

Amendment # 5

**Amendment to Council Bill 24-0716 submitting to a vote a proposed amendment to the Charter to establish collective bargaining as the method for setting terms and conditions of employment for certain city employees**

Councilmember Gonzales-Gutierrez

July 8, 2024

Councilmembers,

I move to amend **CB24-0716** as follows:

1. On page 4, line 24, delete “and demotions”
2. On page 4, line 25, delete “disciplinary procedures” and replace with “procedures for the appeal of disciplinary actions”
3. On page 4, delete lines 26-28 and replace with:

“consistent with the provisions in this Charter and state and federal law. Provided, however, that:

(i) participation in either the Denver Employees Retirement Plan or the Employees Retirement Plan of the Board of Water Commissioners shall not be a subject of negotiation;

(ii) no agreement negotiated under this Part 10 shall permit any form of discipline to be appealed to the Career Service Board if it imposes a penalty less than demotion, suspension, temporary reduction in pay, or dismissal; and

(iii) bargaining-eligible employees other than those comprising the Career Service shall have the right to bargain collectively and be represented by a bargaining agent in negotiations for disciplinary procedures in addition to the subjects identified in this Section.

4. On page 4, strike line 32, and replace with:

“are provided to the public, to hire and assign job duties to employees, to discipline employees for cause, to take actions necessary to”

5. On page 9, delete lines 30-33, on page 10 delete lines 1-10, and replace with:

“Shall the Charter of the City and County of Denver be amended to establish collective bargaining as a method for setting compensation and other terms and conditions of employment, including hours, working conditions, promotions, employee facilities, appeals of disciplinary procedures, and benefits other than participation in the City’s retirement program, for non-supervisory city employees who are included in a bargaining unit, which may include employees of executive agencies and departments under the Mayor, and may include employees of Denver Water, the Denver Library, the City Council, the County Court, the Civil Service Commission, the Board of Adjustment and certain employees of the Auditor and Clerk and Recorder, but may not include employees who participate in forming management positions during labor negotiations or police officers, sheriffs, and firefighters who already have collective bargaining rights and are prohibited from striking, and shall the same employees, except for employees of the Denver County Court and employees of Denver Water, be granted the right to strike in the event of an impasse in bargaining negotiations only if mediation does not resolve the impasse and such strike will not substantially threaten the public health, welfare, or safety; and shall an impasse with the employees of Denver County Court and employees of Denver Water be resolved through binding arbitration; and shall the terms and provisions of a collective bargaining agreement with the Denver Sheriffs supersede conflicting city personnel rules and policies?”

### **PURPOSE OF THE AMENDMENT**

This amendment removes discipline as a subject of bargaining for career service employees and substitutes disciplinary appeals as a subject of bargaining. While the parties can negotiate about disciplinary appeals, they cannot negotiate an agreement that allows discipline which imposes a penalty that is less onerous than demotion, suspension, dismissal, or a temporary reduction in pay to the Career Service Board. The amendment also clarifies that non-career service employees may negotiate disciplinary procedures but nothing in this Charter amendment prohibits appointed and elected officials from disciplining employees for cause.

**Amendment does not require republication.**