



Interpretive Notice & Formal Opinion (“INFO”) #15B:

The Collective Bargaining by County Employees Act (“COBCA”), [Senate Bill 22-230](#)

Overview. As of July 1, 2023, COBCA sets rights and responsibilities for counties and county employees as to union representation, collective bargaining, and certain other concerted activities by employees.

Coverage. All counties in Colorado, *excluding any*:

- county with **population under 7,500** — currently, 23 counties (as determined by census every 10 years);
- combined **City and County** government — currently, Denver and Broomfield; and
- **other** local government or state subdivision (e.g., municipality, school or special district, or public hospital).

Employee Rights. County employees have the right to engage in, or refrain from, any of the following:

- **union-related** activity — organizing, forming, joining, assisting, or communicating with a union, in negotiations with a county on wages, hours, or other terms or conditions of employment;
- **collective bargaining** with an employer, through their chosen representatives, for a contract (a “Collective Bargaining Agreement,” or “CBA”) setting wages, benefits, hours, and/or other working conditions;
- **acting together or communicating with other employees** for purposes of collective bargaining or “other mutual aid or protection” (called “concerted activity”), even if activities aren’t directly union-related.¹

Certifying or De-Certifying a Union to Represent Employees requires the following:²

- filing a “**showing of interest**” petition for a representation election, supported by **30%** of a bargaining unit;
- after determining the proper bargaining unit scope,³ the Division conducts a **secret ballot election**; and
- a **majority** of ballots cast determines whether the union is certified (or de-certified) to represent the unit.

County Rights & Responsibilities. Once a union is certified, counties must:

- **collectively bargain in good faith** with the union on pay and conditions (*i.e.*, not unilateral decisions);
- **allow union representation at grievance meetings** for union-covered employees; and
- **facilitate union administration** through various forms of information-sharing⁴ and deducting union dues.
- **Executive powers:** C.R.S. 8-3.3-105 protects certain county rights, including that COBCA and CBAs can’t restrict, duplicate, or usurp responsibility or authority **granted by a home rule charter or state law**.

Unfair Labor Practice (ULP) Complaints may be filed with the Division by an employee, a union, or a county.

- Only the **specific labor/management relations matters** listed in C.R.S 8-3.3-115 qualify as ULPs.
- Complaints can be filed by **6 months** after a party knew or reasonably should’ve known of the violation.
- After investigating, the Division **determines** whether a ULP occurred, and may **order remedies** such as:
 - fines, compliance orders (stop ULPs, post notice, fix policies, etc.), and union decertification; and
 - orders to make whole an employee whose job a ULP impacted (reinstatement, pay replacement, etc.).

Impasse Resolution procedures for CBA negotiation can be set by parties. Otherwise, the following applies:

- **Mediation:** After 90 days of unsuccessful negotiation, or by 120 days before a CBA expires, whichever is earlier, a party can require a mediator both parties agree to (with costs split), or the Federal Mediation and Conciliation Service.
- **Fact finding:** If mediation fails, a party can request a fact finder from a Division roster who recommends an outcome — and if the union votes to accept it, the County must hold a vote on whether to accept it.

For More Information: Visit the Division [website](#), call 303-318-8441, or email cdle_labor_standards@state.co.us.

¹ County employees are prohibited from participating in strikes, work stoppage or slowdown, or a group sick-out.

² No election is needed for a union recognized before July 1, 2023, that was either (1) recognized by secret ballot election, (2) voluntarily recognized before 2022, or (3) voluntarily recognized in 2022-23 based on a showing of majority support.

³ C.R.S. 8-3.3-110(1) lists factors as to proper bargaining unit scope; C.R.S. 8-3.3-102(1) lists employee types excluded.

⁴ *E.g.*: sharing employee contact information; access for new employee orientation and other times; annual rights notice.