

SENATE BILL [23-111](#): Official City Position

Approved by Westminster City Council on February XX, 2023

SENATOR RODRIGUEZ; REPRESENTATIVE WOODROW:

Concerning public employees' workplace protection.

Official City Position: OPPOSE

Status: **Active** – This bill was introduced in the Senate on January 31, 2023. It was assigned to the Local Government & Housing Committee. It is scheduled for a committee hearing on February 28, 2023.

Description:

The "National Labor Relations Act" does not apply to federal, state, or local governments and the "Colorado Labor Peace Act" excludes governmental entities, with an exception for mass transportation systems, leaving public employees without the protection afforded by these labor laws. The bill grants certain public employees, including individuals employed by counties, municipalities, fire authorities, school districts, public colleges and universities, library districts, special districts, public defender's offices, the university of Colorado hospital authority, the Denver health and hospital authority, the general assembly, and a board of cooperative services, the right to:

- Discuss or express views regarding public employee representation or workplace issues;
- Engage in protected, concerted activity for the purpose of mutual aid or protection;
- Fully participate in the political process while off duty and not in uniform, including speaking with members of the public employer's governing body on terms and conditions of employment and any matter of public concern and engaging in other political activities in the same manner as other citizens of Colorado without discrimination, intimidation, or retaliation; and
- Organize, form, join, or assist an employee organization or refrain from organizing, forming, joining, or assisting an employee organization.

The bill also prohibits certain public employers from discriminating against, coercing, intimidating, interfering with, or imposing reprisals against a public employee for engaging in any of the rights granted.

The Colorado department of labor and employment (department) is charged with enforcing any alleged violation of these rights and is granted rule-making authority. A party may appeal the department's final decision to the Colorado court of appeals. The bill requires the court of appeals to give deference to the department.

City Comments:

This legislation is in opposition to the following principle(s) as set forth in the City's [2023 Legislative Policy Statement](#):

Home Rule and Local Control

- Opposes legislation that mandates state intervention in matters of local concern, especially when that intervention unnecessarily or adversely affects the City's ability to manage these matters pursuant to its home rule authority

Human Resources

- Opposes any legislation that interferes with a municipality's ability to determine the terms and conditions of municipal employment.

This legislation overrides local control as well as the voice of local voters. The decision as to whether public employees can unionize needs to remain a local one.