



## **NOTICE OF PUBLIC HEARING CONCERNING DLSS PROPOSED RULES**

Notice is hereby given of a public hearing to afford all interested persons an opportunity to be heard prior to adoption of the below **two sets of proposed rules**, under authority granted to the Division of Labor Standards and Statistics (“Division” or “DLSS”) by the Administrative Procedure Act, C.R.S. § 24-4-103, provisions of C.R.S. Title 24, Article 92, and C.R.S. Title 8, Articles 1–3, and 3.3.

For the details of each proposed rule, see the text of the accompanying proposed rules. The proposed statements of basis and purpose will be posted on our [rulemaking page](#) prior to the public hearing.

**(1) Labor Peace and Industrial Relations Rules (“LPIR Rules”), 7 CCR 1101-1.** The purpose of amending what was formerly the “Rules of Procedure to the Colorado Labor Peace Act and Industrial Relations Act” and what is now the Labor Peace and Industrial Relations Rules is to simplify the title for easier reference; clarify these administrative rules pertaining to employee-employer relationships, collective bargaining, and unfair labor practices; and, as permitted by statute, to bring these rules into harmony with the Division’s other labor relations rules.

The Labor Peace Act (LPA) requires the Division to enforce and administer the provisions of Article 3 and provides for adoption of reasonable rules and regulations for conducting elections, adjudicating unfair labor practice complaints, and facilitating mediation or arbitration of labor disputes. The Agricultural Labor Rights & Responsibilities Act (ALRRA), [S.B. 21-087](#), enacted in June 2021 expanded the Labor Peace Act, C.R.S. § 8-3-101 et seq., to cover agricultural employees and employers with LPA rights and responsibilities. Those rights and responsibilities include: (1) agricultural employee rights to engage in (or refrain from) certain protected activities (i.e., organizing and joining labor organizations (unions)), to collectively bargain with employers about terms and conditions of employment, and to engage in lawful concerted activity; (2) petitioning for and participating in secret ballot elections to determine whether a labor organization will be certified (or decertified) as the exclusive representative of agricultural employees and to decide whether the labor organization will be authorized to negotiate an all-union agreement with the employer (or revoke authorization); and (3) requiring Strike Notice to the Division and the employer 30 days in advance by employees who produce, harvest, or process farm or dairy products if a strike would cause “destruction or serious deterioration” of those products. Considering this LPA expansion, the new proposed rules specifically address process and procedures for implementing these rights and responsibilities in the agricultural setting.

**(2) County Collective Bargaining Rules (“COBCA Rules”), 7 CCR 1103-16.** Pursuant to C.R.S. § 24-4-103(6), the Director finds as follows. The “County Collective Bargaining Rules” or “COBCA Rules” is a new rule set implementing the requirements of the Collective Bargaining by County Employees Act (“COBCA” or “the Act”), (Ch. 260, sec. 2, § 8-3.3-101 et seq., 2022 Colo. Sess. Laws 1900, 1900–1920, enacted May 27, 2022 and effective July 1, 2023, also known as [S.B. 22-230](#)). COBCA requires Division rulemaking to create a regulatory framework that: (a) promotes harmonious, peaceful, and cooperative relationships between counties and county employees in the state of Colorado; and (b) recognizes the rights of county employees to join organizations of their own choosing, to be represented by those organizations, and to collectively bargain with their employer over wages, hours, and other terms and conditions of their employment thereby improving the delivery of public services in the state of Colorado.

COBCA requires the Division to promulgate rules as may be necessary for its enforcement, interpretation, application, and administration. More specifically, COBCA requires Division rulemaking to establish procedures for (1) designating appropriate bargaining units under C.R.S. § 8-3.3-110; (2) selecting, certifying, and decertifying exclusive representatives under C.R.S. §§ 8-3.3-108, -109, and -111.; and (3) filing, hearing, and determining complaints of unfair labor practices under C.R.S. § 8-3.3-115.

These Rules detail procedures, rights, and responsibilities for those three key aspects of COBCA. First, with respect to appropriate bargaining units, the Rules largely follow the procedure detailed by COBCA, but

also make explicit overarching policy considerations which inform any bargaining unit determination in addition to the factors expressly outlined in C.R.S. § 8-3.3-110(2). Second, with respect to the certification and decertification process for county employees, these Rules detail how the Division will receive petitions, resolve bargaining unit disputes, evaluate the sufficiency of a showing of interest, conduct representation elections, and determine any disputes or other complications, such as runoff elections or ties, that may arise in the election process. Third, with respect to unfair labor practice charges, which may be filed by county employees, their labor organizations, or the county, these Rules detail how the Division will receive, investigate, and adjudicate such charges. Where appropriate, these Rules follow the general labor law implementation and enforcement authority of the Industrial Relations Act and implementing rules, providing consistency and transparency in the Division's labor relations processes.

### **Public Hearing Information:**

Date and Time of Hearing: **Tuesday, April 18, 2023, at 3:00 p.m.**

Written Comment Deadline for the above rules: **Friday, April 28, 2023, at 12:00 p.m.**

The Division is administering this public hearing, and all interested persons are free to offer oral testimony and to listen to part or all of the hearing. **Participation for this hearing will be by remote means only.** A recording of the public hearing will be publicly posted afterwards on our [rulemaking page](#).

Written comments may be submitted: 1) online in the [rulemaking comment form](#); 2) by mail to the Division's address below; 3) by fax to 303-318-8400; or 4) by email to [michael.primo@state.co.us](mailto:michael.primo@state.co.us). Because **written comments become part of the same record as oral testimony**, and are reviewed by the same officials, **you may submit written comments in lieu of oral testimony**, but are free to participate by both means.

**Instructions for Hearing Participation:** Either of the below options will work to participate, but for orderly administration of participation, and to avoid possible audio feedback, please do not use both simultaneously. (*You do not need to have a Google account to access any of the below means.*)

- (A) **To Participate by Internet, Including Testifying:**  
visit this "Meet" webpage: [meet.google.com/oge-pbob-kbf](https://meet.google.com/oge-pbob-kbf)
- (B) **To Participate by Phone, Whether to Listen or to Testify:**  
call (US) +1 478-419-3251, and then enter this pin: 911 993 408#

Please contact [michael.primo@state.co.us](mailto:michael.primo@state.co.us) if you need assistance or anticipate difficulty appearing by phone or internet, or if you have any questions about how to access either the public hearing or its recording, or **if you need accommodations or translation services** to attend or participate. This public hearing is held in accordance with the Colorado Administrative Procedure Act, C.R.S. § 24-4-101 et seq., and Colorado Open Meetings Law, C.R.S. § 24-6-401 (2023), to receive any testimony, written, views, or arguments that interested parties wish to submit regarding the proposed rules.

Copies of proposed rules, including redlined copies showing changes from prior versions, are available at [www.ColoradoLaborLaw.gov](http://www.ColoradoLaborLaw.gov) or by request to: **Division of Labor Standards and Statistics, 633 17th Street, Denver, Colorado 80202.**