
Charter Amendment Referral for Collective Bargaining for City and County of Denver Workers

Councilmembers: Gonzales-Gutierrez, Hinds, Lewis, Parady,
Kashmann, Gilmore, and Sawyer
June 4, 2024



DENVER
OFFICE OF CITY COUNCIL

Collective bargaining is good for workers and the public



Collective bargaining is in the public interest. When public workers have the ability to collectively address workplace issues they are better able to advocate for the public they serve.

- ➔ Raises the wages and benefits more for low-wage workers than for middle and high-wage workers, thereby **lessening wage inequality**
- ➔ Raises wages and benefits more for Black, Asian, Latino/a/x, and immigrant workers, thereby **lessening race/ethnic wage gaps**
- ➔ Higher wages, higher health insurance coverage, higher pension coverage, and more time off to spend with their families

(Source: Economic Policy Institute)

Unions can reduce the public-sector pay gap

Economic Policy Institute (2021)

What this report finds: States where local government workers have stronger collective bargaining rights have smaller public-private pay gaps.

Why it matters: Closing the public-sector pay gap especially helps Black workers and women, who are overrepresented among local government workers. Unions reduce inequality, promote social mobility, and advocate for better public services.

News from EPI

Collective bargaining rights would help narrow the pay gap for local government workers in Colorado

Press Releases • March 14, 2022

An [EPI report](#) finds that states like Colorado, where public employee bargaining rights have been weak or nonexistent, have lower union membership and larger public-sector pay gaps than states with strong bargaining rights. Specifically, local government workers in Colorado earned 19.2% less than their private-sector peers in 2015–2019.



Union and labor support



CWA



**COLORADO
WORKING
FAMILIES
PARTY**

May 16, 2024

Dear Mayor Johnston and Councilmembers,

We write to ask for your support for putting municipal collective bargaining on the ballot this fall. As labor organizations representing essential workers across Denver, **we are united in a common goal to secure the fundamental right for our city's municipal workers to join together in unions and collectively bargain.** Between our organizations, we represent thousands of working people across our city, including hundreds of City and County of Denver workers who choose to pay dues even without collective bargaining rights. |

Meeting the needs of Denver's workers

Unions including the following currently represent hundreds of City and County of Denver workers who already pay union dues even without bargaining rights.

- Teamsters Local 17 and 455
- CWA Local 7799 and District 7
- CO Working Families Party
- CO AFL-CIO
- SEIU Local 105
- Denver Area Labor Federation

There are approximately 3,500 Denver employees who currently have bargaining rights. This includes approximately 1600 police officers, 1000 fire fighters, and 850 deputy sheriffs. These employees are about a quarter of the total City and County of Denver workforce.

The remainder of the City and County of Denver employees do not have collective bargaining rights.

Collective bargaining for City and County of Denver workers is long overdue.

Denver is a solitary outlier among peer cities. Municipal workers in all of the below cities have collective bargaining rights:



Charter amendment referral means Denver voters decide

If the charter amendment is successfully referred to the November 2024 ballot, **voters will decide** whether to grant certain employees of the City and County of Denver the rights to collectively bargaining.

It requires a majority vote at the ballot to pass.

Denver is expecting an 80-90% voter turnout at this election, approaching record levels.



How do collective bargaining rights work?

Collective bargaining rights give Denver employees the opportunity to vote for or against union representation if at least 33% of them want to pursue such a vote.

If the majority of voters in an appropriate bargaining unit vote for union representation, they will go into negotiations with the city.

When the parties come to an agreement, the workers must vote to approve, or ratify, the Collective Bargaining Agreement before it goes into effect.



Collective bargaining means employees and their employer sit down to negotiate and come to an agreement on terms and conditions of employment.

Stakeholders

City:

- Mayor's Office (*first conversation 3/21*)
- Denver Public Library
- Denver Water
- Denver Labor
- Office of Human Resources/DERP
- City Council
- City Attorney's Office
- Clerk and Recorder
- Auditor's Office
- Civil Service Commission (in progress)
- Board of Adjustment for Zoning (in progress)

Labor:

- Firefighters – IAFF Local 858
- Police Protective Association (pending)
- Denver Sheriffs FOP Lodge #27 (pending)
- Teamsters Local 17 and 455
- CWA Local 7799 and District 7
- CO Working Families Party
- CO AFL-CIO
- SEIU Local 105
- Denver Area Labor Federation
- UNITE HERE
- CO Building & Construction Trades Council
- Sheetmetal Workers Local 9
- Pipefitters Local 208
- CO Independent Drivers United
- International Alliance of Theatrical Stage Employees Local #7
- Amalgamated Transit Union Local 1001
- American Federation of State County & Municipal Employees
- Denver Classroom Teachers Association
- Denver Public Library Workers United
- Towards Justice

**Updated
language in
response
to feedback**

- **Delayed implementation:** May 1, 2025 effective date
- **Participation in DERP** not a subject of bargaining
- Removed ambiguity from **definition of supervisory employees**
- For Clerk and Auditor (elected heads of large offices), gives them authority over **pre-strike determination for own employees**

**Updated
language in
response
to feedback**

- Defines **arbitrator qualifications**
- Defines **factors to be considered in impasse arbitration** including city financial ability to bear costs; the public interest; costs of living; comparison to similar non-city employment
- **City Council sets arbitration rules** for all entities except Denver Water
- Conforming edit for Sheriffs (CBA controls over CSA)
- Other technical/conforming changes

Eligible employees

- Includes all employees we can reach under city charter
- **This list includes:** all career service employees, and employees of City Council, Library Commission, Civil Service Commission, Board of Adjustment, and Denver Water.

- **This list excludes:** members of police, fire, and sheriff's departments who already have collective bargaining rights and career service employees of the Denver Health and Hospital Authority. All supervisory and confidential employees are also excluded. Additionally, certain political appointees and electeds are excluded per Charter 9.1.1(E).

Relevant Definitions - Employees

Confidential employees

“an employee who assists and acts in a confidential capacity to persons who formulate, determine, and effectuate management policies in the field of labor relations,” and has the same meaning as in the NLRA

- captures employees who have inside information on the city side about bargaining and union matters

Supervisory employees

"any employee having authority . . . to direct, hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees."

Who Bargains? Corporate Authorities

Mayor and City Council

- Employees comprising the Career Service as defined in Section 9.1.1 (E)
- Employees of the City Council, Clerk, and Auditor
- Employees of the Civil Service Commission
- Employees of the Board of Adjustment

Library Commission

- Denver Library employees

Board of Water Commissioners

- Denver Water employees

Subjects of bargaining

Once a bargaining agent is elected, employees have the right to bargain collectively regarding:

- "wages and compensation,
- rates of pay,
- benefits,
- dependent benefits,
- promotions and demotions,
- hours,
- working conditions,
- employee facilities,
- paid time off,
- leave,
- grievance procedures,
- disciplinary procedures,
- and other terms and conditions of employment consistent with the provisions in this charter and state and federal law.

Provided, however, that participation in the Denver Employees Retirement Plan, as defined by ordinance, shall not be a subject of negotiation.”

Unresolved issues, impasse, and strike

*Flowchart of this process follows on
the next slide*

Process:

- 45 days for parties to bargain
- If an agreement has not been reached, then parties engage in mediation
 - 45 days after mediation to reach agreement
- If an agreement has not been reached, then bargaining unit can submit notice of intent to strike (21 days notice)
 - Within 14 days, the Mayor or relevant authority will determine if the interruption due to strike will threaten public health or safety. This determination is a final decision that can prevent the strike and send the parties into binding arbitration to come to an agreement.
- The bargaining agent may appeal this decision to County Court.



Strike

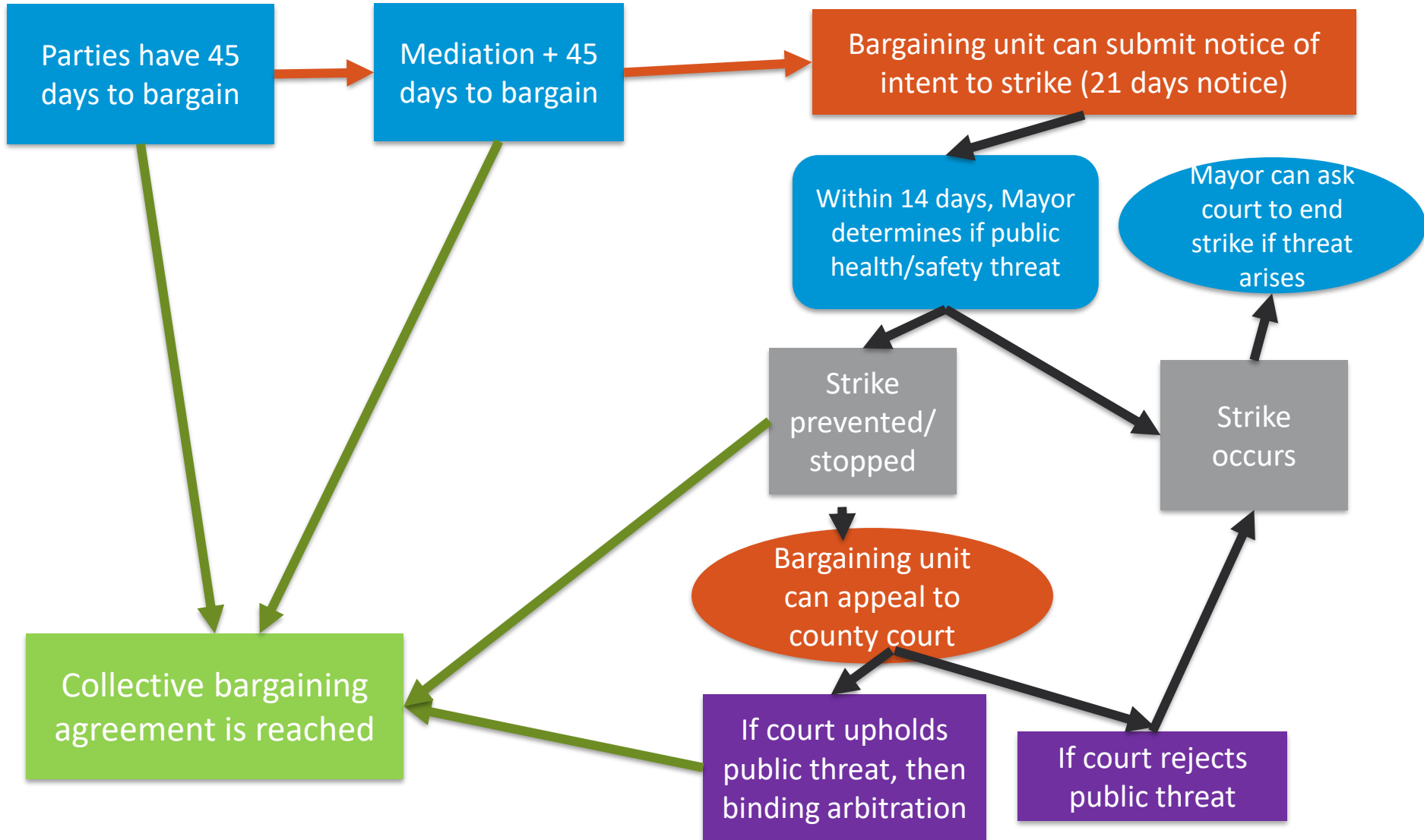


The Mayor shall determine whether the interruption of service resulting from the strike **"will imminently and substantially threaten the public health, welfare, or safety."**

- Such determination shall be a final decision which the bargaining agent may appeal to County Court.
- The Library Commission, Board of Water Commissioners, Clerk, and Auditor have this same authority for their respective employees.

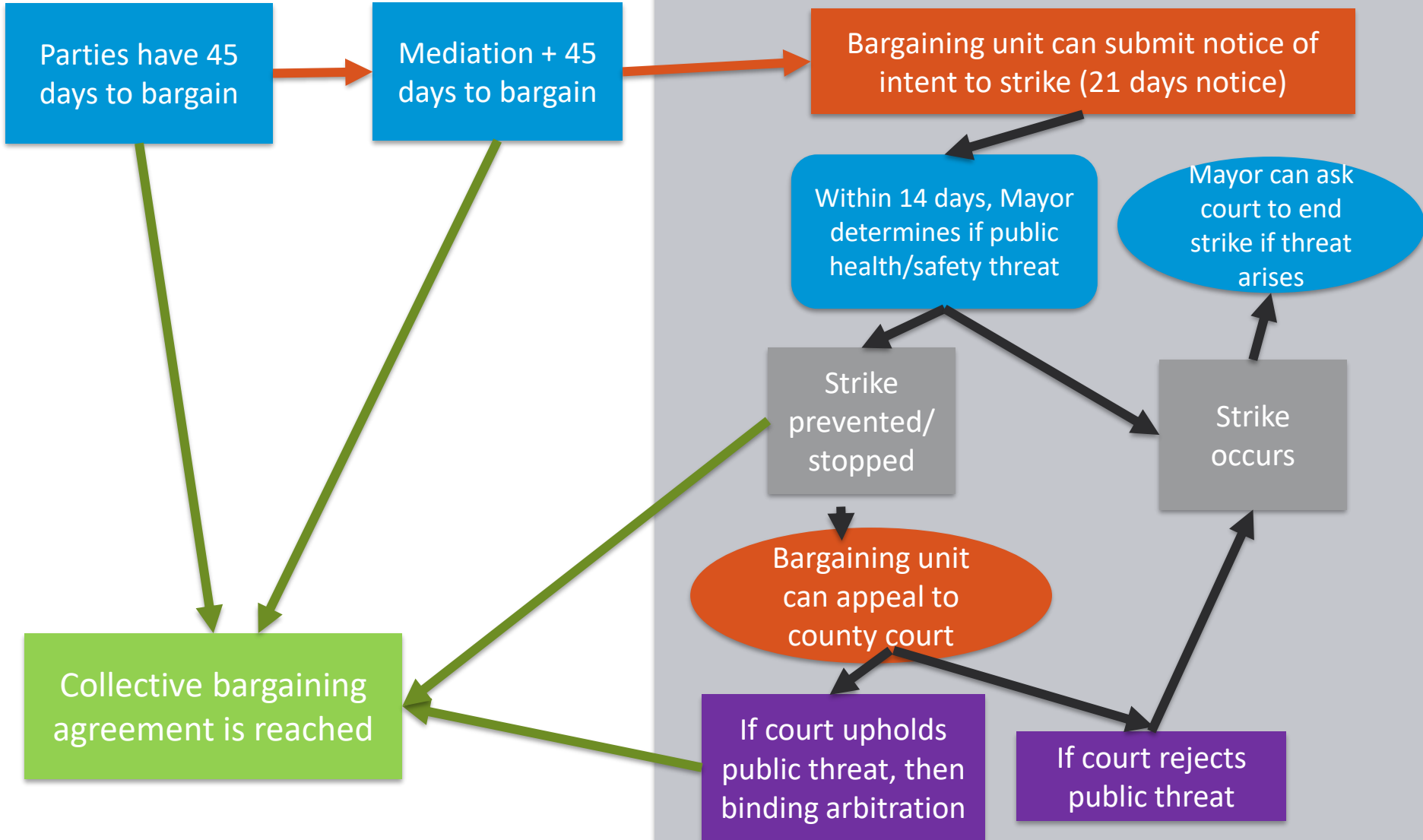
Impasse process

↑ = unsuccessful



Impasse process

↑ = unsuccessful



Other examples

Washington DC

- In 2022 the city signed a 4-year agreement with unions representing city employees – spans 11,000 employees, 20 local unions
- The agreement includes a 3.5% bonus in FY 2022, a 2.5% pay raise in FY 2023, and a 3% raise in FY 2024 and 2025.

San Francisco

- California state law grants the right to strike for all city employees but allows this right to be waived in bargaining. The only exception is for public health and safety.
- SF employees currently engaged in bargaining.

Illinois

- Public employees gained CB rights in 2005, with strike rights restored in 2021
- Strikes constituting a clear and present danger to public health and safety are illegal
- Mediation and five days' notice are required
- Over 2,000 Chicago Park District workers authorized a strike in March but reached agreement before strike, securing \$20 min wage, among other things.



Questions?