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MEMORANDUM

June 25, 2013

TO: Interested Persons

FROM: Erin Vanderberg, Senior Researcher, 303-866-4146

SUBJECT: Senate Bill 13-025: The Colorado Firefighter Safety Act

Summary

In 2013, the General Assembly passed legislation that allows certain professional firefighters to enter into collective bargaining agreements if approved by the voters of a political subdivision.

Senate Bill 13-025, the "Colorado Firefighter Safety Act," grants professional firefighters the ability to collectively bargain upon approval by the voters of a political subdivision. The act was signed into law by the Governor on June 5, 2013. Senate Bill 13-025 declares collective bargaining for firefighters to be a statewide concern; prior to the act's passage, firefighters could only engage in collective bargaining if the laws of their political subdivision had a mechanism in place to allow for collective bargaining. The act applies to public employers, including municipalities, counties, and special districts, but not to volunteer firefighters.

Collective bargaining agreements governed by Senate Bill 13-025 apply only to public employers employing 24 or more firefighters. This act does not apply to any home rule cities that had language in their charters providing for a collective bargaining process for firefighters employed by the home rule cities before the act's passage.

Under Senate Bill 13-025, firefighters have the right to:

- organize, form, join, or assist an employee organization or refrain from doing so;
- negotiate collectively or address grievances through representatives of their own choosing;
- engage in other activity for collective bargaining or other mutual aid or protection purposes as allowed by Colorado law;

- be represented by an exclusive representative, defined by the act as the employee organization recognized by an employer or identified in a collective bargaining petition, without discrimination, intimidation, or retaliation; and
- participate in the political process of their public employers while off duty without discrimination, intimidation, or retaliation.

To gain the ability to collectively bargain under Senate Bill 13-025, an employee organization must submit to the public employer a notice of intent to circulate a petition to put the question on an upcoming election ballot. The notice of intent must be signed by at least 75 percent of the potential bargaining unit. To place the collective bargaining question on the ballot, an employee organization must submit to the public employer a petition signed by at least 5 percent of the number of persons voting in the jurisdiction's most recent applicable election (e.g., general municipal election, general district election, or the total votes of each party's general election in the case of a fire authority), unless petition requirements are otherwise outlined by the jurisdiction's city charter or local ordinance. A majority vote in favor of the ballot question secures collective bargaining for the bargaining unit, under which the exclusive representative and the public employer must meet to negotiate compensation, hours, and terms and conditions of employment for the bargaining unit, and sign a contract resulting from these negotiations. If the vote fails, the question cannot return to the ballot for another four years.

Once voted for, collective bargaining agreements are in effect for terms of one to three years under Senate Bill 13-025, and the act sets procedures and timing for negotiations and resolving conflicts. The act allows exclusive representative dues to be collected by the public employer from firefighter pay if a firefighter authorizes the deduction, and such authorization is revocable by the firefighter.

If a public employer and exclusive representative are unable to reach an agreement concerning the terms of an employment contract, the parties must share the cost to hire a fact finder and allow for fact-finder hearings. The act sets out the fact-finder process in detail, including the criteria the fact-finder must consider in making its findings. If either party rejects the fact-finder's recommendations, unresolved issues are decided by a special election in the public employer's jurisdiction. The act allows the parties to continue their own negotiations during the fact-finding process, and to terminate the process if the parties reach agreement.

Local collective bargaining agreements already in place at the time of the effective date of Senate Bill 13-025 remain in place until subsequently altered by the parties. Strikes by firefighters or employee organizations are prohibited under the act.

If a collective bargaining agreement is not in place, Senate Bill 13-025 creates an obligation for a public employer to meet and confer upon request of its firefighters or their employee organization. Under this process, the parties are to discuss policies and other matters related to employment, including safety and equipment, but not compensation. The meet-and-confer process does not require voter approval.