

Amendment to Council Bill 25-1552 concerning collective bargaining for city employees

Councilmember Torres

December 4, 2025

Councilmembers,

I move to amend **CB25-1556** as follows:

1. On page 17, line 16, insert:

Sec. 18-862 - Violation of Unfair Labor Practices.

(a) *Violations of Unfair Labor Practices.*

(1) Within one year after an alleged violation of Sec. 18-861(a)(1),(2),(8),(9),(10), or (13) or Sec. 18-861(b)(1),(5), or (6), an aggrieved individual may file a complaint with the auditor as specified in this section.

(2) Upon receipt of an alleged violation, the auditor shall either:

- a. Investigate the alleged violations; or
- b. Authorize the aggrieved individual to proceed with an action in district court. The auditor must authorize any employee under the auditor's supervision to proceed with an action in district court without conducting an investigation.

(3) If the auditor conducts an investigation of alleged violations, at the conclusion of the investigation, the auditor shall state in writing an investigatory determination of whether an unfair labor practice or unfair labor practices occurred, and shall either:

- a. Authorize the aggrieved individual to proceed with an action in district court; or

- b. If the investigatory determination is that an unfair labor practice or unfair labor practices occurred, bring the matter to an administrative hearing officer within the office of the auditor for a hearing.

(4) Upon a hearing and a final determination by an administrative hearing officer finding that an unfair labor practice or unfair labor practices occurred, the hearing officer shall award the remedies identified in in this section. Determinations made by a hearing officer within the office of the auditor under this subsection are appealable to district court.

(5) A person who receives authorization to proceed with an action in district court pursuant to any subsection of this section is considered to have exhausted administrative remedies.

(b) *Actions in court.* An aggrieved individual may, within ninety days after exhausting administrative remedies pursuant to this section, commence an action in district court for a violation of section 18-861.

(c) *Relief Authorized.* The auditor or a court may order all affirmative relief that such entity determines to be appropriate, including the following, against a party who is found to have engaged in an unfair labor practice:

(1) Reinstatement or rehiring of a worker;
(2) Any lost pay resulting from the violation, including back pay for a reinstated or rehired worker and front pay for a worker who is not reinstated or rehired;
and

(3) Any other equitable relief the court deems appropriate.

(d) *Compensatory and Punitive Damages.* In addition to the relief available pursuant to this section, in a civil action brought by a plaintiff under this section against a defendant who is found to have engaged in an intentional discriminatory, adverse, or retaliatory employment practice, the plaintiff may recover compensatory and punitive damages as specified.

(1) A plaintiff may recover punitive damages against a defendant if the plaintiff demonstrates by clear and convincing evidence that the defendant engaged in a discriminatory, adverse, or retaliatory employment practice with malice or reckless indifference to the rights of the plaintiff. However, if the defendant demonstrates good-faith efforts to comply with this section and to prevent discriminatory, adverse, and retaliatory employment practices in the workplace, the court shall not award punitive damages against the defendant.

(2) A plaintiff may recover compensatory damages against a defendant for other pecuniary losses, emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses.

(3) In determining the appropriate level of damages to award a plaintiff who has been the victim of an intentional discriminatory, adverse, or retaliatory employment practice, the court shall consider the size and assets of the defendant and the egregiousness of the discriminatory, adverse, or retaliatory employment practice.

(4) Compensatory or punitive damages awarded pursuant to this section are in addition to, and do not include, front pay, back pay, interest on back pay, or any other type of relief awarded pursuant to subsection (c) of this section.

(5) If a plaintiff in a civil action filed under this section seeks compensatory or punitive damages, any party to the civil action may demand a trial by jury.

(6) The court shall award reasonable attorney fees to a plaintiff who prevails in an action brought pursuant to this section.

(e) *Rulemaking.* The auditor may promulgate rules necessary to implement this section.

2. On page 17, line 17, strike "18-862" and replace with "18-863"

PURPOSE OF THE AMENDMENT

The amendment creates a process for an individual to pursue a charge of unfair labor practices.

If the amendment passes it will not require a delay in publication