

LABOR & EMPLOYMENT ADVISORY

New Colorado Labor Relations Rules to Take Effect January 1, 2021



The Colorado Department of Labor and Employment Division of Labor Standards and Statistics (the Division) issued final rules ([the Rules](#)) implementing the Colorado Partnership for Quality Jobs and Services Act (the Act). The Act was passed to facilitate labor-management partnership agreements between employees in the state personnel system and the executive branch of state government. The Rules take effect January 1, 2021.

The Act confers certain rights and responsibilities regarding labor-management relations to covered employers, employees, and certified employee organizations. The Rules set forth the procedure for unfair labor practice complaints and for classification decisions by the state personnel director. The Rules also set forth the procedure for appealing those determinations.

The Division has the jurisdiction to review and investigate unfair labor practice complaints. If the Division determines that sufficient evidence has been presented to reasonably infer an unfair labor practice, the Division may require the respondent to answer the complaint. After review of the complaint, answer, and supplemental documents, the Division will issue findings and orders. A party may appeal the Division's determinations. Appeals will be heard by hearing officers who review the Division's fact determinations for clear error and review legal determinations under *de novo* review.

The Rules also provide a procedure to appeal classification decisions by the state personnel director, who may authorize other officials, departments, divisions, or agencies to respond to a Notice of Appeal. Upon receipt of the Notice of Appeal, hearing officers will review state personnel director determinations under *de novo* review. On appeal, hearing officers have the power to conduct hearings, take depositions, and issue subpoenas for testimony and production of documents.



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All hearing officers' decisions constitute final agency actions by which a party may seek judicial review. Employers with questions about the Colorado Partnership for Quality Jobs and Services Act and its implementing regulations should contact a Sherman & Howard attorney.

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