

# Summary

## Boulder County Model Resolution Creating a Union Recognition Process

### **Executive Summary:**

On September 12, 2006, the Boulder County Employees Organizing Committee/SEIU submitted a Model Resolution and draft Code of Conduct to the County of Boulder. Based on laws promulgated in 26 states and on Federal labor law, this resolution would put Boulder County in a leadership position on labor rights within Colorado. The draft resolution would appropriately recognize the need for employees to make the decision to organize a union free from managerial pressures and hostility by providing for management neutrality. It would provide reasonable access to county facilities for employees to meet with union organizers, as in many other states and localities. The draft includes establishment of an effective labor-management cooperation program that would set an example for municipal and county governments across Colorado, and provides for settlement of disputes through binding arbitration.

The Boulder County Employees Organizing Committee is asking for urgent action on the draft model resolution by the County Commissioners and is requesting support from a broad array of community groups and community leaders.

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The language of the resolution has been adapted from that enacted in other states, but has been crafted by a team of SEIU attorneys to meet the requirements of Colorado law. The key points are:

### **1. Union Recognition Process**

(How do we find out a majority of employees want a union to represent them?)

The Model calls for two different possible processes, with one using an election supervised by a neutral third party and the other a method using submission by a majority of employees of a signed petition or individual union cards. This “card check” method creates less administrative overhead. The County Commissioners would appoint a neutral Election Director with relevant experience to supervise the election process.

**Models: Employee Free Choice Act (bill in Congress co-sponsored by 216 Representatives and 43 Senators), New Jersey.**

### **2. Definition of Employees Covered and Bargaining Unit**

(Who would be members of the union?)

Any employee would be eligible to be in a union except managers and supervisors. The County and union would agree on whether there would be one or more “bargaining units” – groups of employees that decide separately on a union and have separate contracts. The Election Director would resolve any issues about the bargaining unit(s) based on established national standards.

### **3. Exclusive Representation**

(Only one union at a time and how to change unions)

This is traditional labor law so members can change their union if need be and provides for a single organization to be recognized by the County. Further, the language covers the possibility of changing union affiliation in the future.

### **4. Neutrality by Management**

The County agrees that neither it nor its managerial or supervisory staff will either encourage or discourage union representation. This is important to recognize that the decision is the employees' to make and that even in a good work environment, a supervisor's opinion can be intimidating.

**Model: Oklahoma**

### **5. Employee Rights and Union Access**

(Reasonable, dignified access to indoor meeting areas)

Employees may communicate and meet with one another and union staff during non-work periods and in non-work areas. This ensures a reasonable and dignified process for information dissemination and full discussion. The County has allowed discussion specifically of union issues with union staff on County grounds outside buildings. The County can simply extend that access to break rooms and conference rooms in County buildings, as is commonly done by many public and private employers.

**Model: California**

### **6. Collective Bargaining Guidelines**

(How do the union and management come to agreement?)

Both parties must bargain in good faith. Replacing the traditional strike as a last recourse, the Model calls for binding arbitration. This provides for a non-adversarial means of resolving difficult contract issues.

**Models: New Mexico, Rhode Island, City of Englewood, Colorado.**

### **7. Labor-Management Process and Partnership**

(How do we settle and understand workplace issues?)

A contemporary solution to improving service results and labor relations in a government environment, the Model calls for an "Interest Based Labor Management Process." Such a process has been successfully implemented between SEIU and Kaiser Permanente, resulting in substantial savings through increased efficiency and greater patient and employee satisfaction. This goes substantially beyond the process of contract negotiation and puts in place an on-going process of labor management cooperation.

The draft Resolution is accompanied with a proposed Code of Conduct, designed to be implemented as a signed agreement between the County and SEIU Local 105. The Code of Conduct implements many of the key provisions of the Resolution and also creates a mechanism for mutual advance review of materials sent to employees and community groups so that both parties can comment on materials in advance of distribution.