

## University Bulletin on Partnership Agreements

TO: All University Employees  
FROM: Associate Vice President for Human Resources, Office of the President  
DATE: April 23, 2008; **Revised May 21, 2008**

Most University employees know that Governor Ritter issued Executive Order D-08-07 last November authorizing statewide partnership agreements for classified employees. Although institutions of higher education, including the University of Colorado, are not bound by the executive order, they will be affected by it. This is because some partnership agreements outlined in the order would cover University classified employees. Because the executive order and the processes it creates impact University employees, it is important to become educated about partnership agreements and what they may mean to you.

Many employees have been contacted by representatives of employee organizations (unions) in recent months. The unions are trying to meet the criteria needed for a representation vote. Those criteria have been met for some employee groups. **You may have heard that the state plans to mail ballots to those employees in early May to determine whether or not employees wish to be represented by unions.** The Department of Personnel and Administration has issued a set of frequently asked questions and answers (FAQs) to all state employees in light of the upcoming election. The state FAQs can be found here:

<http://www.colorado.gov/dpa/EmployeePartnershipFAQs.pdf>

The purpose of this bulletin is to provide additional and University-specific information for University employees.

### **OVERVIEW**

#### **1. What are partnership agreements?**

According to the executive order, partnership agreements are agreements between certain employee bargaining units, represented by unions, and the state for the purpose of “improving government services, achieving efficiencies, and establishing the framework for discussing issues of mutual concern to [classified] employees and the State.”

The executive order creates three categories of partnership agreements as described below. These agreements must be voted on by employees in the order listed below. **The initial vote in early May will cover only the first type of agreement.**

- **Horizontal Agreements (by occupational group).** The executive order divides the personnel system into eight occupational groups (similar to those used in the state classification system). Employees in each of the eight occupational groups may elect a union to negotiate agreements with the state (through a representative of the governor) that would cover issues specific to the occupational group. This type of agreement is referred to as a horizontal agreement because it would apply to all covered employees in the occupational group across the state, including higher education.

- **Statewide Agreements (across all occupational groups).** For issues impacting all covered employees in the occupational groups, the unions elected for each occupational group will get together and negotiate an agreement with the governor's designee. That agreement will apply to the entire state personnel system, including higher education. This is also a 'horizontal agreement' but it is called a statewide agreement because it will cover matters of statewide concern.
- **Vertical Agreements (within a state department).** The 16 departments in the executive branch are required to negotiate partnership agreements that will cover issues of concern within the department. This type of agreement is referred to as a vertical agreement because it will cover all employees, across occupational groups, but within a single state department.

**Institutions of higher education are not required to enter into vertical agreements. It is up to the Board of Regents to decide whether a vertical agreement is in the best interests of the University of Colorado.**

## **2. How do partnership agreements affect University employees?**

Horizontal agreements will cover all classified employees within the occupational group, except those individual employees who are excluded (see below). Similarly, the statewide agreement will cover all classified employees, except those who are individually excluded. So covered employees will be affected by the terms of the partnership agreements whether or not they are members of a union and whether or not they participated in the election process.

Additionally, unions have been and will continue to recruit employees to join their organizations and to sign petitions to hold elections. When elections are held, covered employees will be invited to vote by mail ballot.

## **3. Which individual employees are excluded from the executive order?**

The executive order excludes several categories of classified employees. Employees in positions defined as *managerial*, *supervisory* and *confidential* are excluded. These excluded employees will not be eligible to participate in the election process and will not be covered by any partnership agreement.

The categories of excluded employees are outlined in the executive order, and the governor's official designee is authorized to make decisions about which employees are excluded. At the request of the governor's office, the University's human resources staff have been working with the governor's designee to identify employees who should be excluded. We have not completed that process. More information on the categories of excluded employees can be found in the state FAQs.

#### **4. What kinds of issues will be covered in partnership agreements?**

The executive order limits the issues that can be addressed in partnership agreements. For the University, partnership agreements may not cover any topic that invades the Regents' legal authority to manage and govern the University.

Also, the executive order specifically provides that partnership agreements may not cover the following issues:

- The statewide salary survey that determines the salary increases for all positions within the personnel system and performance incentive pay amounts. Unions may participate in the public dialogue on behalf of employees just as the employee organizations always have done. However, by law, salary decisions remain subject to the governor's duty to prepare a budget and the legislature's authority to appropriate state funds.
- Those parts of the state personnel system that are assigned by law to the State Personnel Director or the State Personnel Board, including appeals of disciplinary issues are within the jurisdiction of the State Personnel Board.

#### **ELECTIONS PROCESS**

#### **5. What is the process for an election?**

The election process is driven by the unions. A union that wishes to be the representative of an occupational group must present a petition to the Division of Labor showing that at least 30% of the employees in that group want to have an election. Many University employees have been contacted by unions requesting that they sign petition cards indicating their support to be represented by the union.

Once the petition is accepted, an election must be held. Elections will be held by mail ballot sent to home addresses. The state has the home addresses of all University employees as part of our required monthly data exchange.

Any other union may intervene within 15 days. This means that the other union has also received support from 30% of the employees in that same occupational group. Once the Division of Labor verifies the petition, both unions would be on the ballot. At this time we do not know how many unions will be on the ballots for early May.

#### **6. What does it mean if I already signed the union petition?**

Signing the petition was your agreement to allow a vote. Signing that petition does not mean you are required to vote when you get the ballot or that you are required to vote for any particular union. Also, signing a petition does not mean that you have agreed to join a union and pay dues.

## **7. How do I participate in an election?**

Once an election is scheduled for a particular occupational group, all employees in the occupational group who are not excluded from the vote will receive a ballot mailed to their home. The Division of Labor has contracted with the American Arbitration Association (AAA) to conduct the elections, and that organization will be mailing ballots.

## **8. Am I required do anything in order to vote?**

No. All eligible employees will receive ballots and have the right to vote, whether or not they join a union. If a union is elected to represent an occupational group, all eligible employees within that group (i.e. all employees except those who are excluded under the executive order as described above) will be covered by the terms of the agreement.

## **9. Will I be required to join a union and pay dues if my occupational group elects a union?**

No. Under current state law, no employee in the state personnel system may be required to join or not join an employee organization. However, you will be covered by the partnership agreement that results from the union representation.

## **10. If I decide to join a union, may I have my dues deducted from my paycheck?**

Yes. Unions may petition to the Department of Personnel and Administration to have dues deducted from employee paychecks. If your union has taken the necessary steps, your dues may be deducted from your paycheck. However, you must first authorize your union to deduct your dues. There is a separate form that you must complete with the University's payroll and benefits services in order to begin these deductions.

## **11. If an election is held, will I have a choice between unions?**

It depends. Once a union turns in a petition with the required number of signatures, an election must be held. If another union turns in a petition within the timeline and rules, both unions may be on the ballot. However, an election will be held even if there is only one union.

## **12. What will be on the ballot?**

If there is only one union, then the ballot will be a simple 'yes' or 'no' vote. A 'yes' vote means that you want to be represented by that union. If there is more than one union on the ballot then to vote yes, you must select which union you want. In either case, a 'no' vote means that you do not wish to be represented by any union.

## **13. How many votes does it take for a union to 'win' an election?**

If there is only one union on the ballot, it just takes a majority of votes for the union to be elected. A majority of votes means more than fifty percent of the votes cast. If there is more than one union on the ballot then additional rules come into play.

**14. If I vote 'no' or do not vote and a union wins the election anyway, will I be affected?**

Yes. If the majority of employees *in your occupational group* vote yes, you will be covered. That means the election will be determined by the majority of employees in your group *across the state* (i.e., it doesn't matter that most of your co-workers vote no if the majority of employees in your group in other agencies vote yes).

If a union wins an election, a partnership agreement will be negotiated on behalf of your occupational group. In that case, all employees in the occupational group who are not excluded from the executive order will be covered by the partnership agreement. That means that any workplace-related issues negotiated by the union will affect all eligible employees in the occupational group across state agencies and institutions. Similarly, all eligible employees in the state personnel system will be covered by the system-wide partnership agreement if one is negotiated.

**15. If my occupational group does not elect to participate in partnership agreements, may I still join a union?**

Probably yes, but it depends on the union. Local organizations such as AFSCME and CAPE have been organized for the benefit of classified employees for many years and will likely continue to exist whether or not partnership agreements exist in Colorado.

**16. If my group elects to join a union, could there be strikes?**

No. The executive order expressly prohibits strikes or similar labor actions, such as work slow downs. You may be aware that the attorney general issued an opinion partially invalidating that provision of the order. However, the legislature passed HB 1189 this session, which prohibits strikes by state statute.

The new statute provides as follows:

IT IS UNLAWFUL FOR ANY EMPLOYEE IN THE STATE PERSONNEL SYSTEM OR FOR ANY LABOR ORGANIZATION, THROUGH FORMAL ACTION OR THROUGH ITS AGENTS, TO INCITE, ENCOURAGE, AID, OR PARTICIPATE IN A STRIKE, STOPPAGE OF WORK, SLOWDOWN, OR INTERRUPTION OF OPERATIONS BY EMPLOYEES IN THE STATE PERSONNEL SYSTEM.

Section 8-1-126, C.R.S.

**17. Is my vote anonymous?**

Yes, the ballot is anonymous. Neither your employer nor any employee organization will know how you voted. The votes will simply be counted in total and not by individual or department.

**18. What if I do not receive a ballot?**

You may not receive a ballot if your position is one of those excluded from the executive order. If you are unsure whether your position is excluded, you may call your campus

human resources office (or the system office for system employees). If you are eligible to vote and you do not receive a ballot, there will be a way for you to order a ballot. The state has not put out the election rules, but the human resources offices will have more information as it becomes available.

**19. Are representatives of employee organizations allowed to contact me at work or home without my permission?**

Unions are allowed by law to contact you at work or home. University telephone numbers, email addresses and department location information are public. The University does not release employee personal contact information, but there are ways to access this information.

Union representatives must follow all applicable University facilities use and access policies. In general the unions cannot disrupt University work or customer access. Each campus has an access policy that applies to non-University groups. Your human resources office can give you this information. Following are telephone numbers for the University human resources offices:

UCB Office of Labor Relations:	(303) 492-0956
UCD Human Resources:	(303) 315-2700
UCCS Human Resources:	(719) 262-3372
System Human Resources:	(303) 860-5645

If you are concerned about being contacted during work hours, you should discuss your concerns with your supervisor and contact your human resources office. You may also contact a union representative if you are concerned about being contacted at or outside of work. For more information about any union or to speak to a representative, you may use the following contact information:

Colorado Public Employees Alliance - CWA  
[An affiliate of the Communication Workers of America / AFL-CIO]  
303-741-4135; FAX - 303-741-4657; Jo Romero, President  
[jor@cpeacolorado.org](mailto:jor@cpeacolorado.org); <http://www.cpeacolorado.org>

Colorado Workers for Innovation and New Solutions (Colorado WINS)  
[An affiliation of the American Federation of State, County and Municipal Employees (AFSCME), Service Employees International Union (CAPE-SEIU), and The American Federation of Teachers, Colorado (AFT)]  
Denver Metro: 303-727-8040; Pueblo: 719-545-1053  
Northern Colorado/Western Slope: 970-372-8737  
[info@coloradowins.org](mailto:info@coloradowins.org); <http://coloradowins.org>

Service Employees International Union (SEIU) Local 105  
303-698-7963, ext 115; FAX 303-698-2626; Lauren Martens, Executive Director  
[lmartens@seiu105.org](mailto:lmartens@seiu105.org); <http://www.ecape.net>

Teamsters 435  
303-475-8920; FAX - 303-480-1015; Vince Shaw, Representative  
[vshaw@teamsterslocal435.org](mailto:vshaw@teamsterslocal435.org)