



STATEMENT OF BASIS, PURPOSE, SPECIFIC STATUTORY AUTHORITY, AND FINDINGS

State Labor Relations (“SLR”) Rules, 7 CCR 1103-12 (2021), as proposed September 25, 2020; to be followed and replaced by a final Statement at the conclusion of the rulemaking process.

I. BASIS. The Director (“Director”) of the Division of Labor Standards and Statistics (“Division”) has authority to adopt rules and regulations under the authority listed in Part II, which is incorporated into Part I as well.

II. SPECIFIC STATUTORY AUTHORITY. These rules are issued under the authority of, and as implementation and enforcement of, Colorado Revised Statutes (“C.R.S.”) Title 24, Article 50 (2020) (the “Colorado Partnership for Quality Jobs and Services Act,” C.R.S. § 24-50-1101 et seq.), as well as the general labor law implementation and enforcement authority of C.R.S. Title 8, Articles 1 and 3 (2020), and are intended to be consistent with the rulemaking requirements of the Administrative Procedures Act, C.R.S. § 24-4-103. These rules are promulgated pursuant to express authority including but not limited to in C.R.S. §§ 24-50-1103, -1106(4), and C.R.S. § 8-3-105.

III. FINDINGS, JUSTIFICATIONS, AND REASONS FOR ADOPTION. Pursuant to C.R.S. § 24-4-103(4)(b), the Director finds as follows: **(A)** demonstrated need exists for these rules, as detailed in the findings in Part IV, which are incorporated into this finding as well; **(B)** proper statutory authority exists for the rules, as detailed in the list of statutory authority in Part II, which is incorporated into this finding as well; **(C)** to the extent practicable, the rules are clearly stated so that their meaning will be understood by any party required to comply; **(D)** the rules do not conflict with other provisions of law; and **(E)** any duplicating or overlapping has been minimized and is explained by the Division.

IV. SPECIFIC FINDINGS FOR ADOPTION. The Colorado Partnership for Quality Jobs and Services Act (C.R.S. § 24-50-1101 et seq.) requires the Division to promulgate rules and conduct rule-making hearings as may be necessary for implementation and enforcement of the Act and its provisions.

These Rules detail procedures, rights, and responsibilities for two key aspects of the Act. First, for the new unfair labor practice charges that the Act permits employees, labor organizations, or the state to file, these Rules detail how the Division will receive, investigate, issue determinations on, and hold appeals of, unfair labor practice charges. Second, these Rules offered similar details as to the new appeals of union coverage determinations by the Colorado Department of Personnel Administration that the Act permits covered employees to file.

These Rules do not cover union elections, for three reasons. First, while the Division needs to adopt election-related rules, under the Act, no such elections can occur until 2022, so the need is not imminent. Second, the ongoing public health emergency complicates many in-person activities, and while the Division is not anticipating the continuation of such complications into 2022, the Division believes it is difficult to adopt rules now setting procedures (*e.g.*, setting in-person voting procedures) that would be impermissible now. Third, as remote communication technology and individuals’ comfort level using it evolves, and has done so at an accelerated pace during the public health pandemic, it would be premature to decide now to what extent any election procedures might be viable to conduct remotely in 2022 or later.

V. EFFECTIVE DATE. These rules take effect on January 1, 2021, or as soon thereafter as the rule-making process is completed.

Scott Moss
Director
Division of Labor Standards and Statistics
Colorado Department of Labor and Employment

September 25, 2020

Date