION 2.** In Colorado Revised Statutes, **add** part 11 to article  
16 50 of title 24 as follows:

17 PART 11

18 COLORADO PARTNERSHIP FOR  
19 QUALITY JOBS AND SERVICES ACT

20 **24-50-1101. Short title.** THE SHORT TITLE OF THIS PART 11 IS THE  
21 "COLORADO PARTNERSHIP FOR QUALITY JOBS AND SERVICES ACT".

22 **24-50-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE  
23 CONTEXT OTHERWISE REQUIRES:

24 (1) "CERTIFIED EMPLOYEE ORGANIZATION" MEANS AN EMPLOYEE  
25 ORGANIZATION THAT HAS BEEN CERTIFIED AS THE REPRESENTATIVE OF  
26 COVERED EMPLOYEES IN A PARTNERSHIP UNIT PURSUANT TO SECTION  
27 24-50-1106.

1           (2) "CONFIDENTIAL EMPLOYEE" MEANS A PERSON WHO IS  
2           REQUIRED TO DEVELOP OR PRESENT MANAGEMENT POSITIONS WITH  
3           RESPECT TO EMPLOYER-EMPLOYEE RELATIONS OR WHOSE DUTIES  
4           NORMALLY REQUIRE ACCESS TO CONFIDENTIAL INFORMATION  
5           CONTRIBUTING SIGNIFICANTLY TO THE DEVELOPMENT OF SUCH  
6           MANAGEMENT POSITIONS.

7           (3) "COVERED EMPLOYEE" MEANS AN EMPLOYEE WHO IS  
8           EMPLOYED IN THE PERSONNEL SYSTEM OF THE STATE ESTABLISHED IN  
9           SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION, UNLESS THE  
10          INDIVIDUAL FALLS INTO ANY OF THE FOLLOWING CATEGORIES:

- 11           (a) CONFIDENTIAL EMPLOYEES;
- 12           (b) MANAGERIAL EMPLOYEES;
- 13           (c) EXECUTIVE EMPLOYEES;
- 14           (d) THE DIRECTOR, THE DIRECTOR OF THE DIVISION OF LABOR  
15           STANDARDS AND STATISTICS, THE GOVERNOR'S DESIGNEE, AND  
16           EMPLOYEES WORKING WITH THE DIRECTOR TO IMPLEMENT THIS PART 11;
- 17           (e) ADMINISTRATIVE LAW JUDGES, HEARING OFFICERS, AND  
18           ATTORNEYS WHOSE RESPONSIBILITIES INCLUDE PROVIDING LEGAL ADVICE;
- 19           (f) STATE TROOPERS;
- 20           (g) EMPLOYEES OF THE LEGISLATIVE BRANCH; OR
- 21           (h) TEMPORARY APPOINTEES AS DESCRIBED IN SECTION 24-50-114.

22          (4) "DECERTIFICATION ELECTION" MEANS AN ELECTION  
23          CONDUCTED BY THE DIVISION WHEN THE PARTNERSHIP UNIT IS ALREADY  
24          REPRESENTED BY A CERTIFIED EMPLOYEE ORGANIZATION, TO DETERMINE  
25          BY A MAJORITY OF THE VOTES CAST WHETHER THE COVERED EMPLOYEES  
26          WANT TO BE REPRESENTED BY A DIFFERENT EMPLOYEE ORGANIZATION OR  
27          BY NO EMPLOYEE ORGANIZATION AT ALL.

1           (5) "DIRECTOR" MEANS THE STATE PERSONNEL DIRECTOR  
2 ESTABLISHED IN SECTION 14 OF ARTICLE XII OF THE STATE CONSTITUTION,  
3 OR HIS OR HER DESIGNEE.

4           (6) "DIVISION" MEANS THE DIVISION OF LABOR STANDARDS AND  
5 STATISTICS WITHIN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

6           (7) "EMPLOYEE ORGANIZATION" MEANS A NONPROFIT  
7 ORGANIZATION THAT ENGAGES WITH THE STATE AS AN EMPLOYER  
8 CONCERNING WAGES, HOURS, AND TERMS AND CONDITIONS OF  
9 EMPLOYMENT AND THAT REPRESENTS OR SEEKS TO REPRESENT COVERED  
10 EMPLOYEES IN A PARTNERSHIP UNIT AS DESCRIBED IN SECTION 24-50-1105.

11           (8) "EXECUTIVE EMPLOYEE" MEANS AN EMPLOYEE:

12           (a) WHOSE PRIMARY DUTY IS MANAGEMENT OF THE ENTITY IN  
13 WHICH THE EMPLOYEE IS EMPLOYED OR OF A CUSTOMARILY RECOGNIZED  
14 DEPARTMENT OR SUBDIVISION THEREOF;

15           (b) WHO CUSTOMARILY AND REGULARLY DIRECTS THE WORK OF  
16 TWO OR MORE OTHER EMPLOYEES; AND

17           (c) WHO HAS THE AUTHORITY TO HIRE OR FIRE OTHER EMPLOYEES  
18 OR WHOSE SUGGESTIONS AND RECOMMENDATIONS AS TO THE HIRING,  
19 FIRING, ADVANCEMENT, PROMOTION, OR ANY OTHER CHANGE OF STATUS  
20 OF OTHER EMPLOYEES ARE GIVEN PARTICULAR WEIGHT.

21           (9) "GOVERNOR'S DESIGNEE" MEANS THE PERSON OR PERSONS THE  
22 GOVERNOR DESIGNATES, IN WRITING, AS THE INDIVIDUAL OR INDIVIDUALS  
23 WHO WILL REPRESENT THE STATE IN THE EXERCISE OF THE STATE'S  
24 RESPONSIBILITIES UNDER THIS PART 11.

25           (10) "MANAGERIAL EMPLOYEE" MEANS ANY EMPLOYEE HAVING  
26 SIGNIFICANT RESPONSIBILITIES FOR FORMULATING AGENCY OR  
27 DEPARTMENTAL POLICIES AND PROGRAMS OR ADMINISTERING AN AGENCY

1 OR DEPARTMENT.

2 (11) "NEW EMPLOYEE ORIENTATION" MEANS THE ONBOARDING  
3 PROCESS OF A NEWLY HIRED COVERED EMPLOYEE, WHETHER IN PERSON,  
4 ONLINE, OR THROUGH OTHER MEANS OR MEDIUMS, IN WHICH COVERED  
5 EMPLOYEES ARE ADVISED OF THEIR EMPLOYMENT STATUS, RIGHTS,  
6 BENEFITS, DUTIES AND RESPONSIBILITIES, OR ANY OTHER  
7 EMPLOYMENT-RELATED MATTERS.

8 (12) "PARTNERSHIP AGREEMENT" MEANS AN AGREEMENT  
9 ESTABLISHED PURSUANT TO SECTION 24-50-1112 BETWEEN THE STATE  
10 AND A CERTIFIED EMPLOYEE ORGANIZATION.

11 (13) "PARTNERSHIP AGREEMENT GRIEVANCE" MEANS A DISPUTE  
12 CONCERNING THE INTERPRETATION, APPLICATION, OR ENFORCEMENT OF  
13 ANY PROVISION OF A PARTNERSHIP AGREEMENT.

14 (14) "PETITION" MEANS A DOCUMENT SIGNED BY A COVERED  
15 EMPLOYEE IN WHICH THE COVERED EMPLOYEE EXPRESSES THE DESIRE TO  
16 BE REPRESENTED BY AN EMPLOYEE ORGANIZATION. A "PETITION"  
17 INCLUDES INDIVIDUAL PETITIONS OR PETITION CARDS WITH A SINGLE  
18 COVERED EMPLOYEE'S SIGNATURE, OR MEMBERSHIP FORMS OR CARDS  
19 SHOWING THAT A COVERED EMPLOYEE HAS JOINED AN EMPLOYEE  
20 ORGANIZATION.

21 (15) "REPRESENTATION ELECTION" MEANS AN ELECTION  
22 CONDUCTED BY THE DIVISION WHEN THE PARTNERSHIP UNIT IS NOT  
23 REPRESENTED BY A CERTIFIED EMPLOYEE ORGANIZATION, TO DETERMINE  
24 BY A MAJORITY OF THE VOTES CAST WHETHER THE COVERED EMPLOYEES  
25 WISH TO BE REPRESENTED BY AN EMPLOYEE ORGANIZATION.

26 (16) "STATE" MEANS THE STATE OF COLORADO, INCLUDING ITS  
27 AGENCIES, DIVISIONS, AND DEPARTMENTS.



1                   **24-50-1103. Duties and responsibilities of the division - rules.**

2           (1) THE DIVISION SHALL ENFORCE THIS PART 11 AND SHALL PROMULGATE  
3           RULES AND CONDUCT RULE-MAKING HEARINGS IN ACCORDANCE WITH  
4           ARTICLE 4 OF THIS TITLE 24 AS MAY BE NECESSARY FOR THE  
5           ENFORCEMENT OF THIS PART 11. THE DIVISION SHALL PROMULGATE SUCH  
6           RULES WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF  
7           THIS PART 11.

8           (2) THE DIVISION HAS THE AUTHORITY TO ADJUDICATE UNFAIR  
9           LABOR PRACTICE CHARGES AND ISSUE DECISIONS PURSUANT TO ARTICLE  
10          3 OF TITLE 8.

11          (3) THE DIVISION HAS THE AUTHORITY TO CONDUCT ELECTIONS  
12          PURSUANT TO SECTION 24-50-1106.

13                   **24-50-1104. Duties and responsibilities of the director - rules.**

14          THE DIRECTOR SHALL PROMULGATE RULES IN CONNECTION WITH ANY  
15          RESPONSIBILITY DESIGNATED TO THE DIRECTOR UNDER THIS PART 11 AND  
16          CONDUCT RULE-MAKING HEARINGS IN ACCORDANCE WITH ARTICLE 4 OF  
17          THIS TITLE 24.

18                   **24-50-1105. Partnership units.** (1) THERE IS A SINGLE  
19          PARTNERSHIP UNIT COMPOSED OF ALL COVERED EMPLOYEES.

20          (2) COVERED EMPLOYEES WHO ARE REPRESENTED BY A CERTIFIED  
21          EMPLOYEE ORGANIZATION PURSUANT TO EXECUTIVE ORDER D 028 07 ON  
22          THE EFFECTIVE DATE OF THIS PART 11 SHALL CONTINUE TO BE  
23          REPRESENTED BY THE EXISTING CERTIFIED EMPLOYEE ORGANIZATION. ALL  
24          PARTNERSHIP UNITS ESTABLISHED PURSUANT TO EXECUTIVE ORDER D 028  
25          07 SHALL BE MERGED INTO THE STATEWIDE PARTNERSHIP UNIT.

26          (3) ANY FUTURE REPRESENTATION OR DECERTIFICATION  
27          ELECTIONS SHALL BE AT THE LEVEL OF THE SINGLE STATEWIDE UNIT.

1 (4) MATTERS SET FORTH IN SECTION 24-50-1112 (3)(a) SHALL BE  
2 BARGAINED AT THE STATEWIDE LEVEL.

3 (5) MATTERS SET FORTH IN SECTION 24-50-1112 (3)(b) SHALL BE  
4 BARGAINED AT THE AGENCY OR DEPARTMENT LEVEL BUT, UPON MUTUAL  
5 AGREEMENT, MAY BE BARGAINED AT THE STATEWIDE LEVEL.

6 **24-50-1106. Covered employees' choice of certified employee**  
7 **organization - rules.** (1) THE DIVISION SHALL RECOGNIZE AS VALID THE  
8 CERTIFIED STATUS OF THE EMPLOYEE ORGANIZATION PREVIOUSLY  
9 CERTIFIED PURSUANT TO EXECUTIVE ORDER D 028 07 AND SHALL  
10 CONSIDER SUCH ORGANIZATION THE CERTIFIED EMPLOYEE ORGANIZATION  
11 FOR ALL PURPOSES UNDER THIS PART 11 UNLESS DECERTIFIED.

12 (2) (a) IN THE EVENT THERE IS NO CERTIFIED EMPLOYEE  
13 ORGANIZATION, ANY EMPLOYEE ORGANIZATION MAY FILE A PETITION WITH  
14 THE DIVISION REQUESTING THAT IT HOLD A REPRESENTATION ELECTION TO  
15 ALLOW COVERED EMPLOYEES IN AN UNREPRESENTED PARTNERSHIP UNIT  
16 TO ELECT AN EMPLOYEE ORGANIZATION TO SERVE AS THE CERTIFIED  
17 EMPLOYEE ORGANIZATION. AN EMPLOYEE ORGANIZATION REQUESTING  
18 THAT THE DIVISION HOLD AN ELECTION SHALL SUBMIT A PETITION TO THE  
19 DIVISION, SIGNED BY AT LEAST THIRTY PERCENT OF THE COVERED  
20 EMPLOYEES IN A PARTNERSHIP UNIT.

21 (b) THE DIVISION SHALL CERTIFY AS THE CERTIFIED EMPLOYEE  
22 ORGANIZATION THE EMPLOYEE ORGANIZATION THAT RECEIVES THE  
23 MAJORITY OF VOTES CAST BY THE COVERED EMPLOYEES.

24 (c) THE DIVISION SHALL NOT HOLD A REPRESENTATION ELECTION:

25 (I) WITHIN THE TWENTY-FOUR-MONTH PERIOD IMMEDIATELY  
26 FOLLOWING THE EFFECTIVE DATE OF THIS PART 11; OR

27 (II) IF AN ELECTION OR RUNOFF ELECTION HAS BEEN CONDUCTED

1        WITHIN THE TWELVE-MONTH PERIOD IMMEDIATELY PRECEDING THE  
2        PROPOSED ELECTION.

3            (3) (a) A COVERED EMPLOYEE OR AN EMPLOYEE ORGANIZATION  
4        MAY INITIATE A DECERTIFICATION ELECTION OF A CERTIFIED EMPLOYEE  
5        ORGANIZATION BY SUBMITTING A PETITION SIGNED BY AT LEAST THIRTY  
6        PERCENT OF THE COVERED EMPLOYEES REQUESTING A DECERTIFICATION  
7        ELECTION.

8            (b) WHEN THERE IS A PARTNERSHIP AGREEMENT IN EFFECT, A  
9        COVERED EMPLOYEE OR EMPLOYEE ORGANIZATION MUST SUBMIT A  
10       REQUEST FOR A DECERTIFICATION ELECTION TO THE DIVISION NO EARLIER  
11       THAN ONE HUNDRED TWENTY CALENDAR DAYS AND NO LATER THAN  
12       NINETY CALENDAR DAYS BEFORE THE EXPIRATION OF THE PARTNERSHIP  
13       AGREEMENT, OR AFTER THE EXPIRATION OF THE FOURTH YEAR OF A  
14       PARTNERSHIP AGREEMENT WITH A TERM OF MORE THAN FOUR YEARS. IF  
15       ONE YEAR AFTER EXPIRATION OF A PARTNERSHIP AGREEMENT, A NEW  
16       PARTNERSHIP AGREEMENT IS NOT RATIFIED, THEN A NEW DECERTIFICATION  
17       ELECTION WINDOW OPENS BUT THEN CLOSES AT RATIFICATION.

18           (c) WHEN AN EMPLOYEE ORGANIZATION HAS BEEN CERTIFIED BUT  
19        NO PARTNERSHIP AGREEMENT IS IN EFFECT, THE DIVISION SHALL NOT  
20        ACCEPT A REQUEST FOR A DECERTIFICATION ELECTION EARLIER THAN TWO  
21        YEARS FROM THE DATE OF THE CERTIFICATION OR THE EFFECTIVE DATE OF  
22        THIS PART 11, WHICHEVER IS LATER.

23           (4) A CERTIFIED EMPLOYEE ORGANIZATION OR THE STATE MAY  
24        FILE A PETITION WITH THE DIRECTOR TO RESOLVE DISPUTES ABOUT  
25        WHETHER CERTAIN EMPLOYEES ARE APPROPRIATELY CLASSIFIED AS  
26        COVERED EMPLOYEES. APPEALS OF THE DIRECTOR'S DECISION MAY BE  
27        BROUGHT TO THE DIVISION FOR ADJUDICATION.

1           **24-50-1107. Rights of covered employees.** (1) COVERED  
2 EMPLOYEES SHALL HAVE THE RIGHT TO SELF-ORGANIZATION; TO FORM,  
3 JOIN, OR ASSIST AN EMPLOYEE ORGANIZATION; TO ENGAGE IN THE  
4 PARTNERSHIP PROCESS AND THE FORMATION OF A PARTNERSHIP  
5 AGREEMENT COLLECTIVELY THROUGH REPRESENTATIVES OF THEIR OWN  
6 CHOOSING; TO ENGAGE IN OTHER CONCERTED ACTIVITIES FOR THE  
7 PURPOSE OF THE PARTNERSHIP PROCESS OR OTHER MUTUAL AID OR  
8 PROTECTION; AND SHALL ALSO HAVE THE RIGHT TO REFRAIN FROM ANY OR  
9 ALL SUCH ACTIVITIES, WITHOUT INTERFERENCE, RESTRAINT, OR COERCION  
10 BY THE STATE OR EMPLOYEE ORGANIZATION.

11           (2) COVERED EMPLOYEES HAVE THE RIGHT TO COMMUNICATE  
12 WITH ONE ANOTHER AND WITH EMPLOYEE ORGANIZATION  
13 REPRESENTATIVES CONCERNING ORGANIZATION, REPRESENTATION,  
14 WORKPLACE ISSUES, THE PARTNERSHIP PROCESS, AND THE BUSINESS AND  
15 PROGRAMS OF CERTIFIED EMPLOYEE ORGANIZATIONS BY MEANS OF E-MAIL  
16 SYSTEMS, TEXTS, OTHER ELECTRONIC COMMUNICATIONS, TELEPHONE,  
17 PAPER DOCUMENTS, AND OTHER MEANS OF COMMUNICATION SUBJECT TO  
18 REASONABLE REGULATION.

19           (3) (a) WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS PART  
20 11, THE STATE SHALL COMPLETE A ONE-TIME NOTIFICATION PROCESS TO  
21 INFORM EACH COVERED EMPLOYEE OF THE OPTION TO DIRECT THE STATE  
22 NOT TO PROVIDE A CERTIFIED EMPLOYEE ORGANIZATION THE COVERED  
23 EMPLOYEE'S HOME ADDRESS, HOME AND PERSONAL CELLULAR PHONE  
24 NUMBERS, AND PERSONAL E-MAIL ADDRESS.

25           (b) THE STATE SHALL INFORM NEW EMPLOYEES, WITHIN THIRTY  
26 DAYS OF THEIR START DATE, OF THE OPTION TO OPT OUT PURSUANT TO  
27 SUBSECTION (3)(a) OF THIS SECTION.

1 (c) AT ANY TIME, A COVERED EMPLOYEE MAY DIRECT THE STATE  
2 TO NOT PROVIDE THE EMPLOYEE'S HOME ADDRESS, HOME AND PERSONAL  
3 CELLULAR PHONE NUMBERS, AND PERSONAL E-MAIL ADDRESS. A COVERED  
4 EMPLOYEE MAY RESCIND SUCH REQUEST AT ANY TIME.

5 (d) ANY COMMUNICATION BY THE STATE PURSUANT TO THIS  
6 SUBSECTION (3) SHALL BE SUBJECT TO THE REQUIREMENTS OF SECTION  
7 24-50-1111 (7)(a) AND SHALL BE NEUTRAL WITH RESPECT TO THE  
8 EMPLOYEE'S EXERCISE OF THIS OPTION.

9 (4) THE INTERFERENCE WITH THE RIGHTS AS STATED IN THIS  
10 SECTION BY THE STATE OR CERTIFIED EMPLOYEE ORGANIZATION  
11 CONSTITUTES AN UNFAIR LABOR PRACTICE SUBJECT TO REVIEW PURSUANT  
12 TO SECTION 24-50-1113 (3).

13 **24-50-1108. Rights of certified employee organizations.** THE  
14 CERTIFIED EMPLOYEE ORGANIZATION SHALL HAVE REASONABLE ACCESS  
15 TO COVERED EMPLOYEES AT WORK, THROUGH ELECTRONIC  
16 COMMUNICATION AND OTHER MEANS. REASONABLE ACCESS SHALL BE  
17 DETERMINED THROUGH THE PARTNERSHIP AGREEMENT PROCESS  
18 PURSUANT TO SECTION 24-50-1112. THE CERTIFIED EMPLOYEE  
19 ORGANIZATION IS THE ONLY EMPLOYEE ORGANIZATION THAT HAS THE  
20 RIGHT TO SUCH ACCESS EXCEPT TO THE EXTENT ACCESS IS PROVIDED TO  
21 THE GENERAL PUBLIC.

22 **24-50-1109. Duties of the certified employee organization.**

23 (1) IN PERFORMING ITS DUTIES UNDER THIS PART 11, THE CERTIFIED  
24 EMPLOYEE ORGANIZATION SHALL REPRESENT THE INTERESTS OF ALL  
25 COVERED EMPLOYEES WITHOUT DISCRIMINATION OR REGARD TO  
26 MEMBERSHIP IN THE CERTIFIED EMPLOYEE ORGANIZATION, AND SHALL  
27 NEGOTIATE PARTNERSHIP AGREEMENTS THAT APPLY EQUALLY TO ALL

1 COVERED EMPLOYEES REGARDLESS OF MEMBERSHIP STATUS IN THE  
2 CERTIFIED EMPLOYEE ORGANIZATION. THIS DOES NOT LIMIT THE STATE  
3 AND THE CERTIFIED EMPLOYEE ORGANIZATION FROM HAVING A  
4 PARTNERSHIP AGREEMENT THAT ALSO COVERS DEPARTMENT OR AGENCY  
5 SPECIFIC ISSUES.

6 (2) THE CERTIFIED EMPLOYEE ORGANIZATION IS NOT REQUIRED TO  
7 REPRESENT COVERED EMPLOYEES IN PERSONNEL ACTIONS PURSUANT TO  
8 SECTION 13 (8) OF ARTICLE XII OF THE STATE CONSTITUTION AND  
9 SECTIONS 24-50-123, 24-50-124, 24-50-125, AND 24-50-125.3 BEFORE THE  
10 STATE PERSONNEL BOARD OR IN ANY OTHER PROCEEDING NOT CREATED BY  
11 A PARTNERSHIP AGREEMENT NEGOTIATED PURSUANT TO THIS PART 11.

12 (3) (a) A CERTIFIED EMPLOYEE ORGANIZATION SHALL NOT  
13 THREATEN, FACILITATE, SUPPORT, OR CAUSE A STATE EMPLOYEE:

14 (I) STRIKE;

15 (II) WORK STOPPAGE;

16 (III) WORK SLOWDOWN;

17 (IV) GROUP SICK OUT; OR

18 (V) ACTION THAT DISRUPTS, ON A WIDESPREAD BASIS, THE  
19 DAY-TO-DAY FUNCTIONING OF THE STATE OR ANY OF ITS AGENCIES OR  
20 DEPARTMENTS.

21 (b) ANY CONTROVERSY CONCERNING AN ACTIVITY PROHIBITED BY  
22 SUBSECTION (3)(a) OF THIS SECTION MAY BE SUBMITTED TO THE DIVISION  
23 PURSUANT TO SECTION 24-50-1113. UPON FINDING THAT THE CERTIFIED  
24 EMPLOYEE ORGANIZATION HAS VIOLATED SUBSECTION (3)(a) OF THIS  
25 SECTION, THE DIVISION SHALL AWARD ANY APPROPRIATE RELIEF,  
26 INCLUDING BUT NOT LIMITED TO SANCTIONS, FINES, OR DECERTIFICATION.  
27 IF DECERTIFIED BY THE DIVISION, AN EMPLOYEE ORGANIZATION MAY

1 BEGIN THE CERTIFICATION PROCESS IN SECTION 24-50-1106 (2) AFTER ONE  
2 YEAR FROM THE DATE OF DECERTIFICATION.

3 (c) NOTHING IN THIS SUBSECTION (3) PROHIBITS THE CERTIFIED  
4 EMPLOYEE ORGANIZATION FROM ENGAGING IN OTHER CONCERTED  
5 ACTIVITIES FOR THE PURPOSE OF THE PARTNERSHIP PROCESS OF OTHER  
6 MUTUAL AID OR PROTECTION, WITHOUT INTERFERENCE, RESTRAINT, OR  
7 COERCION BY THE STATE.

8 (4) IT SHALL CONSTITUTE AN UNFAIR LABOR PRACTICE SUBJECT TO  
9 REVIEW PURSUANT TO SECTION 24-50-1113 (3) FOR THE CERTIFIED  
10 EMPLOYEE ORGANIZATION TO ENGAGE IN THE ACTIVITIES PROHIBITED BY  
11 THIS SECTION, OR TO FAIL TO DISCHARGE ITS DUTIES UNDER THIS SECTION.

12 (5) COVERED EMPLOYEES WHO ARE FOUND TO HAVE ENGAGED IN  
13 PROHIBITED CONDUCT DESCRIBED IN THIS SECTION MAY BE SUBJECT TO  
14 DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.

15 **24-50-1110. Executive and management rights.** (1) NOTHING  
16 IN THIS PART 11 IMPAIRS THE ABILITY OF THE STATE TO:

17 (a) EXERCISE ANY RIGHT OR RESPONSIBILITY RESERVED TO AN  
18 APPOINTING AUTHORITY, THE DIRECTOR, OR THE STATE PERSONNEL BOARD  
19 PURSUANT TO THE STATE PERSONNEL SYSTEM AS DESCRIBED IN SECTION  
20 13 OF ARTICLE XII OF THE STATE CONSTITUTION AND PART 1 OF THIS  
21 ARTICLE 50 AND RULES OR PROCEDURES PROMULGATED BY THE STATE  
22 PERSONNEL BOARD OR THE DIRECTOR PURSUANT TO SECTION 24-50-101  
23 (3)(c);

24 (b) DETERMINE AND CARRY OUT ANY MISSION, INITIATIVE, TASK  
25 FORCE, AGENDA, POLICY, OR PROGRAM OF ANY DEPARTMENT, DIVISION,  
26 OFFICE, OR OTHER SUBDIVISION OF THE STATE;

27 (c) ESTABLISH AND OVERSEE BUDGET, FINANCES, AND

- 1 ACCOUNTING;
- 2 (d) DETERMINE UTILIZATION OF TECHNOLOGY;
- 3 (e) NEGOTIATE WITH, PROCURE, AND ADMINISTER CONTRACTS
- 4 THAT THE STATE HAS LAWFUL AUTHORITY TO ENTER;
- 5 (f) MAKE, AMEND AND ENFORCE, OR REVOKE REASONABLE
- 6 PERSONAL CONDUCT RULES; OR
- 7 (g) TAKE SUCH ACTIONS AS MAY BE NECESSARY TO CARRY OUT
- 8 ANY GOVERNMENT FUNCTION DURING AN EMERGENCY.

9 (2) NOTHING IN THIS PART 11 OR IN ANY PARTNERSHIP AGREEMENT

10 MAY RESTRICT OR USURP ANY RESPONSIBILITY OF OR POWER GRANTED TO

11 THE GOVERNOR, THE DIRECTOR, OR STATE PERSONNEL BOARD BY THE

12 STATE CONSTITUTION OR THE COLORADO REVISED STATUTES.

13 (3) NOTHING IN THIS PART 11 SHALL PREVENT THE STATE FROM

14 CONVENING, OR ENGAGING IN DISCUSSIONS WITH ANY STATE EMPLOYEE OR

15 GROUP OF STATE EMPLOYEES TO ACCOMPLISH ANY OF THE MATTERS

16 LISTED IN THIS SECTION.

17 **24-50-1111. Duties of the state.** (1) THE STATE SHALL MAKE

18 PAYROLL DEDUCTIONS FOR MEMBERSHIP DUES AND OTHER PAYMENTS

19 THAT COVERED EMPLOYEES AUTHORIZE TO BE MADE TO THE CERTIFIED

20 EMPLOYEE ORGANIZATION AND RELATED ENTITIES. THE CERTIFIED

21 EMPLOYEE ORGANIZATION AND RELATED ENTITIES SHALL BE THE ONLY

22 EMPLOYEE ORGANIZATION FOR WHICH THE STATE SHALL MAKE PAYROLL

23 DEDUCTIONS FROM COVERED EMPLOYEES.

24 (2) THE STATE SHALL HONOR THE TERMS OF COVERED EMPLOYEES'

25 AUTHORIZATIONS FOR PAYROLL DEDUCTIONS MADE IN ANY FORM THAT

26 SATISFIES THE REQUIREMENTS OF THE "UNIFORM ELECTRONIC

27 TRANSACTIONS ACT", ARTICLE 71.3 OF THIS TITLE 24, INCLUDING



1 WITHOUT LIMITATION ELECTRONIC AUTHORIZATIONS, INCLUDING VOICE  
2 AUTHORIZATIONS, THAT MEET THE REQUIREMENTS OF AN ELECTRONIC  
3 SIGNATURE AS DEFINED IN SECTION 24-71.3-102 (8). COVERED  
4 EMPLOYEES' REQUESTS TO CANCEL OR CHANGE AUTHORIZATIONS FOR  
5 PAYROLL DEDUCTIONS SHALL BE DIRECTED TO THE CERTIFIED EMPLOYEE  
6 ORGANIZATION RATHER THAN TO THE STATE. THE CERTIFIED EMPLOYEE  
7 ORGANIZATION SHALL BE RESPONSIBLE FOR PROCESSING THESE REQUESTS  
8 IN ACCORDANCE WITH THE TERMS OF THE AUTHORIZATION. AN  
9 AUTHORIZATION FOR A PAYROLL DEDUCTION MAY NOT BE IRREVOCABLE  
10 FOR A PERIOD OF MORE THAN ONE YEAR. A CERTIFIED EMPLOYEE  
11 ORGANIZATION THAT CERTIFIES THAT IT HAS AND WILL MAINTAIN  
12 INDIVIDUAL COVERED EMPLOYEE AUTHORIZATIONS IS NOT REQUIRED TO  
13 PROVIDE A COPY OF AN INDIVIDUAL AUTHORIZATION TO THE STATE UNLESS  
14 A DISPUTE ARISES ABOUT THE EXISTENCE OF TERMS OF THAT  
15 AUTHORIZATION. THE CERTIFIED EMPLOYEE ORGANIZATION SHALL  
16 INDEMNIFY THE STATE FOR ANY CLAIMS MADE BY THE COVERED  
17 EMPLOYEE FOR DEDUCTIONS MADE IN RELIANCE ON THAT INFORMATION.

18 (3) (a) EACH MONTH THE DEPARTMENT OF PERSONNEL SHALL,  
19 UNLESS PROHIBITED BY LAW, PROVIDE TO A CERTIFIED EMPLOYEE  
20 ORGANIZATION THE FOLLOWING INFORMATION FOR EACH COVERED  
21 EMPLOYEE:

22 (I) NAME, EMPLOYEE IDENTIFICATION NUMBER, DEPARTMENT, JOB  
23 CLASS, JOB TITLE, WORK TELEPHONE NUMBER, WORK E-MAIL ADDRESS,  
24 WORK LOCATION, SALARY, AND DATE OF HIRE, AS CONTAINED IN THE  
25 STATEWIDE SYSTEM OF RECORD; AND

26 (II) HOME ADDRESS, HOME AND PERSONAL CELLULAR PHONE  
27 NUMBERS, AND PERSONAL E-MAIL ADDRESS UNLESS DIRECTED BY THE

1 COVERED EMPLOYEE NOT TO PROVIDE THE SAME PURSUANT TO SECTION  
2 24-50-1107 (3).

3 (b) IF THE INFORMATION IS NOT CONTAINED IN THE STATEWIDE  
4 SYSTEM OF RECORD, THE DEPARTMENT OF PERSONNEL SHALL PROVIDE THE  
5 EMPLOYEE ORGANIZATION NOTICE AND WILL HAVE NO OBLIGATION TO  
6 PROVIDE THE INFORMATION UNTIL IT IS CONTAINED IN THE STATEWIDE  
7 SYSTEM OF RECORD.

8 (c) A CERTIFIED EMPLOYEE ORGANIZATION SHALL TREAT THE  
9 INFORMATION IT RECEIVES UNDER THIS SUBSECTION (3) AS CONFIDENTIAL  
10 AND MAY NOT RELEASE THE INFORMATION TO ANY THIRD PARTY EXCEPT  
11 FOR THE PURPOSE OF CARRYING OUT THE CERTIFIED EMPLOYEE  
12 ORGANIZATION'S DUTIES UNDER THIS TITLE 24 AND COMMUNICATING WITH  
13 COVERED EMPLOYEES.

14 (d) RECORDS CREATED IN COMPLYING WITH THIS SUBSECTION (3)  
15 AND CONTAINING A COVERED EMPLOYEE'S PERSONAL HOME ADDRESS,  
16 HOME AND PERSONAL CELLULAR PHONE NUMBER, AND PERSONAL E-MAIL  
17 ADDRESS SHALL BE EXEMPT FROM THE "COLORADO OPEN RECORDS ACT",  
18 PART 2 OF ARTICLE 72 OF THIS TITLE 24.

19 (4) WITHIN THIRTY DAYS OF A COVERED EMPLOYEE BEING HIRED,  
20 THE STATE SHALL ALLOW THE CERTIFIED EMPLOYEE ORGANIZATION TO  
21 MEET WITH THAT COVERED EMPLOYEE DURING WORK TIME AS  
22 DETERMINED BY SUBSECTION (5)(c) OF THIS SECTION.

23 (5) (a) THE STATE MUST PROVIDE THE CERTIFIED EMPLOYEE  
24 ORGANIZATION ACCESS TO ITS NEW EMPLOYEE ORIENTATIONS ON PAID  
25 TIME FOR NEWLY HIRED COVERED EMPLOYEES.

26 (b) THE STATE MUST PROVIDE THE CERTIFIED EMPLOYEE  
27 ORGANIZATION AT LEAST TEN DAYS NOTICE IN ADVANCE OF A NEW

1 EMPLOYEE ORIENTATION; EXCEPT THAT A SHORTER NOTICE MAY BE  
2 PROVIDED WHERE THERE IS AN URGENT NEED CRITICAL TO THE STATE'S  
3 OPERATIONS THAT WAS NOT REASONABLY FORESEEABLE.

4 (c) THE STATE AND THE CERTIFIED EMPLOYEE ORGANIZATION  
5 SHALL DETERMINE THE STRUCTURE, TIME, AND MANNER OF THE EMPLOYEE  
6 ORGANIZATION'S ACCESS THROUGH THE PARTNERSHIP AGREEMENT  
7 PROCESS SET FORTH IN SECTION 24-50-1112.

8 (6) AFTER THE STATE AND THE CERTIFIED EMPLOYEE  
9 ORGANIZATION REACH A PARTNERSHIP AGREEMENT, THE INITIAL OR  
10 SUPPLEMENTAL BUDGET REQUEST FROM THE GOVERNOR TO THE GENERAL  
11 ASSEMBLY SHALL INCLUDE SUFFICIENT APPROPRIATIONS TO IMPLEMENT  
12 THE TERMS OF THE AGREEMENT REQUIRING THE EXPENDITURE OF MONEY.  
13 THE PROVISIONS OF A PARTNERSHIP AGREEMENT THAT REQUIRE THE  
14 EXPENDITURE OF MONEY SHALL BE CONTINGENT UPON THE AVAILABILITY  
15 OF MONEY AND THE SPECIFIC APPROPRIATION OF MONEY BY THE GENERAL  
16 ASSEMBLY. IF THE GENERAL ASSEMBLY REJECTS ANY PART OF THE  
17 REQUEST, OR WHILE ACCEPTING THE REQUEST TAKES ANY ACTION WHICH  
18 WOULD RESULT IN A MODIFICATION OF THE TERMS OF THE COST ITEM  
19 SUBMITTED TO IT, EITHER PARTY MAY REOPEN NEGOTIATIONS  
20 CONCERNING ECONOMIC ISSUES.

21 (7) THE STATE AND ITS DESIGNEES AND AGENTS, INCLUDING THE  
22 GOVERNOR'S DESIGNEE, THE EXECUTIVE DIRECTORS OF STATE AGENCIES,  
23 AND OTHER STATE OFFICIALS CHARGED WITH ADMINISTERING  
24 PARTNERSHIP AGREEMENTS, SHALL ENGAGE IN GOOD FAITH IN ALL  
25 ASPECTS OF THE PARTNERSHIP PROCESS. THE STATE AND ITS DESIGNEES  
26 AND AGENTS SHALL NOT:

27 (a) TAKE ANY ACTION OR MAKE ANY STATEMENT IN FAVOR OF OR

1 IN OPPOSITION TO A COVERED EMPLOYEE'S DECISION TO PARTICIPATE IN,  
2 SELECT, OR JOIN AN EMPLOYEE ORGANIZATION, OR TO REFRAIN FROM  
3 THESE ACTIVITIES; EXCEPT THAT THE STATE MAY RESPOND TO QUESTIONS  
4 FROM A COVERED EMPLOYEE PERTAINING TO THE COVERED EMPLOYEE'S  
5 EMPLOYMENT OR ANY MATTER DESCRIBED IN THIS PART 11, PROVIDED  
6 THAT SUCH RESPONSE IS NEUTRAL TOWARD PARTICIPATION, SELECTION,  
7 AND MEMBERSHIP IN AN EMPLOYEE ORGANIZATION;

8 (b) EXPEND PUBLIC MONEY OR RESOURCES FOR A NEGATIVE  
9 CAMPAIGN AGAINST AN EMPLOYEE ORGANIZATION OR PROVIDE  
10 ASSISTANCE TO ANY INDIVIDUAL OR GROUP TO ENGAGE IN SUCH A  
11 CAMPAIGN. IT IS NOT A VIOLATION OF THIS SECTION FOR THE STATE TO  
12 RESPOND TO ANY REQUESTS PURSUANT TO THE "COLORADO OPEN  
13 RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE 24, OR TO EXERCISE  
14 ANY OTHER OBLIGATION REQUIRED BY LAW.

15 (c) INTERFERE WITH, RESTRAIN, OR COERCE COVERED EMPLOYEES  
16 FROM EXERCISING THE RIGHTS GRANTED BY THIS PART 11; EXCEPT THAT  
17 THIS SUBSECTION (7)(c) DOES NOT IMPAIR THE RIGHT OF A CERTIFIED  
18 EMPLOYEE ORGANIZATION TO PRESCRIBE ITS OWN RULES WITH RESPECT TO  
19 RECRUITING AND MAINTAINING ITS MEMBERSHIP SUBJECT TO SECTION  
20 24-50-1109 (3)(a);

21 (d) DISCHARGE OR DISCRIMINATE AGAINST ANY COVERED  
22 EMPLOYEE BECAUSE THE EMPLOYEE FILED AN AFFIDAVIT, OR GAVE ANY  
23 INFORMATION OR TESTIMONY UNDER THIS PART 11, OR BECAUSE THE  
24 EMPLOYEE FORMED, JOINED, OR CHOSE TO BE REPRESENTED BY ANY  
25 EMPLOYEE ORGANIZATION, OR REFRAINED FROM ANY SUCH ACTIVITIES;

26 (e) REFUSE TO PARTICIPATE IN THE PARTNERSHIP PROCESS SET  
27 FORTH IN SECTION 24-50-1112, ONCE A CERTIFIED EMPLOYEE

1 ORGANIZATION IS CERTIFIED; OR

2 (f) REFUSE TO PARTICIPATE IN THE PARTNERSHIP DISPUTE  
3 RESOLUTION PROCESS.

4 (8) IT SHALL CONSTITUTE AN UNFAIR LABOR PRACTICE SUBJECT TO  
5 REVIEW PURSUANT TO SECTION 24-50-1113 (3) FOR THE STATE TO ENGAGE  
6 IN THE ACTIVITIES PROHIBITED UNDER THIS SECTION, OR TO FAIL TO  
7 DISCHARGE ITS DUTIES UNDER THIS SECTION. THE GOVERNOR SHALL NOT  
8 BE SUBJECT TO AN UNFAIR LABOR PRACTICE CHARGE.

9 **24-50-1112. Partnership agreements.** (1) WITHIN THIRTY DAYS  
10 AFTER THE EFFECTIVE DATE OF THIS PART 11, IF AN EMPLOYEE  
11 ORGANIZATION IS ALREADY CERTIFIED, OR WITHIN SIXTY DAYS AFTER AN  
12 EMPLOYEE ORGANIZATION HAS BEEN CERTIFIED PURSUANT TO A  
13 REPRESENTATION ELECTION, OR NO LATER THAN APRIL 15 OF THE YEAR  
14 PRECEDING THE EXPIRATION OF A PARTNERSHIP AGREEMENT, THE STATE  
15 SHALL BEGIN MEETINGS TO DISCUSS AND COOPERATIVELY DRAFT A  
16 MUTUALLY AGREED UPON WRITTEN PARTNERSHIP AGREEMENT TO BE  
17 BINDING ON THE STATE, THE CERTIFIED EMPLOYEE ORGANIZATION, AND  
18 COVERED EMPLOYEES WHEN RATIFIED BY THE CERTIFIED EMPLOYEE  
19 ORGANIZATION AND APPROVED BY THE GOVERNOR. SUBJECT TO SECTION  
20 24-50-1110, BOTH THE CERTIFIED EMPLOYEE ORGANIZATION AND THE  
21 STATE SHALL BARGAIN IN GOOD FAITH TO REACH AGREEMENT ON WAGES,  
22 HOURS, AND TERMS AND CONDITIONS OF EMPLOYMENT FOR ALL COVERED  
23 EMPLOYEES. NEITHER THE CERTIFIED EMPLOYEE ORGANIZATION NOR THE  
24 STATE SHALL BE REQUIRED TO AGREE TO A PROPOSAL OR TO MAKE A  
25 CONCESSION. DISPUTES SHALL BE RESOLVED PURSUANT TO SECTION  
26 24-50-1113.

27 (2) THE PARTIES SHALL BARGAIN OVER WAGES, HOURS, AND TERMS

1 AND CONDITIONS OF EMPLOYMENT. ALL OTHER SUBJECTS ARE PERMISSIVE  
2 AND MAY BE ADDRESSED DURING BARGAINING UPON MUTUAL AGREEMENT  
3 OF THE PARTIES. A PARTNERSHIP AGREEMENT MAY NOT INCLUDE A  
4 REQUIREMENT OR AGREEMENT THAT THE EXECUTIVE BRANCH OR ANY  
5 DEPARTMENT NEGOTIATE WITH RESPECT TO THE STATUTORY FUNCTION OF  
6 ANY DEPARTMENT OR AGENCY OR MATTERS RELATED TO THE PUBLIC  
7 EMPLOYEES' RETIREMENT ASSOCIATION.

8 (3) (a) ECONOMIC ISSUES, MATTERS IMPACTING ALL COVERED  
9 EMPLOYEES, MATTERS THAT NECESSITATE STATEWIDE UNIFORMITY  
10 PURSUANT TO THE STATE CONSTITUTION, THE COLORADO REVISED  
11 STATUTES, OR ADMINISTRATIVE RULE, SHALL BE NEGOTIATED BETWEEN  
12 THE CERTIFIED EMPLOYEE ORGANIZATION AND THE GOVERNOR'S  
13 DESIGNEE. THE GOVERNOR'S DESIGNEE MAY CONSULT WITH THE  
14 EXECUTIVE DIRECTOR CHARGED WITH ADMINISTERING THE ISSUES SUBJECT  
15 TO STATEWIDE BARGAINING.

16 (b) MATTERS IMPACTING COVERED EMPLOYEES IN A SINGLE  
17 DEPARTMENT OR AGENCY OR SUBDIVISION THEREOF SHALL BE  
18 NEGOTIATED BY THE CERTIFIED EMPLOYEE ORGANIZATION AND THE  
19 EXECUTIVE DIRECTOR OF THE DEPARTMENT OR AGENCY OR THE  
20 EXECUTIVE DIRECTOR'S DESIGNEE. ANY AGREEMENTS MADE AT THE  
21 DEPARTMENT OR AGENCY LEVEL SHALL BE INCORPORATED INTO THE  
22 PARTNERSHIP AGREEMENT. THE CERTIFIED EMPLOYEE ORGANIZATION AND  
23 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR AGENCY MAY CHOOSE  
24 TO BRING DEPARTMENT OR AGENCY MATTERS TO STATEWIDE BARGAINING  
25 UPON MUTUAL AGREEMENT.

26 (4) A PARTNERSHIP AGREEMENT SHALL PROVIDE FOR A  
27 PARTNERSHIP AGREEMENT GRIEVANCE PROCEDURE CULMINATING IN FINAL

1 AND BINDING ARBITRATION TO RESOLVE DISPUTES OVER THE  
2 INTERPRETATION, APPLICATION, AND ENFORCEMENT OF ANY PROVISION OF  
3 THE PARTNERSHIP AGREEMENT.

4 (5) A PARTNERSHIP AGREEMENT THAT IS EXECUTED BY THE STATE  
5 AND THE CERTIFIED EMPLOYEE ORGANIZATION IS ENFORCEABLE AND  
6 BINDING ON THE STATE, THE CERTIFIED EMPLOYEE ORGANIZATION, AND  
7 COVERED EMPLOYEES COVERED BY THE AGREEMENT. IN THE EVENT OF  
8 CONFLICT BETWEEN THE PROVISIONS OF A PARTNERSHIP AGREEMENT AND  
9 STATE LAWS OR RULES IN EFFECT AS OF THE INITIAL PARTNERSHIP  
10 AGREEMENT, STATE LAWS AND RULES CONTROL.

11 (6) MEETINGS AND DISCUSSIONS HELD PURSUANT TO THIS SECTION  
12 AND THE PARTNERSHIP AGREEMENT GRIEVANCE AND ARBITRATION  
13 PROCESS SPECIFIED IN SUBSECTION (4) OF THIS SECTION AND THE DISPUTE  
14 RESOLUTION PROCESS SPECIFIED IN SECTION 24-50-1113 ARE NOT  
15 MEETINGS AS DEFINED IN SECTION 24-6-402.

16 (7) EXCEPT FOR A PARTNERSHIP AGREEMENT SUBMITTED FOR  
17 RATIFICATION, ALL DOCUMENTS, PROPOSALS, AND DRAFT AND TENTATIVE  
18 AGREEMENTS DRAFTED OR EXCHANGED PURSUANT TO THE PROCESS  
19 ESTABLISHED IN THIS SECTION ARE PRIVILEGED AND NOT SUBJECT TO  
20 DISCLOSURE PURSUANT TO THE "COLORADO OPEN RECORDS ACT", PART  
21 2 OF ARTICLE 72 OF THIS TITLE 24. NOTHING IN THIS SECTION SHALL BE  
22 CONSTRUED TO PREVENT A CERTIFIED EMPLOYEE ORGANIZATION OR THE  
23 STATE FROM PRESENTING SUCH MATERIALS IN ANY PARTNERSHIP  
24 AGREEMENT GRIEVANCE OR ARBITRATION PROCESS PURSUANT TO  
25 SUBSECTION (4) OF THIS SECTION OR THE DISPUTE RESOLUTION PROCESS  
26 SPECIFIED IN SECTION 24-50-1113.

27 **24-50-1113. Dispute resolution.** (1) IF DISPUTES ARISE DURING

1 THE FORMATION OF A PARTNERSHIP AGREEMENT, THE CERTIFIED  
2 EMPLOYEE ORGANIZATION AND THE STATE, TO ENCOURAGE A TRUE  
3 COOPERATIVE PARTNERSHIP, SHALL ENGAGE IN THE DISPUTE RESOLUTION  
4 PROCESS ESTABLISHED IN THIS SECTION OR AN ALTERNATIVE PROCEDURE  
5 ESTABLISHED BY MUTUAL AGREEMENT. ALL DEADLINES MAY BE  
6 EXTENDED PURSUANT TO MUTUAL AGREEMENT OF THE PARTIES.

7 (2)(a) IF THE CERTIFIED EMPLOYEE ORGANIZATION AND THE STATE  
8 CANNOT REACH AGREEMENT WITHIN NINETY CALENDAR DAYS AFTER  
9 COMMENCING MEETINGS TO DRAFT A PARTNERSHIP AGREEMENT, EITHER  
10 PARTY MAY REQUEST THAT THE MATTERS ON WHICH THE PARTIES CANNOT  
11 REACH AGREEMENT BE SENT TO MEDIATION WITH A MUTUALLY AGREED  
12 UPON MEDIATOR. THE MEDIATOR SHALL BE SELECTED FROM A LIST OF FIVE  
13 CANDIDATES PROVIDED BY A RESPECTED, NATIONAL, NOT-FOR-PROFIT  
14 ENTITY THAT PROVIDES ALTERNATIVE DISPUTE RESOLUTION SERVICES.

15 (b) IF THE PARTIES DO NOT REACH AN AGREEMENT ON  
16 OUTSTANDING ISSUES WITHIN THIRTY CALENDAR DAYS AFTER  
17 COMMENCING MEDIATION, THE MEDIATOR SHALL ISSUE A  
18 RECOMMENDATION ON ALL OF THE OUTSTANDING ISSUES. THE MEDIATOR  
19 SHALL ISSUE THE RECOMMENDATION WITHIN FIFTEEN CALENDAR DAYS OF  
20 THE END OF THE THIRTY-DAY MEDIATION PERIOD. THE MEDIATOR'S  
21 RECOMMENDATION SHALL BE SHARED WITH BOTH PARTIES AND EITHER  
22 PARTY MAY SHARE IT WITH OTHERS OR MAKE IT PUBLIC.

23 (c) IF, AFTER MEDIATION, THE PARTIES DO NOT REACH AGREEMENT  
24 ON ALL ISSUES, THEY MAY ENTER INTO A PARTNERSHIP AGREEMENT ON  
25 THE ISSUES ON WHICH THEY HAVE REACHED AGREEMENT.

26 (d) THE COST OF THE MEDIATOR PURSUANT TO THIS SECTION SHALL  
27 BE SHARED EQUALLY BY THE CERTIFIED EMPLOYEE ORGANIZATION AND



1 THE STATE.

2 (e) WITH THE EXCEPTION OF THE RECOMMENDATION OF THE  
3 MEDIATOR, ALL DOCUMENTS, PROPOSALS, AND DRAFT AND TENTATIVE  
4 AGREEMENTS, DRAFTED OR EXCHANGED PURSUANT TO THE PROCESS  
5 ESTABLISHED IN THIS SECTION, ARE PRIVILEGED AND NOT SUBJECT TO  
6 DISCLOSURE PURSUANT TO THE "COLORADO OPEN RECORDS ACT", PART  
7 2 OF ARTICLE 72 OF THIS TITLE 24.

8 (3) ANY CONTROVERSY CONCERNING UNFAIR LABOR PRACTICES OF  
9 THE STATE OR CERTIFIED EMPLOYEE ORGANIZATION MAY BE SUBMITTED  
10 TO THE DIVISION BY THE STATE, CERTIFIED EMPLOYEE ORGANIZATION, OR  
11 AFFECTED EMPLOYEE IN A MANNER AND WITH THE EFFECT PROVIDED IN  
12 ARTICLE 3 OF TITLE 8 AND RULES PROMULGATED THEREUNDER; EXCEPT  
13 THAT NOTHING IN THIS PART 11 PREVENTS THE PURSUIT OF EQUITABLE OR  
14 LEGAL RELIEF IN COURTS OF COMPETENT JURISDICTION. A CLAIMANT IS  
15 NOT REQUIRED TO EXHAUST ADMINISTRATIVE REMEDIES.

16 **24-50-1114. Maintenance of the partnership relationship.** AN  
17 EXISTING PARTNERSHIP AGREEMENT SHALL CONTINUE IN FULL FORCE AND  
18 EFFECT UNTIL IT IS REPLACED BY A SUBSEQUENT PARTNERSHIP  
19 AGREEMENT.

20 **24-50-1115. Judicial review.** (1) THE CERTIFIED EMPLOYEE  
21 ORGANIZATION OR THE STATE MAY SEEK JUDICIAL REVIEW OF DECISIONS  
22 OR ORDERS ON REPRESENTATION OR DECERTIFICATION PETITIONS UNDER  
23 SECTION 24-50-1106; UNFAIR LABOR PRACTICE CHARGES UNDER SECTION  
24 24-50-1113 (3); OR RULES OR REGULATIONS ISSUED BY THE DIVISION  
25 UNDER THIS PART 11, IN THE MANNER AND WITH THE EFFECT PROVIDED IN  
26 THE "STATE ADMINISTRATIVE PROCEDURES ACT", ARTICLE 4 OF THIS  
27 TITLE 24, AND RULES PROMULGATED THEREUNDER.

1           (2) (a) THE CERTIFIED EMPLOYEE ORGANIZATION OR THE STATE  
2 MAY SEEK JUDICIAL REVIEW OF AN ARBITRATOR'S DECISION ON A  
3 PARTNERSHIP AGREEMENT GRIEVANCE PURSUANT TO SECTION 24-50-1112  
4 (4) IN A DISTRICT COURT IN THE CITY AND COUNTY OF DENVER.

5           (b) THE ARBITRATOR'S DECISION SHALL BE ENFORCED AND THE  
6 PARTIES SHALL COMPLY WITH THE DECISION AND AWARD UNLESS THE  
7 DISTRICT COURT CONCLUDES THAT:

8           (I) THE DECISION AND AWARD WAS PROCURED BY CORRUPTION,  
9 FRAUD, OR UNDUE MEANS;

10           (II) THE ARBITRATOR EXCEEDED HIS OR HER AUTHORITY;

11           (III) THE DECISION AND AWARD DID NOT DRAW ITS ESSENCE FROM  
12 THE PARTNERSHIP AGREEMENT; OR

13           (IV) THE DECISION AND AWARD VIOLATED PUBLIC POLICY, THAT  
14 THE ARBITRATOR ENGAGED IN MANIFEST DISREGARD OF THE LAW, OR THAT  
15 THE ARBITRATION DENIED THE PARTIES A FUNDAMENTALLY FAIR HEARING.

16           **24-50-1116. Construction of other laws.** IF ANY PROVISION OF  
17 THIS PART 11 IS INCONSISTENT WITH THE PROVISIONS OF ANY OTHER  
18 PREVIOUSLY ENACTED LAW OR RULE, THE PROVISIONS OF THIS PART 11  
19 CONTROL; EXCEPT THAT THE PROVISIONS OF THIS PART 11 DO NOT  
20 CONTROL OVER ARTICLE 51 OF THIS TITLE 24. NOTHING IN THIS PART 11  
21 DEPRIVES THE DIRECTOR OR STATE PERSONNEL BOARD OF ANY  
22 CONSTITUTIONALLY REQUIRED AUTHORITY.

23           **SECTION 3.** In Colorado Revised Statutes, 24-50-104, **amend**  
24 (1)(j)(II)(A), (1)(j)(III)(A), (1)(j)(IV), and (5)(c); and **repeal** (1)(j)(VI) as  
25 follows:

26           **24-50-104. Job evaluation and compensation - state employee**  
27 **reserve fund - created - definitions - repeal. (1) Total compensation**

1 **philosophy.** (j) (II) (A) The state employee reserve fund is hereby  
2 created in the state treasury, ~~Within the fund there is an account dedicated~~  
3 ~~to each department. A department's account~~ WHICH consists of moneys  
4 MONEY transferred pursuant to ~~subparagraph (IV) of this paragraph (j)~~  
5 ~~and any transfers directed by the governor pursuant to subparagraph (VI)~~  
6 ~~of this paragraph (j). Moneys within a department's account are~~  
7 ~~continuously appropriated to such department~~ SUBSECTION (1)(j)(IV) OF  
8 THIS SECTION. MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED for  
9 the purpose of providing merit pay to certified employees as provided in  
10 this subsection (1). ~~A department may not expend any moneys from its~~  
11 ~~account without the approval of the director of the office of state planning~~  
12 ~~and budgeting.~~ NO MONEY FROM THE FUND SHALL BE EXPENDED WITHOUT  
13 THE APPROVAL OF THE DIRECTOR OF THE OFFICE OF STATE PLANNING AND  
14 BUDGETING.

15 (III) (A) Any money in the fund not expended as provided in  
16 subsection (1)(j)(II) of this section may be invested by the state treasurer  
17 as provided by law. All interest and income derived from the investment  
18 and deposit of money in ~~a department's account~~ THE FUND shall be  
19 credited to the ~~same account~~ FUND. Except as set forth in subsection  
20 (1)(j)(III)(B) of this section, any unexpended and unencumbered money  
21 remaining in the fund at the end of a fiscal year shall remain in the fund  
22 and shall not be credited or transferred to the general fund or another  
23 fund.

24 (IV) On the date the state controller publishes the comprehensive  
25 annual financial report of the state, the state controller and state treasurer  
26 shall transfer an amount of ~~moneys~~ MONEY equal to a reversion amount  
27 from the general fund or a qualifying cash fund to the state employee

1     reserve fund. ~~to be allocated to the eligible department's account.~~

2             (VI) ~~In order to provide moneys to a department that is unable to~~  
3 ~~generate substantial reversion amounts because of the manner in which~~  
4 ~~moneys are appropriated to the department or other factors, the governor~~  
5 ~~may direct the state treasurer to reallocate moneys among department~~  
6 ~~accounts in the fund. The total amount reallocated pursuant to this~~  
7 ~~subparagraph (VI) during a state fiscal year shall not exceed two million~~  
8 ~~dollars. No other reallocation of moneys among accounts is permitted.~~

9             (5) **Pay plans.** ~~(c) The senior executive service is limited to one~~  
10 ~~hundred twenty-five positions. The state personnel director shall establish~~  
11 ~~criteria for inclusion in the senior executive service and shall review each~~  
12 ~~nominated position before it is placed in the pay plan for the senior~~  
13 ~~executive service. The head of the department or agency or state auditor~~  
14 ~~for employees of the state auditor's office shall make appointments to the~~  
15 ~~senior executive service based on competitive selection and is responsible~~  
16 ~~for the management of the employees in such plan. Any person in the~~  
17 ~~senior executive service has no right to any position within the state.~~

18             **SECTION 4.** In Colorado Revised Statutes, 24-50-125, **add** (1.5)  
19 as follows:

20             **24-50-125. Disciplinary proceedings - appeals - hearings -**  
21 **procedure - definitions.** (1.5) (a) IN CONSIDERING ANY DISCIPLINARY  
22 ACTION PURSUANT TO THIS SECTION AGAINST AN EMPLOYEE WHO IS  
23 CERTIFIED TO ANY CLASS OR POSITION IN THE STATE PERSONNEL SYSTEM  
24 FOR ENGAGING IN VIOLENT BEHAVIOR OR A THREAT OF VIOLENT BEHAVIOR  
25 AGAINST ANOTHER PERSON WHILE ON DUTY, THE APPOINTING AUTHORITY  
26 SHALL GIVE PREDOMINANT WEIGHT TO THE SAFETY OF THE OTHER PERSON  
27 OVER THE INTERESTS OF THE EMPLOYEE. FOR PURPOSES OF THIS

1 SUBSECTION (1.5), "VIOLENT BEHAVIOR" MEANS ANY ACT OR THREAT OF  
2 PHYSICAL, VERBAL, OR PSYCHOLOGICAL AGGRESSION OR THE  
3 DESTRUCTION OR ABUSE OF PROPERTY BY ANY INDIVIDUAL. A THREAT  
4 MAY INCLUDE A VEILED, CONDITIONAL, OR DIRECT THREAT IN VERBAL,  
5 WRITTEN, ELECTRONIC, OR GESTURAL FORM, RESULTING IN INTIMIDATION,  
6 HARASSMENT, HARM, OR ENDANGERMENT TO THE SAFETY OF ANOTHER  
7 PERSON OR PROPERTY.

8 (b) IF THE APPOINTING AUTHORITY FINDS THAT THE EMPLOYEE HAS  
9 ENGAGED IN VIOLENT BEHAVIOR OR A THREAT OF VIOLENT BEHAVIOR  
10 AGAINST ANOTHER PERSON, THE APPOINTING AUTHORITY MAY TAKE SUCH  
11 DISCIPLINARY ACTION AS THE APPOINTING AUTHORITY DEEMS  
12 APPROPRIATE, UP TO AND INCLUDING TERMINATION, TAKING INTO  
13 CONSIDERATION THE HARM OR RISK OF HARM TO THE PERSON CREATED BY  
14 THE EMPLOYEE'S ACTIONS. NOTHING IN THIS SUBSECTION (1.5)(b) AFFECTS  
15 THE CONSTITUTIONAL OR STATUTORY DUE PROCESS RIGHTS AFFORDED TO  
16 AN EMPLOYEE WHO IS CERTIFIED TO ANY CLASS OR POSITION IN THE STATE  
17 PERSONNEL SYSTEM.

18 (c) THIS SUBSECTION (1.5) APPLIES REGARDLESS OF WHETHER THE  
19 EMPLOYEE HAS BEEN CHARGED WITH OR CONVICTED OF A CRIME.

20 **SECTION 5.** In Colorado Revised Statutes, 24-72-202, **add**  
21 (6)(b)(XIV) as follows:

22 **24-72-202. Definitions.** As used in this part 2, unless the context  
23 otherwise requires:

24 (6) (b) "Public records" does not include:

25 (XIV) PURSUANT TO THE "COLORADO PARTNERSHIP FOR QUALITY  
26 JOBS AND SERVICES ACT", PART 11 OF ARTICLE 50 OF THIS TITLE 24,  
27 RECORDS CREATED IN COMPLIANCE WITH THE REQUIREMENTS OF A STATE

1 EMPLOYEE PARTNERSHIP AGREEMENT AS SPECIFIED IN SECTION  
2 24-50-1111 (3)(d) AND DOCUMENTS CREATED IN CONNECTION WITH THE  
3 DISPUTE RESOLUTION PROCESS FOR AN EMPLOYEE PARTNERSHIP  
4 AGREEMENT AS SPECIFIED IN SECTION 24-50-1113 (2)(e).

5 **SECTION 6.** In Colorado Revised Statutes, 24-101-401, **repeal**  
6 (2)(b) as follows:

7 **24-101-401. Public access to procurement information -**  
8 **repeal.** (2) (b) ~~(f)~~ Each agreement entered into by a governmental body  
9 with a certified employee organization for state employees under  
10 executive order D 028 07, or any similar successor executive order with  
11 respect to the existence of a certified employee organization for state  
12 employees, shall specify that the agreement is open to public inspection  
13 as provided in sections 24-72-203 and 24-72-204.

14 ~~(H)~~ If executive order D 028 07, or any similar successor  
15 executive order with respect to the existence of a certified employee  
16 organization for state employees, is rescinded or altered by the governor  
17 in any way to create a situation where a certified employee organization  
18 for state employees no longer represents state employees, the governor  
19 shall provide written notice of this fact to the revisor of statutes:

20 ~~(H)~~ This paragraph (b) is repealed, effective upon the receipt by  
21 the revisor of statutes of the written notice under subparagraph (H) of this  
22 paragraph (b):

23 **SECTION 7. Effective date.** This act takes effect July 1, 2020.

24 **SECTION 8. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, or safety.