COLORADO COUNTIES, INC.
Educate · Advocate · Empower

SB22-230, Collective Bargaining for Counties

County Mandates:

- Annually Inform its employees of their rights granted [C.R.S. 8-3.3-103(5)]
  - Rights such as – organizing & joining an employee organization; negotiating grievances through an exclusive representative; participate in the employee organization's political process
- Quarterly, provide the exclusive representative with county and personal contact information of employees in the bargaining unit [C.R.S. 8-3.3-104(2)]
  - Employees may request their personal information (ex. personal cell phone number) not be shared
- Allow exclusive representative access to employees in the bargaining unit in the following instances, details are to be determined in the collective bargaining agreement [C.R.S. 8-3.3-104 (3)]:
  - reasonable access to employees at work
  - meeting time with new hires within 30 days of hiring
  - notification of new employee orientation within 10 days
- Make payroll deductions for membership dues [C.R.S. 8-3.3-104(4)]
- Negotiate in good faith [C.R.S. 8-3.3-112]:
  - providing information, upon the request of the exclusive representative, on the terms and conditions of employment or the interpretation of the collective bargaining agreement
  - furnish data that is normally maintained and reasonably available / necessary for discussion/understanding of the collective bargaining agreement

County Authorities:

- Multiple bargaining units represented by the same employee organization may be consolidated at the request of the county [C.R.S. 8-3.3-112(3)]
- Both parties must make a good faith effort to complete negotiations on the collective bargaining agreement, so that it may be considered during the adoption of the county budget [C.R.S. 8-3.3-112(4)]
- Counties may respond to questions on employment and collective bargaining, so long as it is neutral [C.R.S. 8-3.3-115(b)]
- Ability to accept or reject fact-finding recommendations [C.R.S. 8-3.3-114(5)]

Collective Bargaining Agreement [C.R.S. 8-3.3-113]:

- Term: at least 12 months, less than 60 months (5 years)
  - in effect until a subsequent agreement is adopted
- Must include a grievance procedure culminating in final & binding arbitration
  - Grievance: process to resolve disputes regarding application of the collective bargaining agreement

- Does not allow for:
  - delayed interviewing of employees under investigation
  - use of paid time off for properly imposed suspensions
  - permit the expungement of records for infractions regarding use of physical/deadly force, etc.
  - limits on disciplinary action
  - limitations on complaints that may prompt an investigation into employee misconduct
- The appropriation of funds must be submitted to the BOCC at the meeting following agreement approval
- Counties & exclusive representatives shall not refuse to negotiate in good faith regarding wages, hours, and other terms and conditions of employment [C.R.S. 8-3.3-115(1)]

Anti-Strike Provision [C.R.S. 8-3.3-115(6)(a)]

"an exclusive representative…shall not threaten, facilitate, support, or cause a county employee to participate in the following: a strike; work stoppage; a work slowdown; a group sick out; or an action that disrupts, on a widespread basis, the day-to-day functioning of a county"

SB22-230, Collective Bargaining for Counties
Process for Certification of Exclusive Representative
[C.R.S. 8-3.3-108—109]

Petition is filed by the employee organization (Union) with CDLE *beginning July 1, 2023

With 30% bargaining unit support

County distributes notice to all employees in the applicable bargaining unit with:

- the petitioner
- the bargaining unit sought
- the election process,
- advisement of employee rights

Other employee organizations may intervene by filing a petition with CDLE containing support from 30% of bargaining unit

CDLE determines the sufficiency of showing of interest, of each petitioner

If petitioner doesn't have sufficient interest…

Petitioner has 10 days to re-file

10 days after determination…

…Director shall:

1. establish the procedures for a secret ballot election
2. order the county to provide the petitioning employee organization(s) the contact info of employees in the appropriate bargaining unit, unless directed not to
3. county must distribute a notice (prepared by CDLE) to all employees in the appropriate bargaining unit of the procedures of the election (as determined by CDLE)

Secret Ballot Election Occurs

Clear Majority

Certified as Exclusive Representative

No majority

Runoff Election Occurs

Within 7 days of election results being certified, any objections to the conduct of elections must be filed with CDLE

Decertification Process [C.R.S. 8-3.3-111] – Employee in unit or employee organization must file a petition for decertification with 30% support; election conducted

SB22-230, Collective Bargaining for Counties
Impasse Resolution Process [C.R.S. 8-3.3-114]

