

**FINAL
FISCAL NOTE**

Drafting Number: LLS 13-0194	Date: August 7, 2013
Prime Sponsor(s): Sen. Tochtrop Rep. Williams	Bill Status: Signed into Law
	Fiscal Analyst: Jonathan Senft (303-866-3523)

TITLE: CONCERNING COLLECTIVE BARGAINING BY FIREFIGHTERS.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
State Expenditures		
FTE Position Change		
Effective Date: The bill was signed into law by the Governor on June 5, 2013, and takes effect August 7, 2013, assuming no referendum petition is filed.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This bill gives professional firefighters the ability to form a union designated as the exclusive representative for purposes of collective bargaining. The bill applies to public employers, including municipalities, counties, and special districts, but not to volunteer firefighters.

Firefighters may form a collective bargaining unit only after submitting a 'notice of intent' petition to the public employer containing the supporting signatures of 75 percent of the firefighters expected to be covered. After this petition is submitted, another petition must be submitted with the supporting signatures of five percent of the voters from the previous election related to the public employer. After receiving these petitions, the public employer must place the question of the provisions of this bill on the ballot of its next general election. If a majority of voters approve, then the firefighters may form the collective bargaining unit. If a majority of voters disapprove, then outstanding labor issues must go before a 'fact finder,' who will then make recommendations. Another vote for the creation of a unit cannot take place for another at least 4 years. If a collective bargaining unit has been created, each subsequent general election will ask voters to approve its continuation, however, existing agreements must remain in effect for their term.

If a public employer and its union are unable to reach an agreement concerning the terms of an employment contract, known as an 'impasse,' the parties must hire a fact finder and permit fact finder hearings. Any cost for fact finders must be shared between the parties. If either party rejects the fact finder's recommendations, unresolved issues will be decided by a special election.

Finally, the bill prohibits firefighters from striking, and sets out procedures and timing for negotiations and resolving conflicts.

State Expenditures

This bill authorizes an employee or employee organization to file suit in district court to enforce the provisions of the legislation, which creates a new avenue of civil action for the courts. It is assumed that cases arising from this bill will be rare and thus require no additional appropriation.

Local Government Impact

Public employers that engage in collective bargaining but reach an impasse in negotiations are required to use a fact finder identified by the arbiter. These costs will be paid by whichever entity refuses to accept a final offer made in negotiations. Since public employers may reject a final offer, they would be responsible for the cost of fact finders and hearings. If the parties are unable to reach a settlement with the assistance of the fact finder, the public employer may also be responsible for the costs of conducting a special election.

This bill also requires a special election to form a collective bargaining unit, which will be paid by the public employer. Costs for elections differ depending on the size of the public entity, and its constituency, however this fiscal note assumes the ballot question concerning collective bargaining will be added to an election already taking place. Therefore, any additional costs are expected to be minimal.

Finally, to the extent that collective bargaining agreements result in higher employee compensation, costs for public employers could increase. As it is unknown how many unions will be formed among firefighters, as well as the cost of negotiated contracts, this impact cannot be estimated.

Departments Contacted

Counties
Law
Natural Resources

Judicial
Local Affairs
Public Safety

Labor
Municipalities