

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0881.01 Kristen Forrestal x4217

HOUSE BILL 12-1333

HOUSE SPONSORSHIP

Becker, Beezley, Coram, Kerr J., Priola

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PUBLIC SCHOOL EMPLOYEES' PARTICIPATION IN LABOR
102 ORGANIZATIONS.

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://www.leg.state.co.us/billsummaries>.)

The bill allows a public school employee to request that his or her employer deduct dues for the benefit of a labor organization from the employee's wages. An employer is required to commence or cease making the deductions within 30 days after receiving a written request from an employee. A labor organization that receives dues from an employee's

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

wages is required to make an annual financial disclosure to the employee. An employee may join or terminate membership with a labor organization at any time.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-61-106 as
3 follows:

4 **22-61-106. Labor organizations - membership - payment of**
5 **dues - financial disclosure - definitions.** (1) AS USED IN THIS SECTION:

6 (a) "EMPLOYEE" MEANS A PERSON EMPLOYED IN A PUBLIC SCHOOL
7 IN THE STATE OF COLORADO.

8 (b) "EMPLOYER" MEANS AN INSTITUTE CHARTER SCHOOL OR A
9 SCHOOL DISTRICT, AS THOSE TERMS ARE DEFINED IN SECTION 22-30.5-502
10 (6) AND (10), RESPECTIVELY, THAT EMPLOYS AN EMPLOYEE.

11 (c) "LABOR ORGANIZATION" MEANS A LAWFUL ORGANIZATION
12 THAT IS COMPOSED OF EMPLOYEES AND THAT EXISTS FOR THE PURPOSE OF
13 DEALING WITH EMPLOYERS CONCERNING GRIEVANCES, LABOR DISPUTES,
14 WAGES, RATES OF PAY, HOURS OF EMPLOYMENT, OR OTHER TERMS AND
15 CONDITIONS OF EMPLOYMENT. "LABOR ORGANIZATION" INCLUDES A
16 LABOR UNION EXEMPT FROM TAXATION PURSUANT TO SECTION 501 (c)(5)
17 OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND
18 A PROFESSIONAL EMPLOYEE ASSOCIATION EXEMPT FROM TAXATION
19 PURSUANT TO SECTION 501 (c)(6) OF THE FEDERAL "INTERNAL REVENUE
20 CODE OF 1986", AS AMENDED.

21 (2) (a) AN EMPLOYEE MAY DIRECT AN EMPLOYER IN WRITING TO
22 DEDUCT FROM THE EMPLOYEE'S WAGES A SPECIFIED SUM FOR DUES TO BE
23 PAID TO ANY LABOR ORGANIZATION DESIGNATED BY THE EMPLOYEE.

24 (b) AN EMPLOYER SHALL COMMENCE OR CEASE MAKING

1 DEDUCTIONS FOR DUES FOR THE BENEFIT OF A LABOR ORGANIZATION FROM
2 THE WAGES OF AN EMPLOYEE WITHIN THIRTY DAYS AFTER RECEIVING A
3 WRITTEN REQUEST FROM THE EMPLOYEE TO COMMENCE OR CEASE THE
4 DEDUCTIONS.

5 (c) AN EMPLOYER SHALL NOT CONDITION AN EMPLOYEE'S REQUEST
6 THAT THE EMPLOYER CEASE MAKING DEDUCTIONS UPON THE LABOR
7 ORGANIZATION'S RECEIPT OF ADVANCE NOTICE OF THE REQUEST OR UPON
8 THE LABOR ORGANIZATION'S PRIOR CONSENT TO CESSATION OF THE
9 DEDUCTIONS.

10 (d) A LABOR ORGANIZATION THAT RECEIVES DUES FROM AN
11 EMPLOYEE'S WAGES SHALL PROVIDE ANNUAL WRITTEN FINANCIAL
12 INFORMATION TO EACH EMPLOYEE THAT DISCLOSES HOW THE DUES WERE
13 SPENT BY THE LABOR ORGANIZATION.

14 (e) AN EMPLOYER SHALL NOT ADOPT A POLICY OR ENTER INTO AN
15 AGREEMENT WITH A LABOR ORGANIZATION THAT REQUIRES THE
16 EMPLOYER TO WITHHOLD AN AMOUNT TO BE PAID TO THE LABOR
17 ORGANIZATION FROM AN EMPLOYEE'S PAYCHECK UNLESS THE
18 WITHHOLDING IS SUBJECT TO WRITTEN AUTHORIZATION BY THE EMPLOYEE.

19 (3) AN EMPLOYEE MAY JOIN, OR TERMINATE MEMBERSHIP IN, A
20 LABOR ORGANIZATION AT ANY TIME. ONCE AN EMPLOYEE HAS
21 TERMINATED HIS OR HER MEMBERSHIP IN A LABOR ORGANIZATION, THE
22 MEMBERSHIP REMAINS TERMINATED UNLESS THE EMPLOYEE ACTIVELY
23 CHOOSES TO REJOIN THE LABOR ORGANIZATION. AN EMPLOYER OR LABOR
24 ORGANIZATION MAY NOT PLACE A RESTRICTION ON THE TIME THAT AN
25 EMPLOYEE MAY JOIN OR TERMINATE MEMBERSHIP IN A LABOR
26 ORGANIZATION.

27 **SECTION 2. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
2 the expiration of the ninety-day period after final adjournment of the
3 general assembly (August 8, 2012, if adjournment sine die is on May 9,
4 2012); except that, if a referendum petition is filed pursuant to section 1
5 (3) of article V of the state constitution against this act or an item, section,
6 or part of this act within such period, then the act, item, section, or part
7 will not take effect unless approved by the people at the general election
8 to be held in November 2012 and, in such case, will take effect on the
9 date of the official declaration of the vote thereon by the governor.

10 (2) The provisions of this act apply to contracts entered into on or
11 after the applicable effective date of this act.