

**First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 25-0290.02 Kristen Forrestal x4217

**SENATE BILL 25-005**

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**A BILL FOR AN ACT**

101      **CONCERNING THE ELIMINATION OF THE REQUIREMENT FOR A SECOND**  
102              **ELECTION TO NEGOTIATE A UNION SECURITY CLAUSE IN THE**  
103              **COLLECTIVE BARGAINING PROCESS.**

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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 eliminates the requirement for a second election to negotiate a union security agreement clause in the collective bargaining process.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-3-108, **amend**  
3 (1)(c)(I) and (1)(c)(III); and **repeal** (1)(c)(II) and (1)(c)(IV) as follows:

4 **8-3-108. What are unfair labor practices.** (1) It is an unfair  
5 labor practice for an employer, individually or in concert with others, to:

6 (c) (I) Encourage or discourage membership in ~~any~~ A labor  
7 organization, employee agency, committee, association, or representation  
8 plan by discrimination in regard to hiring, tenure, or other terms or  
9 conditions of employment; except that an employer shall not be  
10 prohibited from entering into an all-union agreement with the  
11 representatives of ~~his~~ THE EMPLOYER'S employees in a collective  
12 bargaining unit. ~~if such all-union agreement is approved by the~~  
13 ~~affirmative vote of at least a majority of all the employees eligible to vote~~  
14 ~~or three-quarters or more of the employees who actually voted, whichever~~  
15 ~~is greater, by secret ballot in favor of such all-union agreement in an~~  
16 ~~election provided for in this paragraph (c) conducted under the~~  
17 ~~supervision of the director. Where the collective bargaining unit involved~~  
18 ~~is currently recognized under sections 8 or 9 of the "National Labor~~  
19 ~~Relations Act", as amended, (49 Stat. 449; 61 Stat. 136), or where the~~  
20 ~~collective bargaining unit involved is currently recognized by reason of~~  
21 ~~certification by the director or the national labor relations board, or where~~  
22 ~~such units were so recognized at the time of an election provided for in~~  
23 ~~this paragraph (c), there is and shall be deemed to have been no need for~~  
24 ~~a certification election as a precedent to an election provided for in this~~  
25 ~~paragraph (c) in such collective bargaining unit on the issue of an~~  
26 ~~all-union agreement. The employees in such a recognized or certified unit~~  
27 ~~within this state shall be the only employees eligible to vote in an election~~

1 provided for in this paragraph (c) held in such unit.

2 ~~(II) (A) Any agreement as defined in section 8-3-104 (1.5)~~  
3 ~~between an employer and a labor organization in existence on June 29,~~  
4 ~~1977, which has not been voted upon by the employees covered by it~~  
5 ~~may, by written mutual agreement of such employer and labor~~  
6 ~~organization, be ratified and upon such ratification shall be filed with the~~  
7 ~~director. Any agreement as defined in section 8-3-104 (1.5) between an~~  
8 ~~employer and a labor organization in existence on June 29, 1977, which~~  
9 ~~has not been ratified and filed, as provided in this subsection (1)(c)(H);~~  
10 ~~shall not be legal, valid, or enforceable during the remaining term of that~~  
11 ~~labor contract unless and until either the employer, the labor organization,~~  
12 ~~or at least twenty percent of the employees covered by such agreement~~  
13 ~~file a petition upon forms provided by the division, demanding an election~~  
14 ~~submitting the question of the all-union agreement to the employees~~  
15 ~~covered by such agreement and said agreement is approved by the~~  
16 ~~affirmative vote of at least a majority of all the employees eligible to vote~~  
17 ~~or three-quarters or more of the employees who actually voted, whichever~~  
18 ~~is greater, by secret ballot in favor of such all-union agreement in an~~  
19 ~~election provided for in this subsection (1)(c) conducted under the~~  
20 ~~supervision of the director.~~

21 ~~(B) Upon filing of such instrument of ratification with the~~  
22 ~~director, the director shall certify that such agreement complies with the~~  
23 ~~provisions of section 8-3-104 (1.5) notwithstanding the absence of any~~  
24 ~~other election requirements of this article 3, and by virtue of such~~  
25 ~~ratification and certification, such agreement shall be deemed legal, valid,~~  
26 ~~and enforceable to the extent permitted under the provisions of this article~~  
27 ~~3, subject to the provisions of subsection (1)(c)(H)(D) of this section.~~

1           ~~(C) Within two weeks after the certification by the director~~  
2           ~~provided for in sub-subparagraph (B) of this subparagraph (H), the~~  
3           ~~employer which is a party to such agreement shall post or give written~~  
4           ~~notice to all employees covered by such agreement on the date of~~  
5           ~~ratification of the fact that the agreement has been ratified and certified~~  
6           ~~pursuant to the provisions of this subparagraph (H) and of the right of~~  
7           ~~such employees to file a petition demanding an election as provided in~~  
8           ~~sub-subparagraph (D) of this subparagraph (H). Proof of giving of notice~~  
9           ~~shall be filed with the director within twenty days after the certification~~  
10           ~~by the director provided for in sub-subparagraph (B) of this subparagraph~~  
11           ~~(H):~~

12           ~~(D) Within forty-five days after the certification by the director~~  
13           ~~provided for in sub-subparagraph (B) of this subparagraph (H) twenty~~  
14           ~~percent of the employees covered by such agreement may file a petition,~~  
15           ~~upon forms provided by the division, demanding an election submitting~~  
16           ~~the question of ratification of such agreement to the employees covered~~  
17           ~~by such agreement. If ratification of the agreement is approved by the~~  
18           ~~affirmative vote of at least a majority of all the employees eligible to vote~~  
19           ~~or three-quarters or more of the employees who actually voted, whichever~~  
20           ~~is greater, in said election, the agreement shall be conclusively deemed~~  
21           ~~ratified. Such election shall be held as promptly as possible following the~~  
22           ~~filing of the petition. In the event that a certified contract expires or is~~  
23           ~~terminated prior to the conducting of such an election, such certification~~  
24           ~~shall be applicable to any subsequent agreement between the same parties~~  
25           ~~until such election may be held.~~

26           (III) The director shall declare ~~any such~~ AN all-union agreement  
27           terminated whenever

1           (A) ~~He~~ THE DIRECTOR finds that the labor organization involved  
2 HAS unreasonably ~~has~~ refused to receive as a member ~~any~~ AN employee  
3 of ~~such~~ THE employer, and ~~any person~~ AN interested INDIVIDUAL may  
4 come before the director, as provided in section 8-3-110, and ask the  
5 performance of this duty. ~~or~~

6           (B) ~~The employer or twenty percent of the employees covered by~~  
7 ~~such agreement file a petition with the director on forms provided by the~~  
8 ~~division seeking to revoke such all-union agreement and, in an election~~  
9 ~~conducted under the supervision of the director, there is not an~~  
10 ~~affirmative vote of at least a majority of all the employees eligible to vote~~  
11 ~~or three-quarters or more of the employees who actually voted, whichever~~  
12 ~~is greater, in such election by secret ballot in favor of such all-union~~  
13 ~~agreement. Such petition may only be filed within a time period between~~  
14 ~~one hundred twenty and one hundred five days prior to the end of the~~  
15 ~~collective bargaining agreement or prior to a triennial anniversary of the~~  
16 ~~date of such agreement, and the division must complete said election~~  
17 ~~within sixty days prior to the termination or triennial anniversary of said~~  
18 ~~collective bargaining agreement. The director may conduct an election~~  
19 ~~within a collective bargaining unit no more often than once during the~~  
20 ~~term of any collective bargaining agreement or once every three years in~~  
21 ~~the case of agreements for a period longer than three years.~~

22           (IV) ~~The director shall provide a means by which employees may~~  
23 ~~submit confidential petitions for an election under this paragraph (c), a~~  
24 ~~means for verifying the employment, status, and eligibility of petitioners,~~  
25 ~~and a means for determining the sufficiency of such petitions with respect~~  
26 ~~to the twenty percent signature requirement, all of which shall be~~  
27 ~~accomplished without disclosing the identification of such petitioners,~~

1     except as allowed under subparagraph (V) of this paragraph (c). This duty  
2     shall apply to petitions filed pursuant to subparagraph (H)(A), (H)(D), or  
3     (HH)(B) of this paragraph (c).

4             **SECTION 2.** In Colorado Revised Statutes, 8-3-109, **amend** (3)  
5     as follows:

6             **8-3-109. What are not unfair labor practices.** (3) ~~It shall not be~~  
7     IS NOT an unfair labor practice for an employer engaged primarily in the  
8     building and construction industry to enter into an all-union agreement.  
9     ~~except an agreement providing for an agency shop or modified agency~~  
10    ~~shop, with a labor organization, which agreement is limited in its~~  
11    ~~coverage to employees who, upon their employment, will be engaged in~~  
12    ~~the building and construction industry, if a copy of such agreement is~~  
13    ~~filed with the director and certified by him as provided in section 8-3-108~~  
14    ~~(1)(c)(H)(B). Such agreement may be ratified as provided in section~~  
15    ~~8-3-108 (1)(c)(H)(C) or terminated by the director as provided in section~~  
16    ~~8-3-108 (1)(c)(HH).~~

17            **SECTION 3. Safety clause.** The general assembly finds,  
18     determines, and declares that this act is necessary for the immediate  
19     preservation of the public peace, health, or safety or for appropriations for  
20     the support and maintenance of the departments of the state and state  
21     institutions.