

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING THE ADAMS COUNTY COLORADO POLICY REGARDING
COLLECTIVE BARGAINING AND THE ADAMS COUNTY COLORADO POLICY FOR
SUPERVISORS AND MANAGERIAL EMPLOYEES REGARDING COLLECTIVE
BARGAINING

Resolution 2017-506

WHEREAS, through Resolution 2017-259, the Adams County Board of County Commissioners authorized County employees to participate in collective bargaining through a representative of their choosing; and,

WHEREAS, the Board of County Commissioners directed County staff to develop a representation process and a policy for collective bargaining subject to the Board’s review and approval; and,

WHEREAS, County staff has developed a Policy Regarding Collective Bargaining and a Policy for Supervisors and Managerial Employees Regarding Collective Bargaining; and,

WHEREAS, the Board of County Commissioners believes the attached policies should govern any future collective bargaining process involving County employees.

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of the County of Adams County, State of Colorado, that the Adams County, Colorado - Policy Regarding Collective Bargaining and the Adams County, Colorado - Policy for Supervisors and Managerial Employees Regarding Collective Bargaining, copies of which are attached hereto, be and hereby are approved.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Henry _____ Aye
Tedesco _____ Aye
O’Dorisio _____ Aye
Hansen _____ Aye
Hodge _____ Aye
Commissioners

STATE OF COLORADO)
County of Adams)

I, Stan Martin, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 24th day of October, A.D. 2017.

County Clerk and ex-officio Clerk of the Board of County Commissioners

Stan Martin:



By:
E-Signed by Erica Hannah
VERIFY authenticity with e-Sign

Deputy

ADAMS COUNTY, COLORADO - POLICY REGARDING COLLECTIVE BARGAINING

I. Purpose.

Pursuant to the Resolution Authorizing Collective Bargaining for Adams County Employees (“Resolution”), this policy outlines the rights, responsibilities, processes, and expectations when employees seek to engage the collective bargaining process.

II. Resolution Authorizing Collective Bargaining.

Under the Resolution, Adams County (“County”) employees have the right to form, join or assist labor organizations, to bargain collectively through representative of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining. County employees also have the right to refrain from any or all of such activities.

A. The Initial Representation Process:

The process to elect a union for representation generally consists of: identifying an appropriate bargaining unit, a showing of interest, and a secret ballot election. These events are set forth in greater detail below.

It is a violation of this policy to coerce, threaten, interrogate, promise, or spy on employees engaged in the collective bargaining process or any concerted activity related to the terms or conditions of employment.

Under this Policy, it is not considered discriminatory for a union and the County to enter into an all-union agreement duly authorized under the laws of the State of Colorado.

1. Appropriate Bargaining Unit:

Under the Resolution, employees have the right to bargain collectively through a representative of their choosing. Employees interested in collective bargaining through a representative must first identify an appropriate bargaining unit. An appropriate bargaining unit is a group of two or more employees who share a community of interest and may reasonably be grouped together for purposes of collective bargaining. An appropriate bargaining unit can be based on several factors, including:

- Common supervision;
- Nature of employee skills and functions;
- Work location;
- Terms and Conditions of employment;
- Functional integration.

Supervisors and managers shall be excluded from any proposed bargaining unit. Supervisors are individuals who have authority, in the interest of the County, to hire, recommend discharge or transfer, discipline, suspend, assign and direct work, and exercise independent judgment to apply management

policies. Managers are individuals who formulate and effectuate management policies.

Any dispute regarding the composition of a proposed bargaining unit, shall be resolved by an agreed upon third party neutral.

2. Showing of Interest:

In order to request an election for certification of the employee representative, the proposed employee representative must show, that at least 30% of the employees in the proposed bargaining unit favor an election by presenting signed authorization cards or petition signatures to an agreed upon third party. After the third party has determined there is a showing of interest, the union or employees should submit a petition to the County to request a secret ballot election.

An agreed upon third party shall have 15 business days to determine if the union has presented a sufficient and valid showing of interest.

Any disputes regarding a petition will be submitted to the agreed upon third party neutral.

3. Secret Ballot Election:

After the County receives a petition, it will set a date for a secret ballot election. To be entitled to vote, an employee must have worked in the proposed unit during the eligibility period set by the County and must be employed in the unit on the date of the election. An agreed upon third party neutral will oversee the election.

The union must acquire a majority of votes to be certified as the exclusive bargaining representative of the unit. If the union is certified, the County and the union are obligated to bargain in good faith regarding wages, hours, and other terms or conditions of employment.

B. Collective Bargaining Defined:

Collective Bargaining is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer, in good faith, with respect to wages, hours, and other terms and conditions of employment, the negotiation of an agreement, or any question arising under an agreement.

The obligation to confer does not compel either party to agree to a proposal by the other, nor does it require either party to make a concession to the other.

If the County and the representative of the employees fail to reach an agreement regarding wages, hours, and other terms and conditions of employment, either party may initiate mediation through the Federal Mediation and Conciliation Service ("FMCS").

ADAMS COUNTY, COLORADO - POLICY FOR SUPERVISORS AND MANAGERIAL EMPLOYEES REGARDING COLLECTIVE BARGAINING

I. Purpose.

Supervisors and Managerial employees (“supervisors”) are central to the collective bargaining process because they interact with employees on a daily basis and are responsible for enforcing management policies.

Supervisors are individuals who have authority, in the interest of the County, to hire, recommend discharge or transfer, discipline, suspend, assign and direct work, and exercise independent judgment to apply management policies. Managers are individuals who formulate and effectuate management policies.

It is a violation of County policy to discriminate against employees because of their involvement in collective bargaining or concerted activity. Discrimination means taking action against an employee to encourage or discourage membership in any labor organization, including discharge, suspension, demotion, or any action that may affect the terms and conditions of their employment. Supervisors must strive to maintain consistent, fair, and non-discriminatory treatment of all employees.

II. Communication Regarding Collective Bargaining and Concerted Activity in the Workplace.

It is a violation of County policy to coerce, threaten, interrogate, promise, or spy on employees engaged in the collective bargaining process or any concerted activity related to the terms or conditions of employment. Examples of prohibited conduct include:

- Threats of loss of jobs or benefits;
- Threats of physical force or violence;
- Firing employees to discourage or encourage their union activities;
- Interrogation of employees concerning their protected activity;
- Granting of benefits or promises to grant benefits to influence the votes or union activities of employees; or
- Spying on employee activity.

III. Discipline.

Supervisors should understand proper disciplinary measures, and the importance of consistent, fair, and nondiscriminatory in treatment of all employees. If a supervisor is not sure what to do in a situation or the situation may have legal implications, the supervisor should seek assistance from the County Attorney or designee.

IV. Access.

Non-employees have no right to access non-public areas for purposes of organizing.

V. Solicitation.

The County may prohibit solicitation during working time, but employees may use their non-working time, such as break periods, meal periods or time before or after work, to engage in solicitation in non-public areas. Non-employees may not solicit in the workplace. Supervisors must enforce any solicitation rules in a non-discriminatory manner.

VI. Bulletin Boards.

If the County provides a bulletin board for general employee postings, the County must permit employees to use the bulletin board for protected activity.