

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 12-0881.01 Kristen Forrestal x4217

HOUSE BILL 12-1333

HOUSE SPONSORSHIP

Becker, Beezley, Coram, Kerr J., Priola

SENATE SPONSORSHIP

Grantham,

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.

HOUSE
3rd Reading Unamended
May 1, 2012

HOUSE
Amended 2nd Reading
April 25, 2012

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 EMPLOYER SHALL COMMENCE OR CEASE MAKING
22 DEDUCTIONS FOR DUES FOR THE BENEFIT OF A LABOR UNION FROM THE
23 WAGES OF AN EMPLOYEE WITHIN THIRTY DAYS AFTER RECEIVING A
24

1 WRITTEN REQUEST FROM THE EMPLOYEE TO COMMENCE OR CEASE THE
2 DEDUCTIONS.

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

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

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

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

25 **SECTION 2. Act subject to petition - effective date -**
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
27 the expiration of the ninety-day period after final adjournment of the

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

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