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0181 Committee on Farm Labor

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181

Report to the Colorado General Assembly

COMMITTEE ON FARM LABOR



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 181

November, 1971

LEGISLATIVE COUNCIL
OF THE
COLORADO GENERAL ASSEMBLY

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* * * * *

The Legislative Council, which is composed of six Senators, six Representatives, plus the Speaker of the House and the Majority Leader of the Senate, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between sessions, research activities are concentrated on the study of relatively broad problems formally proposed by legislators, and the publication and distribution of factual reports to aid in their solution.

During the sessions, the emphasis is on supplying legislators, on individual request, with personal memoranda, providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives.

COMMITTEE ON
FARM LABOR

Legislative Council
Report To The
Colorado General Assembly

Research Publication No. 181
November, 1971

COLORADO GENERAL ASSEMBLY



LEGISLATIVE COUNCIL

ROOM 46 STATE CAPITOL
DENVER, COLORADO 80203
892-2286
AREA CODE 303

November 30, 1971

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REP. HAROLD L. McCORMICK

REP. HIRAM A. McNEIL

REP. PHILLIP MASSARI

REP. CLARENCE QUINLAN

To Members of the Forty-eighth Colorado General Assembly:

In accordance with the provisions of Senate Joint Resolution No. 43, 1971 Session, the Legislative Council submits the accompanying report of the Committee on Farm Labor.

The report of the Committee appointed to carry out this study was accepted by the Legislative Council for transmission with favorable recommendation for consideration by the second regular session of the Forty-eighth Colorado General Assembly.

Respectfully submitted,

/s/ Representative C. P. (Doc) Lamb
Chairman

CPL/pm

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REP. PHILLIP MASSARI

REP. CLARENCE QUINLAN

Representative C. P. (Doc) Lamb
 Chairman
 Colorado Legislative Council
 Room 46, State Capitol
 Denver, Colorado 80203

Dear Mr. Chairman:

Pursuant to Senate Joint Resolution No. 43 of the 1971 Session, the Committee on Farm Labor submits the following report for consideration by the Legislative Council. The Committee's findings and recommendations are the result of four regular meetings and six public hearings at which the Committee considered the problems of farm labor. The public hearings were held in Alamosa, Burlington, Denver, Grand Junction, Greeley, and La Junta.

During the hearings and meetings, the Committee heard testimony from over 100 individuals, including agricultural employers and seasonal and permanent agricultural employees. In addition, the Committee heard testimony from organizations representing both the employers and the employees.

As a result of its deliberations, the Committee recommends that the bills and resolutions on the following topics be enacted:

- Bill A -- Concerning the employment of illegal aliens;
- Bill B -- Concerning the interstate recruitment of seasonal agricultural employees;


- Bill C -- Concerning the rights of agricultural employers and employees;
- Memorial A -- Resolution to Congress concerning the reinstatement of the Bracero Program; and
- Memorial B -- Resolution to Congress concerning federal farm labor housing regulations.

As evidenced by the minority reports, there is less than unanimous agreement on the recommendations of the Committee. However, it is the opinion of a majority of the Committee that the bills concerning illegal aliens and recruitment practices, in many respects, are steps forward in resolving some of the problems of farm labor in Colorado.

As for the bill concerning the rights of agricultural employers and employees, the majority of the Committee believes that its enactment would provide guidelines where none now exist concerning agricultural employer and employee relationships. Many problems have resulted in other states where agricultural employers and employees did not have procedures established by statute before a crisis situation was reached.

As Chairman of this Committee, I want to thank all members for their faithful attendance of our meetings. Practically all members were in attendance for all of the Committee's hearings and meetings. Well over a majority of members were present for all of the votes with the one exception of the vote to submit the Bracero Program resolution at which time only a quorum was present.

Respectfully submitted,



Senator Fred Anderson
Chairman
Committee on Farm Labor

FA/mp

FOREWORD

Senate Joint Resolution No. 43, 1971 Session, directed the Legislative Council to appoint a committee to study... possible legislation relating to the rights of agricultural employers and employees, and the protection of the public as consumers of agricultural products as related but not limited to the price and availability to the consumer of these necessary products which the housewife purchases for her family."

Members of the General Assembly appointed to the Legislative Council Committee on Farm Labor included:

Sen. Fred Anderson Chairman	Rep. John Baer
Rep. Lowell Sonnenberg Vice-Chairman	Rep. Betty Benavidez
Sen. Roger Cisneros	Rep. Charles DeMoulin
Sen. William Garnsey	Rep. Wallace Hinman
Sen. Kenneth Kinnie	Rep. C. P. Lamb
Sen. Dan Noble	Rep. Carl Showalter
Sen. Richard Plock	Rep. Parker Sooter
Sen. Christian Wunsch	Rep. Ruben Valdez
	Rep. Walter Younglund

In conducting this study, the Committee held six public hearings in Alamosa, Burlington, Denver, Grand Junction, Greeley, and La Junta. Following the Committee's initial meeting and the series of public hearings, three additional meetings were held to consider legislation concerning illegal aliens, farm labor recruiting practices, collective bargaining rights of agricultural employers and employees, federal farm labor housing regulations, and reinstatement of the Bracero Program.

The Committee wishes to express its appreciation to the many persons who testified during interim. In particular, the Committee wishes to thank the representatives of the following organizations for their cooperation and help: Colorado Department of Labor and Employment; Denver Office, U. S. Immigration and Naturalization Service; Colorado Migrant Council; United Farm Workers Organizing Committee; Salud y Justicia; Navajo Nation, Migrant and Seasonal Farm Worker Committee; San Luis Valley Potato Growers, Inc.; La Jara Potato Growers Association; American Farm Bureau Federation; Mesa County Sugar Beet Growers; Peach Administration Committee; Western Colorado Milk Producers Association; Rocky Mountain Farmers'

Union; Rifle Production Credit Association; Colorado Flower Growers' Association; Colorado Apple Growers Administration; Mountain Empire Dairymen's Association; Colorado Farm Bureau; Colorado Cattlemen's Association; Conejos County Department of Welfare; Great Western Sugar Company; Mesa County Department of Welfare; Colorado Rural Legal Services, Inc. The Committee also appreciates the testimony of agricultural employers and seasonal and permanent agricultural employees who spoke to the Committee as individuals, not as members of organizations.

Vincent Hogan of the Legislative Drafting Office provided bill drafting services to the Committee. Primary staff responsibility was performed by Stanley Elofson, Principal Analyst, Mitch Beville, Research Associate, and Lenny Arnold, Research Assistant, Legislative Council staff.

November, 1971

Lyle C. Kyle
Director

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COMMITTEE REPORT
AND RECOMMENDATIONS

Directive for Study

Senate Joint Resolution No. 43 of the 1971 Session directed that the Legislative Council appoint a committee "to study possible legislation relating to the rights of agricultural employers and employees, and the protection of the public as consumers of agricultural products".

S.J.R. No. 43 directed the Committee to hold meetings throughout the state to hear testimony on the problems and viewpoints of the many persons concerned with agricultural employment relationships. The resolution further provided that the Legislative Council report its findings and recommendations to the 1972 session of the Colorado General Assembly.

Committee Hearings

In carrying out the directives of S.J.R. No. 43, the Committee, in addition to its four regular meetings, held six open public hearings on farm labor this year in Alamosa, Burlington, Denver, Grand Junction, Greeley, and La Junta. The purpose of the public hearings was to give the individual agricultural employers, and both permanent and migrant employees, in these major agricultural areas, an opportunity to present their views on farm labor.

Testimony was received from the following organizations representing both the employers and the employees: Colorado Migrant Council; United Farm Workers Organizing Committee; Salud y Justicia; Navajo Nation, Migrant and Seasonal Farm Worker Committee; San Luis Valley Potato Growers, Inc; La Jara Potato Growers Association; American Farm Bureau Federation; Mesa County Sugar Beet Growers; Peach Administration Committee; Western Colorado Milk Producers Association; Rocky Mountain Farmers' Union; Rifle Production Credit Association; Colorado Flower Growers' Association; Colorado Apple Growers Administration; Mountain Empire Dairymen's Association; Colorado Farm Bureau; Colorado Cattlemen's Association; Conejos County Department of Welfare; Great Western Sugar Company; Mesa County Department of Welfare; Colorado Rural Legal Services, Inc. In addition, the Committee heard testimony from over 60 individuals who did not speak as members of organizations. Summaries, in some detail, of the Committee hearings and of the recommendations submitted to the Committee may be obtained from the Legislative Council Office.

General Findings

Testimony from numerous sources indicated that the agricultural industry in Colorado and in other sections of the country is in a period of transition. The ultimate result of the transition is uncertain but several factors appear to be forcing changes in the traditional methods of agricultural production.

One of these factors forcing change appears to be a decline in the use of migratory labor. This decline can be attributed, at least in part, to an increase in the mechanization of agriculture and to the use of agricultural chemicals. Testimony in certain areas of Colorado indicated that some agricultural employers were switching from crops which require a large amount of hand labor to crops which require little hand labor.

Legislation pending in Congress, if enacted, would affect the agricultural industry. Among other provisions, the pending federal legislation would bring agricultural employees under the National Labor Relations Act; make it unlawful for an employer to employ illegal aliens; and permit the entry of agricultural workers from the Republic of Mexico under a Bracero-type of program.

One of the primary factors in this transition, however, is the movement to organize farm labor. This movement has already been successful in its organizational efforts in other states. Although the organization of farm workers is in the embryonic stage in Colorado, it could become an important factor in Colorado agriculture.

As noted in the testimony to the Committee, the principle problems expressed by agricultural employers were the low prices received for their products; the lack of a steady labor supply; overly restrictive farm labor housing regulations; concern over strikes at harvest time; and secondary boycotts which could bring economic ruin to individual growers.

Agricultural workers noted problems relating to the use of illegal aliens which deprived domestic workers of jobs; promises of work and wages which were not fulfilled; and the general inadequacy of housing and the lack of available housing.

Committee Recommendations

In view of the general findings noted above, the Committee on Farm Labor recommends that the Forty-eighth General Assembly consider favorably the following proposed bills and memorials.

The bills would cover the employment or harboring of illegal aliens; recruitment practices in the employment of seasonal agricultural labor; and collective bargaining procedures for agricultural employers and employees. The two memorials to Congress concern the reinstatement of the Bracero Program and farm labor housing regulations of the U. S. Department of Labor.

Illegal Aliens (Bill A)

This bill would provide for any person to file a complaint with the division of employment concerning the employment of illegal aliens. Bill A would make it unlawful for an illegal alien to accept employment in Colorado and for any person to knowingly harbor an illegal alien or to knowingly hire an illegal alien except under two conditions. The first condition is if such employment would not have an adverse effect on resident workers; the second is if the employer can prove that he is unable to hire employees through existing labor sources at prevailing wage rates (80-11-20 (2)).

The bill provides that any person may file a complaint with the division of employment if he believes any illegal alien is being employed (80-11-20 (3)). If the division of employment, after investigation, finds that the complaints are justified, the division is to report its findings to the United States Immigration and Naturalization Service (80-11-20 (5)). Anyone convicted of a violation of this bill may be fined \$100 to \$250 for each and every violation (80-11-17).

Questions may be raised as to why the Committee is recommending an act which would allow employers to hire illegal aliens under certain circumstances. Under present federal law, while it is unlawful to harbor an illegal alien, employment of illegal aliens is not considered to be harboring of aliens. There is no federal law against employment of illegal aliens, although such a proposal has been introduced at the federal level.

In brief, the proposed Colorado act would be more restrictive than the present federal law, since it would prohibit employers from hiring illegal aliens except under certain conditions. An employer could be penalized for knowingly

employing an alien if such employment had an adverse effect on resident workers. In addition, the employer must prove that resident employees could not be secured through existing labor sources at prevailing local wage rates. These conditions were added because of testimony that some agricultural employers could not find domestic labor and were forced to rely on illegal aliens as a source of labor.

Recruitment Practices (Bill B)

This bill would require any person who recruits employees outside Colorado for seasonal agricultural employment within this state to enter into signed, written agreements with the workers concerning the conditions of employment. The contract is to be signed at the time of recruitment and is to include all terms of employment which can be reasonably ascertained at the time of employment. However, it is mandatory that the contracts include the rate of pay; condition of bonuses, terms of travel allowances, accident and health insurance, if any; and a description of housing, if housing is provided (80-22-2 (2) (b)).

Violation of the provisions of this article is a misdemeanor and punishable upon conviction by fine or imprisonment or both (80-22-3 (1)). Also, any person unlawfully recruited may seek to enjoin a recruiter from engaging in unlawful recruitment practices (80-22-3 (2)).

The purpose of this bill is to attempt to correct some of the abuses in interstate farm labor recruitment. The Committee heard testimony from some workers that certain promises had been made to them concerning the amount of work to be available, the wage rates, and other conditions of their employment. Relying on these promises, the workers came to Colorado but then found, due to various reasons, that the work promised was no longer available.

Stated simply, the Committee believes that if a worker is recruited in another state for work in Colorado, there should be a written contract in order to reasonably insure that once a worker is recruited he can be assured of employment in this state. This bill is recommended as a step toward alleviating this problem.

Rights of Agricultural Employers and Employees (Bill C)

Bill C would provide a mechanism whereby agricultural employers and employees could bargain collectively to deter-

mine agricultural labor standards covering wages, hours, and other terms and conditions of employment.

Coverage under this article would be voluntary in that no employer or employee would be required to take part in any of the proceedings to establish agricultural labor standards. However, any employer who registers to vote in an election to select representatives would be covered by this article. The employer could not withdraw from coverage or fail to perform any duty to his employees during the procedures to establish labor standards or after standards are established (80-22-4 (1)). Provisions are also included for an employer who did not signify his initial acceptance of the article by registering to vote, decides to accept coverage after the proceedings have begun or after the labor standards have been established. In this case, the employer must signify his acceptance in a manner prescribed by the director and submit a petition signed by a majority of his employees, signifying their acceptance to come under the article (80-22-4 (3)).

Presently, there is no statutory framework on either the federal or state level under which agricultural employers and their employees may settle legitimate differences.

The Committee believes that a fair and equitable framework should be established in the agricultural sector for the peaceful settlement of legitimate employee-employer differences.

The Committee also believes that the agricultural industry differs from other industries in several important respects: (1) the agricultural employer is unable to pass increased production costs on to the consumer; (2) he is in an extremely vulnerable position in regard to strikes and secondary boycotts because of the highly perishable nature of farm products; and (3) labor difficulties in one year can destroy the individual farmer economically since he may not be able to produce another crop until the following year. For these reasons, the Committee believes that agricultural labor should be governed by separate legislation rather than by the Colorado Labor Peace Act which is primarily designed to cover industrial labor relations.

The major provisions of Bill C concerning the administration of the act, procedures for establishing agricultural labor standards, and prohibited acts are outlined below.

I. Administration of the Act

Bill C would create two new entities within the Colorado Department of Labor and Employment -- an Agricultural Labor Board and a Division of Agricultural Labor. The composition, powers, and duties of these agencies are outlined below.

Agricultural Labor Board

The Agricultural Labor Board would be a five member board appointed by the Governor (80-22-5). The board would have the following powers and duties:

- (1) Adopt rules and regulations concerning the procedures to designate employer and employee representatives, negotiation procedures, arbitration procedures, investigation of complaints and handling of disputes, and enforcement of the article;
- (2) Designate agricultural bargaining units;
- (3) Appoint arbitrators; and
- (4) Hear complaints concerning the violation of any act prohibited by this article (80-22-6).

Division of Agricultural Labor

A Division of Agricultural Labor would be established in the State Department of Labor and Employment. The duties of the division would include:

- (1) Carry out the procedures established by the Agricultural Labor Board concerning the designation of employer and employee representatives;
- (2) The conduct of negotiations; and
- (3) Enforcement of the provisions of this article and orders issued by the Agricultural Labor Board (80-22-7).

II. Procedures

In establishing agricultural labor standards, the Agricultural Labor Board is to designate agricultural bargaining units within the state. If a petition is made to establish labor standards within a unit and the petition is approved by the board, procedures begin for the registration and election of representatives to participate in the negotiation for labor standards. The procedures to establish labor standards are outlined below.

(1) Agricultural Bargaining Units

One of the first duties of the Agricultural Labor Board would be to designate agricultural bargaining units within the state. In designating these units, the board would have complete discretion as to the grouping of a product or products within the agricultural bargaining unit. For example, all employers who grow sugar beets could be placed within a single agricultural bargaining unit. Labor standards would be established for the product or products within the agricultural bargaining unit. In designating units, the board shall not include both seasonal and other agricultural employees in the same unit. No unit would be established which would have less than 50 employees (80-22-9). In addition to designating the agricultural bargaining unit, the board is to designate the annual season and the peak employment period within the unit (80-22-2 (7) and (8)). The board is to give first priority to the establishment of units involving seasonal employees (80-22-6 (3)).

(2) Petition to Establish Standards

Once an agricultural bargaining unit is designated by the Agricultural Labor Board, any employer or employee may petition for the establishment of agricultural labor standards within that unit. If the board approves the petition, proceedings commence for the establishment of agricultural labor standards. (80-22-8). These proceedings include the registration of employers and their employees; election of representatives for both the employer and the employee; negotiations between the employer and employee representatives; and compulsory and binding arbitration if the negotiations reach an impasse.

(3) Registration to Vote in Elections for Representatives

Qualification of voters. No person may register to vote for representatives who is not an employer or an employee of an accepting employer at the time of registration (80-22-13 (1)). No employee may be required to join or to pay dues to a union as a condition of employment (80-22-10 (1)).

Registration time periods. Registration for employers is to be held prior to the peak employment season if practical. Employer registration is to be held prior to employee registration (80-22-11 (1)).

Employee registration shall be held during the peak employment period (80-22-12 (1) (b)). Registration for employers and employees voting in an election shall be accepted five days before the election date (80-22-13 (2)).

Employers' Representatives. Any existing organization may represent the employers if it meets the qualifications listed in 80-22-11 (2). The employers may also be represented by an ad hoc committee of three to five employers.

Employees' representatives. Any labor organization or an ad hoc committee of five employees within the agricultural bargaining unit may represent the employees (80-22-10 (4) (a) and (b)). Candidates for representatives of employees may be nominated by a petition signed by 20 or more registered employees up to the close of registration (80-22-12 (2) (c)).

(4) Elections for Representatives Within Bargaining Units

Time periods. All elections for employee representation shall be held during the peak employment period (80-22-9 (5) and 80-22-12 (1) (b)). No time period is specified for the election of employer representatives.

Voter qualifications. No one may vote who is not registered and who is not an employer or an employee on the date of the election (80-22-13 (3)).

Ballots. The ballot for employees shall be prepared so that an employee may vote for no representation as well as for candidates (80-22-13 (4)).

Run-off elections. Should no alternative receive a majority of the votes cast in an election, the two alternatives having the highest number of votes shall be voted on in a run-off election. The alternative having the highest number of votes in the run-off election shall be certified by the director (80-22-13 (5)).

Votes for no representation. In the event that the employers who registered select no representative, no negotiations will be held and the matter of establishing standards shall proceed directly to arbitration (80-22-13 (6)). If the employees vote for no representation, no new elections shall be held for one year and no standards would be established. However, employers who have registered would have the full protection of this article during that year (80-22-4 (5)).

(5) Negotiations for Agricultural Labor Standards

Negotiators. The organizations (or ad hoc committees) selected by the employers and employees to represent them, may name up to five persons to negotiate for agricultural labor standards (80-22-14 (1)).

Negotiations. At the negotiations the director of the Division of Agricultural Labor, his representative, or a person appointed by the director, is to attend the negotiations for the purpose of acting as a mediator. However, the mediator has no power of compulsion (80-22-14 (2) (b)).

When the negotiators reach agreement on any or all of the agricultural labor standards at issue, those standards are to be certified by the director and become the labor standards of the bargaining unit (80-22-14 (3)). Standards established by the negotiators may be protested and such protests may be heard by arbitrators (80-22-14, (5) and (6)). If the protestant can clearly show that the negotiated agreement failed to consider certain factors which will cause an unusual hardship, the arbitrators may make adjustments in the negotiated agreement (80-22-16 (2)).

Negotiations -- time limit. If the negotiators cannot reach an agreement on all matters involved in the establishment of labor standards within 30 days after negotiations begin, all those matters not agreed upon shall go to arbitration (80-22-14 (4)). However, the negotiation proceedings may continue during arbitration.

(6) Arbitration Proceedings

Arbitration proceedings are to begin when:

(1) The negotiators fail to take part in negotiating proceedings (80-22-14 (4));

(2) The employers do not select representatives (80-22-13 (6)); or

(3) The negotiating parties do not reach an agreement on matters within 30 days after the beginning of negotiations (80-22-14 (4)).

Subjects of arbitration. Arbitrators are to consider any matter not agreed upon during negotiations (80-22-14 (4)) and any negotiated matter which has been protested and which the arbitrators agree to consider (80-22-14 (5)).

Qualifications of arbitrators. Arbitrators are to be qualified by virtue of their competence, impartiality, and knowledge of agricultural employment requirements (80-22-15 (1)).

Selection of arbitrators. Depending on the gravity of the case, one or three arbitrators may be appointed by the Agricultural Labor Board (80-22-6 (4)). The negotiators may indicate their choice of arbitrators from a list of names selected by the board (80-22-15 (2)).

Compensation of arbitrators. Representatives of each party to the arbitration proceedings are to deposit a sum adequate to cover the estimated expenses of the arbitrators. Each arbitrator is to receive \$100 per day for his services. The expenses of the arbitrators are to be shared equally by the parties involved in the arbitration proceedings (80-22-15 (3) and (4)).

General considerations in making findings. In making their findings, the arbitrators are to give substantial consideration to all relevant factors. Section 80-22-17 lists a number of the factors which arbitrators are to consider. Examples of these factors include the size of the operation, hazards of employment, and cost of living.

Arbitration -- time limit. The arbitrators are to make their findings within 30 days after arbitration proceedings begin, unless the arbitrators grant a time extension at the request of either party. If the arbitrators grant an extension, the findings shall be issued within five days after the conclusion of the proceedings (80-22-18 (4)).

Arbitrator's findings final. The findings of the arbitrators are to become final and binding upon all parties within 15 days after the announcement of the findings. However, if the negotiating parties come to an agreement in all matters under negotiation before the arbitrator's findings become final, the negotiated agreement may be certified by the director (80-22-18 (4)).

Review of arbitrator's findings by court of appeals.

Any party in interest who is dissatisfied with any finding, or with an agricultural labor standard issued or promulgated as a result of any finding, may begin action in the court of appeals to modify or vacate the finding or standard. The action must be brought within 20 days after the finding or standard is issued or promulgated (80-22-26). Action may be taken only upon the grounds that:

- (a) The arbitrators acted without or in excess of their powers;
- (b) That the finding, order, or award was procured by fraud; or
- (c) That the findings of fact by the board do not support the order or award (80-22-30).

Procedures to be used in judicial review of the arbitrator's findings are provided in sections 80-22-26 to 80-22-36.

(7) Agricultural Labor Standards

Once the agricultural labor standards for a particular agricultural bargaining unit have been set, either through negotiation or arbitration, such standards are to take effect at the beginning of the next annual season (80-22-4 (7)). The standards are to remain in effect until new standards are established. However, the negotiators may limit the length of time the standards are to be effective for a period of up to three years (80-22-4 (6)).

(8) Compliance With the Standards

Any employer who is not covered by this article, or who is covered but willfully refuses to meet the standards in a substantial way, has no grounds for complaint either to the director or any other authority with respect to any otherwise lawful action or non-action by his employees (80-22-21 (1) (a)).

Any employer within a unit who is in substantial compliance with the standards is entitled to any remedy at law against any employee or the employee's representative who refuses to accept the standards, if such refusal results in damage to the employer (80-22-21 (1) (c)). If an accepting employer fails to comply with the standards, the employees may file a complaint with the director (80-22-21 (2)).

III. Prohibited Acts

Once an employer has registered to vote or has elected to come under this article at a later date, neither he nor his employees may engage in certain acts either during the proceedings to establish labor standards or after the standards are established. The prohibited acts are noted in the following paragraphs. In addition, no organization or representatives of employers or employees may coerce or induce any other person -- a third party -- to engage in acts prohibited by this section (80-22-19).

Employers. No employer may interfere with or restrain or coerce an employee in proceedings to select representatives or in negotiation or arbitration proceedings. An employer may not fail to perform any duty to his employees imposed by labor standards (80-22-19 (1)).

Employees. No employee whose employer has signified acceptance of agricultural labor standards may:

(1) Engage in a strike, concerted refusal to work, slow down, or obstruct the work of other employees, or encourage any other person to do so;

(2) Hinder in any way any employee from free entrance or egress from his place of employment;

(3) Interfere with the use by any person of public ways or public property;

(4) Engage in mass picketing, nonpeaceful picketing, violence, sabotage, arson, libel, or any other damage to person or property directed against an employer;

(5) Induce or encourage any person to refuse to use, manufacture, process, transport, or otherwise handle or work on any agricultural product;

(6) Picket or otherwise publish reports to the public by means of any signs or other communication other than truthful informational signs which specifically and clearly state whether or not the employer has or has not agreed to meet or has met the requirements imposed upon such employer by any applicable agricultural labor standards;

(7) Engage in any activity to prevent, discourage, or diminish the marketing, sale, or distribution to the ultimate consumer of any agricultural product;

(8) Encourage or assist any other person or organization to do any act prohibited by this section (80-22-19 (2)).

If an employer is caused substantial injury by employees who commit a prohibited act, that employer is no longer bound by established standards (80-22-21 (1) (b)).

Third persons -- prohibited acts. Third persons -- not an employer covered by this act or an employee of such an employer -- are prohibited from engaging in any of the acts listed below. No person may interfere with the employment relationship protected by this act by engaging in any of the following acts:

(1) Attempting by any means to induce an employer or employee, or representative of either, to violate any provision of this article;

(2) Attempting by any means to prevent the processing, transportation, or sale of any agricultural product which is the subject of a pending or completed proceeding to establish agricultural labor standards under this article;

(3) Attempting by any means to induce or persuade the ultimate consumer or general public to refrain from the purchase, consumption, or use of any agricultural product which is the subject of a pending or completed proceeding to establish agricultural labor standards under this article.

The above prohibitions do not apply to lawful activities directed against the product of a particular employer who has not accepted to come under the article or under the established standards set in accordance with this act (80-22-20 (2)).

Violation of prohibited acts. Employers covered by this article and their employees may file complaints with the director concerning the commission of any act prohibited under this article. An employer or employee may also file a complaint against a third person who commits a prohibited act (80-22-22 (1) (a) and (b)).

Board to hear complaints. The Agricultural Labor Board is to hold hearings on the complaints filed in accordance with the provisions of 80-22-23 and 80-22-24. The board is to issue its findings and orders concerning the complaint.

If any party should fail or neglect to obey an order of the board, the director may file a complaint in a district court for the enforcement of the order (80-22-24).

Relief through courts. The complainants may seek legal relief in the courts without first seeking administrative remedies (80-22-23 (1)).

Bracero Program (Memorial A)

The Committee recommends the adoption of a resolution memorializing Congress that the Bracero Program be reinstated.

The Bracero Program would allow the importation of agricultural workers from the Republic of Mexico under specific conditions. The advantage of the program is that it affords a means of control over aliens and over the problems caused by illegal aliens, such as contagious diseases and the importation of drugs. The program would provide a backup labor supply to assist farmers where there is an undersupply of farm laborers.

Housing Standards (Memorial B)

This memorial asks Congress to consider the need for additional legislation in the light of the farm labor housing regulations promulgated by the United States Department of Labor. This memorial states that the federal farm labor regulations prevent some otherwise safe and sanitary labor housing from being used. The memorial also asks that the responsibility for ensuring that farm labor housing meets federal regulations be placed with an agency other than the State Division of Employment since the purpose of this division is to assist in providing labor force, not to enforce health standards.

MINORITY REPORT

Representative Charles J. DeMoulin

I, Charles J. DeMoulin, submit the following minority report to the recommendations made by the interim Farm Labor Committee.

(1) Because the term "Illegal Alien" is self explanatory, I believe that it should be unlawful to hire illegal aliens or for an illegal alien to seek employment under any condition.

(2) Inasmuch as labor recruiting practices affects intrastate recruiting as well as interstate recruiting, I believe that all recruiting should be covered by legislation.

(3) We have thirty years of case law and precedent in labor relations in Colorado under the Colorado Labor Peace Act. As a result of the Labor Peace Act, we have enjoyed good labor relations in this state with resultant peace, harmony, and equity to all parties involved. An amendment to this act, attached hereto, could be implemented almost immediately at an estimated cost of \$50,000, and would result in much less litigation because of the legal precedents already established.

The proposed legislation will not treat either the employer or employee as equitably as would the Labor Peace Act approach. The Committee's bill would limit to just a few items the scope of issues that are negotiable; it would establish an open shop provision patterned after so-called "right to work" legislation; it would provide a new concept in labor-management relations without established legal precedents; and it will result in a substantial amount of litigation. The proposal from the Committee would attempt to prohibit all strikes and all boycotts and to prohibit any third party interference.

The Committee proposal will take some time to implement and will cost approximately \$200,000 per year of state dollars for administration. (Fiscal notes for both bills are attached.)

(4) I am totally opposed to the Bracero Resolution as proposed by the Committee.

Respectfully submitted,

Charles J. DeMoulin

Representative Charles J. DeMoulin

MINORITY REPORT

Senator Cisneros and
Representatives Benevidez
and Valdez

I. Introduction

Senator Cisneros and Representatives Benavidez and Valdez (hereinafter referred to as the Minority) respectfully dissent from the report of the Committee on Farm Labor recommending to the Governor of the State of Colorado for placement on the 1972 legislative call a bill amending Chapter 80 of the Colorado Revised Statutes 1963, as amended, to include the addition of a new article (hereinafter referred to as Article 22) concerning agricultural production, and providing for the rights of agricultural employers and employees and of the public as consumers of such products. The following is the dissenting report.

Intent of Article 22

§ 80-22-1 (3)

...this article is intended to provide a convenient, expeditious, and impartial means for the establishment of fair agricultural labor standards in order that the respective interests of the public, as consumer, the employer, and the employee may be equitably balanced and protected, so that the unfortunate effects of strife seen in the industrial sectors of the nation may not be repeated in the vital area of agricultural production in this state. (from the Legislative Declaration)

It is the belief of the Minority that Article 22, contrary to the language of its legislative declaration will, if passed into law, promote rather than prevent strife in the field of farm labor relations. The state legislature should not put itself in the position of passing legislation favorable to either management or labor in the field of labor relations. Where the state arbitrarily strengthens one party, the chances of peaceful solutions to disputes are thereby diminished because the party so strengthened will not feel compelled to negotiate differences and the opposing party will be left with no other alternative than to resort to extreme measures in

attempting to equalize the bargaining position. Such will be the case if Article 22 is enacted into law. Article 22 is not a labor bill but a management bill. A close examination of the article shows that agricultural employees will, in all important respects, be placed at a disadvantage in terms of their ability to bargain with their employers if the article is enacted.

II. Establishment of Agricultural Standards

The intent of Article 22 is to set up convenient, expeditious and impartial procedures for resolving labor disputes between agricultural employers and employees which may otherwise cause turmoil which will have harmful effects on the public, the employer and the employees. But an analysis of these procedures reveals that in almost all instances the procedures set up work to the advantage of the employer and to the disadvantage of the employees:

Election Procedures - Composition and Size of Bargaining Units

§ 80-22-9 (1) (a)

In the designation of agricultural bargaining units within the state, the [agricultural labor] board shall have complete discretion as to the grouping of products in such geographical areas as will result in units having sufficient community of interest so that it is fair and equitable to establish uniform agricultural labor standards within such units.

In terms of labor legislation generally, this is a very unusual provision. The determination of the size and composition of the bargaining unit usually relates to which EMPLOYEES will compose the unit. Under the above provision of Article 22, the Agricultural Labor Board has complete discretion to designate the bargaining units according to PRODUCTS in GEOGRAPHIC AREAS. Under the bill, therefore, bargaining units will be arbitrarily designated by the Agricultural Labor Board prior to any petitions for elections having been filed across broad geographic areas and may encompass more than one product within the area. Employees will, therefore, be faced with the very difficult task of organizing at election time workers throughout a large area. Their problems will be compounded by the fact that migrant seasonal employees will only be in the area for the short period of peak employment during which the election will be held.

The employers, on the other hand, are relatively few in number, live in the area the year round, and know and socialize with each other already through various organizations to which they are likely to belong. The employers, therefore, will have a tremendous advantage in terms of any strategy they wish to pursue regarding elections within the bargaining unit.

Notice of Elections

§ 80-22-12 (2) (a)

The director [of the division of agricultural labor] shall give notice to both employers and employees by publication in one or more newspapers having general circulation within the geographical area or areas covered by the unit, and shall use such additional means of notice as he deems necessary, including use of notice in Spanish, informing employers and employees within the unit of the forthcoming election for representatives of both groups....

This too is a rather unusual provision. Under most labor legislation important notices are required to be posted in the place of employment where it is most likely that employees will see them. Under Article 22, however, all the director is REQUIRED to do is give notice of an election "in one or more newspapers having general circulation within the geographical area or areas covered by the unit..." The question arises, how will the employees' right to be informed of the election be safeguarded if the director does not deem it necessary to use additional means to inform them of the election? Within the structure of the article which provides for elections covering broad geographic areas, requirements for notice of the elections takes on added importance. The requirements provided in the act are shockingly lax. Further, there is no requirement in the article that notice of the elections be published during the period of peak employment.

Coverage Without Elections

§ 80-22-4 (3)

Any agricultural employer who would be eligible to participate and who for any reason was not represented during the course of any proceedings under this article or at any time after the establishment of agricultural labor standards

pursuant to this article, may elect to accept the standards established or in the process of being established, and upon signifying such acceptance in the manner specified by the director and supplying a petition by a majority of his employees signifying their acceptance, shall thereupon be subject to all the provisions of this article.

An employer may obtain coverage under the article without having to participate in an election by complying with the above provision. Up until the time that the employer signifies his acceptance of the article by submitting a notice of acceptance and a petition signed by a majority of his employees to the director he is not covered by Section 80-22-19 (1) (a) which protects employees from coercion by employers. Further, there is no requirement that the employees be allowed to express their wishes by secret ballot under the procedure set out in this section. These circumstances put in doubt the employees' right to free choice in the matter of coverage after standards have been set and provide employers the chance to wait and see what standards are set before accepting coverage under the article.

Coverage Without Representation

§ 80-22-13 (6)

Should no representative be selected by the accepting employers, for whatever reasons, the director shall order that no negotiations be held under section 80-22-14, and shall order that the matter of establishing agricultural labor standards proceed directly to arbitration.

This provision effectively relieves employers of any duty to negotiate under the article. Simply by not choosing a representative employers can let the matter proceed to arbitration and still be entitled to the protections of the article. Compare this to what happens if employees vote for no representative:

§ 80-22-4 (5)

In the event that employees vote for no representation in the election provided hereunder, no new election hereunder shall be held or standards established for that unit for one year following such election, but accepting employers in such an election shall have full protection of this article during such year.

Under this provision of the article, if employees elect no representative, no standards will be set; yet the employees will still be subject to all the prohibitions and penalties of the article.

III. Negotiation and Arbitration

Matters Subject to Bargaining

§ 80-22-2 (3)

"Agricultural labor standards" or "standards" means wages, hours, and such other terms and conditions as are customarily a part of the employment relationship in the particular agricultural bargaining unit involved. It does not include the type of crop or animal to be raised or produced, the number of employees or their work assignments, the time schedules under which production activities are to be carried on, the use of family labor or the source of any labor, methods, or time of planting, cultivating, harvesting, or marketing, the use of chemical or mechanical agricultural aids, or other matters which are customarily decisions of management in the production of agricultural products...

Article 22 arbitrarily excludes many subjects as matters over which negotiations may be held, some of which are of vital importance to agricultural employees.

Use of Machinery

Mechanization is a matter vital to the future of farm workers and should be a subject of negotiation.

Use of Pesticides

An official of the Food and Drug Administration testifying before the Senate Subcommittee on Migratory Labor in 1969 stated that 150 to 200 deaths were reported to the Food and Drug Administration each year but that the actual figure could be as high as 800 deaths per year with an injury rate as high as 80,000 per year. Surely farm employees should have the right to bargain with his employer to ensure the safe and controlled use of pesticides and herbicides.

Source of Labor

At the hearing conducted by the Farm Labor Committee on November 3, 1971, Mr. John Todd, Director of the U. S. Immigration Service Regional Office located in Denver, stated that in fiscal year 1970-71 his office apprehended 4,000 illegal aliens in the state of Colorado. Mr. Todd further testified that 35 percent of those apprehended were employed in agriculture. These figures indicate that a substantial number of the seasonal agricultural jobs are going to illegal aliens and in fact testimony before the Farm Labor Committee showed that one of the main concerns of agricultural employees was the use of illegal aliens in Colorado agriculture. The presence of illegal aliens has an intolerable effect on the ability of domestic farm employees to make a living. Certainly this should be a negotiable issue.

IV. General Considerations Relating to Arbitration

Section 80-22-17 (1) of Article 22, designates factors to which the arbitrators must give substantial consideration in making their findings with respect to agricultural labor standards. These factors along with the factors set out in Section 80-22-17 (2) which the arbitrators are specifically not to consider unnecessarily circumscribe matters which the arbitrators may consider in making their findings and emphasize factors relevant to employers while removing from consideration factors relevant to employees. The following are examples of factors set out in the article which seem highly favorable to the employer position:

§ 80-22-17

(1) (d) Distinctions made necessary by virtue of differences in the size of an agricultural operation, the location thereof, or other circumstances, economic or otherwise, making the circumstances of one producer vary greatly from another and creating substantial inequity;

(f) Incentive pay or other means calculated to improve the efficiency of production;

(j) The relative stability of market prices of the product, and the expenses of production thereof;

(1) The current relationship between the supply of and demand for labor within the unit;

On the other hand under Section 80-22-17 (2), the arbitrators need not give any consideration to "the rate of wages existing in other states, nor to national averages, nor to other statistics or allegations which are obviously not representative of the circumstances involved in the case at hand."

V. Cost of Arbitration

§ 80-22-15 (3)

The board shall promptly appoint, from the names remaining on the panel, the arbitrator or arbitrators who will conduct the arbitration. At the same time the board shall designate such sum to be deposited by the representatives of each party to the proceedings as it deems adequate to cover the estimated expenses of the arbitration proceeding. Upon payment of one-half of such deposit by the representatives of each of the parties, and when the arbitrators have subscribed to an oath and swear that they will well and truly try, and impartially and justly decide, the matters in controversy to the best of their ability, the proceeding shall commence at the time and place which was designated by the director upon the failure of negotiations. [Emphasis added.]

The article further provides that each arbitrator is entitled to receive \$100.00 per day for his services (Section 80-22-15 (4)) and the arbitrators have up to 35 days in which to take evidence and make a decision (Section 80-22-15 (5)). In instances of serious disputes, three arbitrators will be appointed to hear the matter (Section 80-22-6 (4)). The arbitration process, therefore, particularly in matters of serious disputes, will be extremely expensive. To require employees to deposit one-half of their share of this expense before arbitration proceedings will commence is terribly unfair to agricultural employees who are one of the most poverty stricken classes of people in America. It is even more unfair in view of the fact that if employers choose to select no representative, arbitration will proceed without their representative and employees will have to bear the entire cost of the proceedings. Predicating arbitration on the payment of these costs in advance will undoubtedly have a very repressive effect on the employees' ability and desire to press their demands. It is an outrage that employees under Article 22 are required to trade their right to strike and boycott for arbitration procedures saddled with such unfavorable restrictions.

VI. Prohibition of Strikes and Boycotts

Section 80-22-19 prohibits employees from using either of their most effective economic weapons, the strike and the boycott, to bring economic pressure on any employer who has signified his acceptance of proceeding under Article 22. The justification of this provision in agriculture is by its very nature unique in that a strike at harvest time could wipe out an employer's income for the entire year and use of the boycott could cause spoilage of perishable crops waiting for market. In substitution of the right to strike and boycott employees are, therefore, provided with binding arbitration as an alternate means of resolving disputes and insuring the consideration of the employees' position. Where, as in Article 22, the arbitration procedures are so laden with restrictions, however, as to make them of limited value to employees, any provision preventing employees from using traditional economic weapons to achieve better working conditions is palpably unfair. The sweeping restrictions placed on all labor activities by employees by Section 80-22-19 (2) (a) and the added provision seeking to extend these restrictions even to third parties (Section 80-22-20) raise serious constitutional questions and will inevitably lead to conflict and turmoil in agricultural labor.

Finally, the Minority in its dissenting report would like to focus on two other points in regard to the proposed Article 22:

VII. Cost

According to statistics compiled by the U.S. Department of Commerce, the total farm marketing income for Colorado in 1970 was \$1,181,517,000, approximately 14 percent of total Colorado income. Of the total farm marketing income, commercial vegetable and fruit crop income came to \$28,728,000 in 1970 and sugar beet income came to \$35,998,000 for a total income of \$64,726,000 in crops requiring hand labor. The total income for crops requiring hand labor was, therefore, only 5.3 percent of the total Colorado farm income in 1970; yet it is primarily employers in such crops that Article 22 is designed to cover. In regulating labor relations in this small segment of Colorado agriculture, Article 22 will set up an entirely new division within the Colorado Department of Labor and Employment. Proponents of Article 22 estimate that this new division will cost \$200,000 to set up and maintain. The Minority feels emphatically that this expenditure required

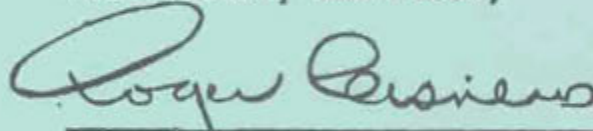
by Article 22 would be totally unjustified in terms of the small number of Coloradans it will effect.

VIII. The Summer Hearings

The Committee on Farm Labor held hearings throughout Colorado all summer. Testimony was taken at these hearings from a wide variety of people in agriculture including farmers and farm workers and representatives of the Farm Bureau, Colorado Rural Legal Services, UFWOC, and other organizations both public and private. This testimony brought to light a great number of problems in Colorado agriculture, problems relating to housing, recruitment practices, illegal aliens, labor supply, and many others.

There was virtually no testimony, however, presented to the Committee during the hearings this summer indicating that problems in labor relations exist in Colorado agriculture. Not a single farmer testified that he was having labor trouble and not a single farmer testified that he had ever lost a crop or been otherwise damaged due to labor turmoil. It is the feeling of the Minority that it would be singularly inappropriate for the Colorado General Assembly to make such a massive intrusion into the field of agricultural labor relations where the apparent need is so small.

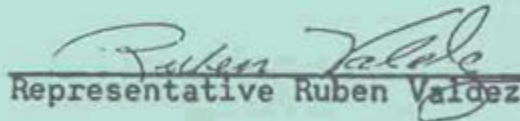
Respectfully Submitted,



Senator Roger Cisneros



Representative Betty Benavidez



Representative Ruben Valdez

BILL A

A BILL FOR AN ACT
CONCERNING EMPLOYING OR HARBORING ILLEGAL ALIENS, AND REQUIRING
REPORTS RELATING THERETO.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 11 of chapter 80, Colorado Revised Statutes
1963, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

80-11-20. Complaints concerning employment of illegal aliens.

(1) In this section, the term "illegal alien" means any person who
has entered the United States in violation of the immigration and
nationality laws of the United States.

(2) It shall be illegal for an illegal alien to accept
employment in this state or for any person to knowingly harbor an
illegal alien in this state. No employer shall knowingly employ an
alien who is not entitled to lawful residence in the United States if
such employment would have an adverse effect on lawful resident
workers, unless an employer shall prove that he is unable to secure
employees through existing labor sources at prevailing local wage

**Makes it unlawful for an
illegal alien to accept
employment in Colorado and
for any person to knowingly
harbor an illegal alien.
Subsection (2) further
provides that no person may
knowingly employ an ille-
gal alien. However, an
employer may employ an il-
legal alien if such employ-
ment would not have an
adverse effect on resident
workers and the employer
can prove that he cannot
hire employees through ex-
isting labor sources at
prevailing local wage rates.**

rates.

(3) Any person who has reasonable cause to believe that any illegal alien is being employed in this state may file a written complaint with the division of employment.

(4) Any such written complaint shall include, at minimum, the name of the employer, place or location where the alleged illegal aliens are being employed, the number of illegal aliens so employed, the name and address of the complainant, and any other information which the division may deem necessary.

(5) The division shall investigate all complaints which are found to be reasonably justified. If, after investigation, the division has reasonable cause to believe that the allegations of the complaint are true, it shall report its findings to the immigration and naturalization service of the United States department of justice.

SECTION 2. 80-11-17, Colorado Revised Statutes 1963, is amended to read:

80-11-17. Penalty for violation. Any person, firm, association or corporation, or officer, agent or representative of such corporation, who violates, or permits to be violated, any of the provisions of ~~section~~ SECTIONS 80-11-16 OR 80-11-20, upon conviction

Any person may file a complaint concerning the employment of illegal aliens.

Information in written complaints.

Investigation of complaints.

Penalty section is present law with reference to Section 1 of this bill added. (80-11-20).

thereof, shall be fined not less than one hundred dollars, nor more than two hundred and fifty dollars, for each and every violation.

SECTION 3. Effective date. This act shall take effect July 1, 1972.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

BILL B

A BILL FOR AN ACT
CONCERNING RECRUITMENT PRACTICES IN THE EMPLOYMENT OF SEASONAL
AGRICULTURAL LABOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Chapter 80, Colorado Revised Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 22

UNLAWFUL RECRUITMENT PRACTICES - AGRICULTURE

80-22-1. Definitions. (1) As used in this article, unless the context otherwise requires:

(2) "Person" means any field labor contractor or crew leader, or any other individual, partnership, association, joint stock company, corporation, or other legal entity.

(3) "Recruiting" means and includes recruiting, soliciting, hiring, or furnishing, either for oneself or on behalf of another person, one or more workers for interstate agricultural employment of a seasonal nature for the care, culture, and harvest of agricultural

products in this state.

(4) "Interstate agricultural employment" means employment in agriculture by any person who has been recruited to come from some place other than Colorado for employment of a seasonal nature for the care, culture, and harvest of agricultural products in this state.

80-22-2. Recruitment practice requirements. (1) No person shall recruit any worker for interstate agricultural employment without entering into a written contract at the time of recruitment.

(2) (a) Each such contract shall be signed by the worker and the recruiter, and by the employer if the recruiter is someone other than the employer. If one of the parties to the contract is not literate in English, but is literate in some other language, then the contract must be both in English and that other language. If one of the parties to the contract is not literate in any language the contract must be read to him in that language which he understands.

(b) (i) The contract shall contain all terms of employment which could reasonably be ascertained at the time of recruitment, and must include the following:

(ii) The rate of pay;

(iii) The amount and specific type of work to be performed;

Requires that any person who recruits employees outside of Colorado for seasonal agricultural employment in Colorado must enter into a written agreement with the worker at the time of recruitment.

(iv) Conditions of bonuses, and terms of travel allowances, and accident or health insurance, if any of these are to be provided; and a description of any housing, if housing is to be provided.

(3) If housing is to be provided, such housing must meet the standards and regulations applicable at the time the housing is to be used.

(4) Copies of all contracts shall be available to the state department of labor and employment for inspection upon reasonable notice, and to a recruited worker or his legal representative. A copy of said contract shall be furnished to each worker, or head of an immediate family if a family unit, and one copy shall be retained by the recruiter and shall be produced for inspection upon reasonable request by an agent of the division of labor or a law enforcement officer.

80-22-3. Unlawful recruitment practices - penalties - civil action. (1) Any person who recruits workers for interstate agricultural employment and who fails to comply with the provisions of this article is guilty of an unlawful recruitment practice which is a misdemeanor, and shall, upon conviction, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or

Concerns the availability of contracts. Section appears to need further amendment to eliminate ambiguities.

Violation of this article is a misdemeanor punishable by penalties set forth in this subsection.

by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

(2) Any person who was unlawfully recruited may maintain an action against the person engaging in the unlawful recruitment practice for an injunction against a continuance of such unlawful recruitment practices. If, in such action, the court shall find that the defendant is violating or has violated the provisions of this article, it shall enjoin the defendant from a continuance thereof. It shall not be necessary that actual damages to the plaintiff be alleged or proved.

SECTION 2. Effective date. This act shall take effect July 1, 1972.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Any person unlawfully recruited may seek an injunction against a person violating the provisions of this article.

BILL C

A BILL FOR AN ACT

CONCERNING AGRICULTURAL PRODUCTION, AND PROVIDING FOR THE RIGHTS OF AGRICULTURAL EMPLOYERS AND EMPLOYEES, AND OF THE PUBLIC AS CONSUMERS OF SUCH PRODUCTS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Chapter 80, Colorado Revised Statutes 1965, as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 22
AGRICULTURAL LABOR

80-22-1. Legislative declaration. (1) The production of agricultural products on the farms and ranches of this state is one of the principal sources of income to the citizens of this state, and in many respects unique in its requirements for an adequate and available supply of labor at the proper time and place if such products are to be produced and marketed in such manner as to avoid permanent and irreparable loss because of spoilage, deterioration, or other adverse change in grade or quality of such products.

(2) To avoid such deleterious effects to agriculture and the consequent loss to the consumers of this state, while at the same time enlarging and safeguarding the rights of those who labor and manage in the production of such commodities, the general assembly declares that making available voluntary procedures for the orderly determination of fair agricultural labor standards is a proper legislative function and is necessary to protect the health, peace, safety, and general welfare of the people of Colorado.

(3) To carry out such declared purposes, this article is intended to provide a convenient, expeditious, and impartial means for the establishment of fair agricultural labor standards in order that the respective interests of the public, as consumer, the employer, and the employee may be equitably balanced and protected, so that the unfortunate effects of strife seen in the industrial sectors of the nation may not be repeated in the vital area of agricultural production in this state.

80-22-2. Definitions. (1) As used in this article, unless the context indicates otherwise, the following definitions are applicable:

(2) "Agriculture" or "agricultural" means all farming and ranching operations related to the commercial production of crops, produce, or animals, including but not limited to the planting, cultivation, and harvesting of any agricultural or horticultural commodity, the raising of animals, and farm and ranch operations incident thereto.

(3) "Agricultural labor standards" or "standards" means wages, hours, and such other terms and conditions as are customarily a part of the employment relationship in the particular agricultural bargaining unit involved. It does not include the type of crop or animal to be raised or produced, the number of employees or their work assignments, the time schedules under which production activities are to be carried on, the use of family labor or the source of any labor, methods, or time of planting, cultivating, harvesting, or marketing, the use of chemical or mechanical agricultural aids, or other matters which are customarily decisions of management in the production of agricultural products, nor does it include any requirement of membership in an employer or employee organization or the requirement of payment of any dues to such organization.

(4) "Agricultural employer" or "employer" means a person engaged in the raising of crops, produce, or animals for commercial purposes, either as the owner of the premises where such operation is carried on, or as lessee, tenant, or share operator of such premises, or a person who by contract carries on such operation for any owner,

(2) "Agriculture", as it is defined, would appear to include all farming and ranching operations related to the commercial production of crops, produce or animals. The definition does not include the transportation or marketing phases.

(3) "Agricultural labor standards" means wages, hours and other terms and conditions which are customarily a part of employment.

The following items are specifically deemed to be management decisions and not subject to labor standards:

- 1) Type of crop or animal to be produced;
- 2) Number of employees or their work assignments;
- 3) Time schedules for production activity;
- 4) Use of family labor; source of labor;
- 5) Methods or time of production; and
- 6) Use of chemical or mechanical aids.

No standard may require membership or dues for any organization.

(4) This subsection defines an agricultural employer.

lessee, tenant, or share operator, and who in such operation employs one or more agricultural employees, either full or part-time, in the actual production of such crops, produce, or animals.

(5) (a) "Agricultural employee" or "employee" means a person engaged on behalf of an employer in work directly related to the planting, cultivation, harvesting, caring for, or raising to maturity or marketability an agricultural product, but does not include members of an employer's family, supervisors of such labor, security personnel, or professional or specially skilled persons whose work is not directly related to actual production, or independent contractors who contract to furnish services of persons or equipment.

(b) "Seasonal employee" means a person engaged on behalf of an employer fewer than 13 weeks, in work directly related to the planting, cultivation, harvesting, caring for or raising to maturity or marketability an agricultural product.

(6) "Agricultural bargaining unit" or "unit" means a particular type or segment of agricultural production designated pursuant to section 80-22-9.

(7) "Annual season" means the one-year period designated by the board within an agricultural bargaining unit pursuant to section 80-22-9.

(8) "Peak employment season" means the period designated by the board for any agricultural bargaining unit, pursuant to section 80-22-9, as being the period of highest employment within the unit.

(9) "Board" means the agricultural labor board established by this article.

(10) "Director" means the director of the division of agricultural labor established within the department of labor and employment.

(11) "Executive director" means the executive director of the

(5)(a) This subsection defines agricultural employee, and defines who shall not be an employee.

(b) Defines seasonal employee as one who is employed less than 13 weeks by an employer.

department of labor and employment.

(12) "Arbitrators" means persons appointed pursuant to section 80-22-15 to conduct arbitration proceedings under this article.

(13) "Foremen" or "supervisors" mean any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or the responsibility to direct them, or to adjust other grievances, or effectively to recommend such action if in connection with foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

80-22-3. Procedures to establish agricultural labor standards - summary. (1) Following the designation of an agricultural bargaining unit by the board as provided in section 80-22-9, and upon the filing with the director of a petition for the establishment of agricultural labor standards as provided by section 80-22-8 and the approval of such petition by the board, further proceedings shall be carried on as summarized in this section.

(2) In the establishment of agricultural labor standards, representatives of agricultural employees and employers shall first be designated in accordance with the procedures set forth in sections 80-22-11 and 80-22-12.

(3) Upon the designation of representatives of such employers and employees, such representatives shall enter into negotiations, with the assistance of the director or his representative, for the establishment of agricultural labor standards in accordance with the provisions of section 80-22-14, and upon agreement as to such standards through such negotiation, the terms thereof shall be certified to the board by the director and, subject to the right of protest and review, promulgated by the board into standards covering the agricultural bargaining unit involved.

(4) If negotiations fail to achieve agreement upon all matters

(13) Further defines supervisor. Supervisors are excluded from the definitions of employee. (See (5) (a) above.)

Steps to be taken prior to the establishment of agricultural labor standards

(1) Agricultural Labor Board establishes the bargaining unit. Petition for the establishment of labor standards within the unit and approval of the petition.

(2) Election for employer and employee representatives.

(3) Negotiations for labor standards.

(4) If negotiations fail, matters not agreed

involved in setting agricultural labor standards, matters not agreed upon shall be submitted to the arbitrators who shall make findings in the arbitration proceedings which shall be the basis for the establishment of agricultural labor standards. The arbitration shall be carried out under the provisions of sections 80-22-15 to 80-22-18.

(5) During all proceedings carried on under this article, every agricultural employer and employee having signified his acceptance of such proceedings shall be governed by the provisions of section 80-22-19. Persons not parties to the proceedings are subject to the provisions of section 80-22-20, and all persons are subject to the provisions with respect to remedies for violations contained in sections 80-22-21 to 80-22-25.

80-22-4. Participation in establishment of standards - acceptance - effects. (1) No employer or employee shall be required to take part in any proceedings leading to the establishment of agricultural labor standards, nor be required to accept the terms of any such standards, but any employer having once signified his acceptance thereof by registration may not thereafter withdraw such acceptance thereof or fail to perform any duty to employees resulting therefrom while such proceedings, or when established, such standards, are in effect.

(2) Any agricultural employer not signifying his acceptance of agricultural labor standards, either established or in the process of being established, or any employer willfully refusing to comply with such standards in a substantial way when established, shall have no rights under this article or under standards established pursuant to this article, while such nonacceptance or noncompliance continues.

(3) Any agricultural employer who would be eligible to participate and who for any reason was not represented during the course of any proceedings under this article or at any time after the establishment of agricultural labor standards pursuant to this article, may elect to accept the standards established or in the process of being established, and upon signifying such acceptance in the manner specified by the director and supplying a petition by a

upon shall go to arbitration.

(5) Every employer or employee who has accepted the proceedings of this article is governed by 80-22-19, which prohibits certain acts.

(1) No employer or employee is required to take part in the proceedings to establish standards or accept the terms of any standards. However, any employer who accepts to come under the standards may not withdraw acceptance. An employer signifies acceptance when he registers to vote.

(2) Any employer who does not accept the standards or who refuses to comply with the standards is not covered by this article and would be subject to any of the acts prohibited by this article, such as strikes or boycotts.

(3) Any eligible employer, not represented in proceedings to establish standards, may elect to come under this article, and the standards established, if a majority of his employees sign a petition to accept the standards. Such a petition is not require if an employer signifies his acceptance of the ini-

majority of his employees signifying their acceptance, shall thereupon be subject to all the provisions of this article.

(4) No employer within an agricultural bargaining unit is required to recognize or bargain individually with any labor organization or person claiming to represent his employees if he has indicated acceptance of proceedings for the establishment of standards for the bargaining unit.

(5) In the event that employees vote for no representation in the election provided hereunder, no new election hereunder shall be held or standards established for that unit for one year following such election, but accepting employers in such election shall have the full protection of this article during such year.

(6) No proceeding to establish agricultural labor standards shall be instituted oftener than once in each calendar year, and standards so established shall remain in effect until changed by a subsequent establishment of standards pursuant to this article. However, if the standards, when established as a result of negotiations or by arbitration, provide that they shall be effective for a period of more than one year, such provision shall control the time when proceedings may be reinstated, rather than this section. The standards may provide that they shall be effective for up to three years if such provision was agreed upon in negotiations.

(7) Agricultural labor standards, when established, shall take effect as of the beginning of the next annual season, after the date of commencement of arbitration as such season has been established by the board in connection with the establishment of the agricultural bargaining unit to which it applies.

(8) Any person or organization who ceases to be an employer subject to this article by reason of cessation of agricultural production for any reason, shall no longer be subject to this article or any agricultural labor standards thereafter. If any such employer ceases agricultural production by reason of a transfer of ownership or interest in such agricultural enterprise, the person or organization

tial proceedings by registering to vote.

(5) If the employees vote for no representation, no new election will be held for one year or will standards be established. However, accepting employers would be protected by the act for the year. If the employers do not select representatives, no negotiations are held and establishment of labor standards goes directly to arbitration.

(6) Proceedings to establish standards shall not be instituted more than once during a calendar year. Once standards are established they are to remain in effect until subsequent standards are established. The time period during which standards are effective can be limited.

(7) Standards would take effect at the next annual season. (Also see 80-22-9 (4).)

(8) If any employer ceases agricultural production he is no longer subject to the provisions of this article or any standards.

If an employer transfers ownership or interest in an agricultural enterprise, the person to

to whom such ownership or interest is transferred shall be subject to this article and any applicable agricultural labor standards established hereunder only upon his specific acceptance thereof.

(9) Acceptance of agricultural labor standards shall continue during the duration of any standards set, but shall not apply to any annual season after the filing of a petition to establish new standards unless the employer registers thereunder or files to accept such new standards as provided in this section.

(10) This article shall not affect the validity or enforceability of any labor agreement duly entered into by the parties thereof during the term of such agreement.

80-22-5. Agricultural labor board. (1) There is hereby created, in the department of labor and employment, the Colorado agricultural labor board, herein called the board, which shall be composed of five persons appointed by the governor. Of the initial board, the terms of which shall commence no later than July 1, 1972, two members shall be appointed from a list of names submitted by organizations representing employees, one for a one-year term, the other for a two-year term. Two shall be appointed from a list of names submitted by organizations representing employers, one for a one-year term, the other for a two-year term. One member shall be a representative of the public who shall be appointed for a three-year term and who shall act as chairman of the board. Hereafter all terms shall be for a period of three years. Each member of the board shall be eligible for reappointment and shall hold office until his successor is appointed and qualified. In the event of a vacancy, the governor shall, within one month thereof, appoint a successor to fill the unexpired term of his predecessor.

(2) Each member of the board shall receive a per diem of fifty dollars for each day actually and necessarily spent in the discharge of official duties, but not to exceed one hundred days; service in the first fiscal year, nor to exceed twelve hundred dollars in any subsequent fiscal year. Each member shall also be reimbursed for his traveling and other necessary expenses actually incurred in the

whom the ownership or interest is transferred is not subject to the act or any standards unless he signifies his acceptance thereof.

(10) Existing labor contracts would still be in effect.

(1) A five member agricultural labor board is created in the department of labor and employment. The members are appointed by the governor.

performance of official duties.

80-22-6. Powers - duties of board - agricultural production areas. (1) The board has the duty to adopt rules and regulations pursuant to the provisions of article 16 of chapter 3, C.R.S. 1963, to effectuate the purposes of this article to facilitate the uninterrupted production of agricultural products in this state for the mutual benefit of all agricultural employers and their employees, and for the public interest of all citizens as consumers of such products.

(2) Such rules and regulations shall include the establishment of procedures to govern the designation of representatives of agricultural employers and employees and to safeguard such procedures from abuse, to facilitate negotiations between such representatives in establishing fair and equitable standards of agricultural employment, to provide for the arbitration between such representatives by such means as will effectuate the prompt resolution of legitimate differences, the efficient investigation of complaints and handling of disputes, and the enforcement of the provisions of this article.

(3) The board shall designate agricultural bargaining units under the guidelines provided by section 80-22-9. In so doing, the board shall give first priority to the establishment of units involving seasonal employees.

(4) The board shall appoint as arbitrators, in all cases requiring arbitration under this article, either one or three persons qualified as defined in section 80-22-2 (12) the number being in the discretion of the board based upon the gravity of the case, the need for broader areas of specialized knowledge, the economics of the situation, and other matters reasonably relevant in the given case.

(5) The board shall hear complaints as provided in sections 80-22-23 and 80-22-24.

80-22-7. Division created - powers and duties. (1) There is hereby created a division of agricultural labor within the department

Powers and duties of the agricultural labor board:

- 1) Adopt rules and regulations;
- 2) Designate agricultural bargaining units;
- 3) Appoint arbitrators; and
- 4) Hear complaints concerning the violation of any act prohibited by this article.

(4) The board is to appoint arbitrators. Either one or three arbitrators may be appointed depending upon the gravity of the case. (Also see 80-22-15.)

Creates a division of agricultural labor within the Department of Labor and Employment.

of labor and employment, the head of which shall be the director of the division of agricultural labor. The executive director of the department of labor and employment shall appoint, pursuant to section 13 of article XII of the state constitution, such deputies, experts, statisticians, accountants, investigators, clerks, and other employees as may be necessary to carry out the provisions of this article, and to perform the duties and exercise the powers conferred by this article upon the division and the director.

(2) In performing such duties, the director shall carry out procedures established by the agricultural labor board for the designation of representatives of employers and employees and the conduct of negotiations between representatives of employers and employees to establish agricultural labor standards.

(3) The director shall see to the enforcement of this article and of all orders of the division or the board with respect to agricultural labor and all finding which establish agricultural labor standards.

90-22-8. Commencement of proceedings to determine agricultural labor standards. (1) Any agricultural employer or employee may petition the director requesting the establishment of agricultural labor standards within a unit. Such petition shall also include a request for the intitution of proceedings for the designation of representatives of employers and employees, if such have not been previously selected.

(2) Upon receipt of such petition, the board shall investigate the circumstances relevant to the establishment of agricultural labor standards within such unit, and if reasonable cause exists to believe that the failure to pursue proceedings to establish such standards will be likely to cause unrest or turmoil which would result in an interruption of the production of agricultural products within such unit, it shall approve such petition and shall pursue proceedings for the designation of representatives of employers and employees.

80-22-9. Establishment of units. (1) (a) In the designation of

(1) Any agricultural employer or employee may petition for the establishment of labor standards within an agricultural bargaining unit.

(2) The Agricultural Labor Board is to investigate circumstances relevant to the establishment of labor standards.

(1) (a) The Agricultural Labor Board has com-

to refrain therefrom, but no employee shall be required to join a labor organization as a condition of employment or to pay dues thereto.

(2) Employees shall have the right to have deducted dues or assessments for representation from their earnings, when the employer has been presented with an individual order therefor, signed by the employee personally, and terminable at any time by the employee giving at least thirty days' written notice of such termination, said notice to be effective upon certification of the election of such representative.

(3) No employer may interfere with, restrain or coerce any employee with respect to the exercise of any right of the employee under this article.

(4) (a) Employees may choose as representatives any labor organization formed for the purpose of representing agricultural employees or any other employees.

(b) Employees may choose as representatives an ad hoc committee of five employees within the unit, who are willing to serve as a committee who shall file written acceptance thereof.

(c) If by reason of geographical or other valid reason the director feels that the membership of an ad hoc committee seeking election as representatives of employees should be increased to more than five to assure adequate representation of employees, he may authorize such greater number of employees to be added to such ad hoc committee, not to exceed a total of ten.

(d) Any such organization as developed under the provisions of paragraph (a) of this subsection must have a governing board responsive to its membership, which governing body must signify acceptance by the organization of the duties and responsibilities of an employee representative.

80-22-11. Designation of representatives of employers. (1)

of employment or pay dues to a labor organization.

(2) Dues or assessments can be deducted from an employee's wages if the employee authorizes in writing the employer to do so.

(4) (a) Employees may choose as their representatives any labor organization; or

(b) An ad hoc committee of five employees.

Section 80-11-12 (2) (c) also requires that candidates for representatives of employees may be nominated by a petition signed by twenty employees.

(1) There shall be notice of registration

Upon acceptance of a petition for establishment of agricultural labor standards and determination of the unit the director shall first institute proceedings for the selection of representatives of employers. Notices concerning the election for employer representatives and registration therefor shall be in the manner provided in section 80-22-12 for employee representatives. Registration proceedings for employers shall be held prior to the peak employment period of employees, unless the director finds such procedure impractical by reason of time requirements, but in any event prior to employee registration.

(2) (a) Any existing organization of employers having within its membership, or as users of its services or products, a substantial number of employers in a unit, may signify to the director their willingness to act as representatives of such employers and shall be deemed eligible for appointment as representatives if they possess the qualifications specified in this subsection (2).

(b) Any such organization must be one established under lawful authority for purposes of marketing agricultural products, or to provide essential services to employers engaged in raising of agricultural products such as those designated in the common agricultural bargaining unit involved, or an organization whose basic purpose is the association of agricultural producers for their common benefit and assistance.

(c) Any such organization must have a governing board responsive to its membership, which governing body must signify acceptance by the organization of the duties and responsibilities of an employer representative.

(3) The director shall also accept the application of any ad hoc committee composed of from three to five employers named as candidates by petition accepted by the persons named therein.

(4) Should one or more such organization or committee signify willingness to serve as employer representative, the director shall call for an election for the selection of an employer representative,

and elections. Registration of employers shall be held prior to the peak employment period if possible but in any event prior to employee registration.

(2) An existing employer organization may be eligible to represent the employers if the organization meets the requirements outlined in this subsection.

(3) An ad hoc committee of three to five employers may be named as candidates to represent employers.

which election may be held at the same time or place or at a different time or place than the election to select employee representatives.

80-22-12. Director's duties prior to election of representatives. (1) (a) Upon acceptance of a petition for establishment of agricultural labor standards and determination of the unit, the director shall institute proceedings for the selection of representatives of employees whose employers have accepted the act by registration.

(b) Registration and election proceedings for employees within a unit shall be scheduled only for dates falling within the peak employment period as designated by the board at the establishment of the product unit for which an election is desired and at times which will not interfere with production.

(2) (a) The director shall give notice to both employers and employees by publication in one or more newspapers having general circulation within the geographical area or areas covered by the unit, and shall use such additional means of notice as he deems necessary, including use of notice in Spanish, informing employers and employees within the unit of the forthcoming election for representatives of both groups. Such notice shall state the date or dates and time for registration for voting purposes and for the election, the location or locations for registration and for the election, the date, time, and place for filing petitions for candidates for representation.

(b) Locations for registration and voting, and for the filing of petitions for candidates, shall be so established by the director as to be as conducive as reasonably possible to encourage candidacies, registration, and voting.

(c) Candidates for representatives for employees may be nominated by petition signed by twenty or more registered employees at any time up to the close of registration.

80-22-13. Registration and election procedures. (1) The director shall arrange for the registration of both employers and

(b) Election and registration proceedings for employees to be held during the peak employment period. (Peak employment period is defined in section 80-22-9 (5).)

(2) (a) Notice of election on registration -- times and dates.

(c) Also see 80-22-10 which deals with requirements for employee organization and committee representation.

(1) No person may register to vote in an election who is not an employer or an employ-

employees pursuant to the notice of registration and shall accept all registrations tendered to him at the time and place specified in the notices given. No person shall be registered who is not an employer or an employee of an accepting employer at the time of registration, and the director shall make such requirements for proof thereof as he deems necessary.

(2) Registration for voting in an election for representatives shall be accepted up to and including five days before the election date, and any such registration may be contested up to and including two days before such election.

(3) Elections for representatives shall be carried out on the date and at the place designated by the director in giving notice, and the director shall ascertain the qualifications of all persons offering to vote and shall see to the secrecy of the ballot. No person may vote who is not registered as provided in subsection (1) of this section, and who is not an employee or employer on the date of such election.

(4) The ballot for employees shall include the opportunity to vote for no representation as well as for candidates.

(5) Should no alternative receive a majority of the votes cast in an election, the two alternatives having the highest number of votes shall be voted upon in a run-off election to be held within forty-eight hours thereafter, the time to be specified by the director, and the alternative having the highest number of votes in such run-off election shall be certified by the director.

(6) Should no representative be selected by the accepting employers, for whatever reason, the director shall order that no negotiations be held under section 80-22-14, and shall order that the matter of establishing agricultural labor standards proceed directly to arbitration.

(7) Upon any subsequent petition for the determination of agricultural labor standards when allowed under the provisions of this

ee of an accepting employer. An accepting employer would be any employer who registers to vote.

(3) No person who is not registered or who is not an employee or an employer on the date of election may vote.

(4) Employees may vote for no representation.

(6) If employers do not select a representative, no negotiations are held and the matter of establishing labor standards shall go to arbitration.

(7) Representatives of employers or employees elected prior to the last proceeding to

article, the representatives elected or approved in the last such proceeding shall be deemed by the director to be qualified, without a new election, to continue as representatives of the employers or employees as the case may be, unless the director determines that such representation is no longer existent or for any reason no longer properly representative. If a petition is filed with the director in any such case signed by at least ten percent of the employees in the unit, an election for representatives shall be required as a part of the procedure for the establishment of new standards.

80-22-14. Negotiations by representatives. (1) Upon being named as representatives, the organization or committee so named shall name up to five persons to actively engage in negotiations to establish agricultural labor standards.

(2) (a) The director shall promptly arrange for meetings of the respective representatives for the purpose of entering negotiations leading to the establishment of agricultural labor standards for the unit.

(b) At any negotiation meeting, the director or his representative, or any competent, impartial, and disinterested person whom the director may appoint, shall attend for the purpose of acting as mediator to assist in effectuating agreements, but without any power of compulsion.

(3) The representatives shall, upon reaching agreement on all or any of the agricultural labor standards in issue, signify such agreement in writing, and such writing certified by the director shall be the agricultural labor standards in that bargaining unit, unless reviewed as provided below.

(4) If the representatives have not reached an agreement on or before the thirtieth day after commencement of meetings for negotiation, or if representatives failed to participate in negotiations, the director shall thereupon by written order set a date, not more than ten days after the termination of negotiations, for the commencement of arbitration proceedings upon those matters not

establish labor standards may continue to represent both in subsequent proceedings to establish new standards.

(b) Mediators during negotiations.

(3) Negotiated standards to be certified by the director.

(4) The director shall order arbitration proceedings to begin:
(a) If the representatives have not reached an agreement within 30 days after the beginning of negotiations; or
(b) If the representatives failed to parti-

agreed upon and which are properly a part of the terms and conditions of employment subject to negotiation and arbitration. Proceedings in arbitration shall then take place, whether or not either employer or employee representatives take part therein. However, negotiations between the employee and employer representatives may continue during such arbitration proceedings.

(5) Within the ten day time provided for commencement of arbitration proceedings, negotiated terms may be protested to the arbitrators by an employer or employee claiming to be aggrieved thereby, and any such term so protested shall thereupon become a subject of arbitration, if such protest is accepted pursuant to subsection (6) of this section.

(6) Upon hearing, the arbitrators may disallow a protest, or may accept such protest as having the same effect as though no agreement had been reached on that portion of a negotiated agreement involved in such protest. If so accepted, such portion shall become a proper subject for arbitration along with any other matters not resolved by negotiations, and shall be resolved as a part of the arbitration proceeding for incorporation into agricultural labor standards.

80-22-15. Arbitrators - appointment - powers - compensation.

(1) The board shall maintain an adequate list of persons qualified to arbitrate by virtue of their competence, impartiality, and knowledge of agricultural employment requirements who are available for arbitration proceedings. Within two days after the failure of negotiations, the board shall submit to the director for the use of the negotiators duplicate panel lists for the selection and appointment of arbitrators. Such panel shall include five names for the selection of one arbitrator and nine names for the selection of three arbitrators. The number of arbitrators to be determined by the board pursuant to section 80-22-6 (4).

(2) (a) The director shall immediately submit copies of the panel lists to the negotiators, for agreement as to the arbitrators to be appointed. Should no such agreement be reached within forty-eight hours of the submission of names to the negotiators, the negotiators

participate in negotiations.

In addition, Section 80-22-13 (6) also provides that arbitration proceedings begin if the employers fail to elect representatives.

(5) Any terms already negotiated by the representatives may be protested and may be subject to arbitration if the protest is accepted pursuant to subsection 6 below. Also see 80-22-16 (1) and (2).

(1) Qualifications of arbitrator.

(2) Negotiators may select arbitrators from list submitted by board.

of the respective parties shall return the panel list with names stricken as authorized in paragraph (b) of this subsection (2).

(b) Before returning a copy of the panel list to the director, each group of negotiators may, in their discretion, strike the names of up to two of the five named on the panel list for selecting one arbitrator, or up to three from the nine named on the panel list for selecting three arbitrators.

(3) The board shall promptly appoint, from the names remaining on the panel, the arbitrator or arbitrators who will conduct the arbitration. At the same time the board shall designate such sum to be deposited by the representatives of each party to the proceedings as it deems adequate to cover the estimated expenses of the arbitration proceeding. Upon payment of one-half of such deposit by the representatives of each of the parties, and when the arbitrators have subscribed to an oath and swear that they will well and truly try, and impartially and justly decide, the matters in controversy to the best of their ability, the proceedings shall commence at the time and place which was designated by the director upon the failure of negotiations.

(4) The arbitrators shall proceed in the conduct of the arbitration pursuant to section 80-22-18. Each arbitrator shall be entitled to receive one hundred dollars per day for his services, such expenses to be shared equally by the representatives of the respective parties to the proceeding, to be paid at the conclusion of the arbitration proceeding from the deposit made, with any balance due to be paid in equal shares at that time.

(5) Findings of the arbitrators shall be submitted to the board at the termination of the arbitration proceeding, and shall, together with those matters agreed to by negotiation, be the basis for agricultural labor standards promulgated by the board pursuant thereto.

80-22-16. Agreement review in arbitration proceedings. (1) The arbitrators shall apply the standards provided in section 80-22-17,

(3) Deposit for arbitrator's expenses.

(4) Arbitrators are to receive \$100 per day. Expense to be shared equally by both parties.

both in matters involving full arbitration hearings, and in the case of protests of negotiated agreements by any employer or employee subject thereto under section 80-22-14 (5).

(2) In the case of a protest filed with the arbitrators by any employer or employee, the protest shall specify in what respect such negotiated agreement has so failed to do justice to the particular circumstances of the protestant as to render the agreement unjust and inequitable in its anticipated effect upon him. Such protest shall not be made the subject of any adjustment by the arbitrators unless the protestant clearly shows unusual hardship because of the failure of the negotiated agreement to take into account one or more of the factors set out in section 80-22-17.

80-22-17. General considerations relating to arbitration. (1)

(a) In making its findings with respect to agricultural labor standards, the arbitrators shall give substantial consideration to all relevant factors, including, but not confined to, the following:

(b) Reasonably equitable differentiations relating to the skill, training, and responsibility of the various categories of employees;

(c) Differences in working conditions, hazards of employment, and the like;

(d) Distinctions made necessary by virtue of differences in the size of an agricultural operation, the location thereof, or other circumstances, economic or otherwise, making the circumstances of one producer vary greatly from another and creating substantial inequity;

(e) Benefits other than wages not available to all in a like condition;

(f) Incentive pay or other means calculated to improve the efficiency of production;

(g) Cost of living and the dependence upon wages as a primary means of support;

(2) Protest of negotiated standards -- the employer or employee is required to specify in what respect the negotiated agreement has adversely affected him and must prove that the protested term or terms will cause unusual hardship. (Also see 80-22-14 (5) and (6).)

(1) The arbitrators are required to take the following factors into consideration in establishing agricultural labor standards.

(h) The record of the negotiations which were carried on prior to the institution of arbitration proceedings, including concessions made or offered in such negotiations, and the consideration exchanged for such concessions;

(i) The record of rates, hours, and conditions of employment relating to the products which are within the unit, during the past five years;

(j) The relative stability of market prices of the product, and the expenses of production thereof;

(k) The general financial condition of employers and employees within the unit;

(l) The current relationship between the supply of and demand for labor within the unit;

(m) The general condition of the labor supply available within the unit.

(2) The arbitrators, in such proceedings, shall give no consideration to any demand or offer which is clearly made in other than a good-faith effort to achieve reasonable agricultural labor standards, nor to any demand or offer which involves a matter clearly outside the scope of such standards, such as questions relating to membership in labor organizations or payment of dues therein. The arbitrators need give no consideration to the rate of wages existing in other states, nor to national averages, nor to other statistics of allegations which are obviously not representative of the circumstances involved in the case at hand.

(3) The arbitrators need not accept the position of either side to such negotiations, and may make findings independent of either position, if such findings can be established to the satisfaction of the arbitrators from evidence presented at their request by persons not representing either side in such arbitration proceedings.

80-22-18. Conduct of arbitration proceedings. (1) All arbitration proceedings shall be carried on by arbitrators selected pursuant to section 80-22-15. The arbitrators shall promptly institute arbitration proceedings as to any matters involving agricultural labor standards which were not agreed upon by the employer and employee representatives in carrying on negotiations or upon the protest of any term of a negotiated agreement when such protest meets the requirements of section 80-22-16.

(2) Procedures in arbitration as established by the board shall be followed and shall include such investigation and hearings as may be deemed necessary for the arbitrators to make findings of fact with respect to all matters subject to arbitration.

(3) In the conduct of arbitration proceedings, the arbitrators shall have all the powers of summoning and enforcing the attendance of witnesses, administering oaths, the giving of evidence, including the production of documents as are deemed requisite to a full investigation. If for any reason representatives of either employers or employees do not attend arbitration proceedings, the arbitrators shall seek such other sources of information as may be available to it. A full and complete record shall be kept of all proceedings held before the arbitrators, including the recording of all testimony.

(4) Findings of the arbitrators and standards promulgated pursuant thereto shall become final and binding upon all persons having signified an acceptance of the proceedings as provided in this article fifteen days after the announcement of such findings. In no event shall the arbitrators take longer than thirty days after the commencement of such arbitration proceedings to make their findings, unless the arbitrators grant an extension of time at the request of either of the parties, in which case the findings of the arbitrators shall be issued within five days of the conclusion of the proceedings. At any time prior to the date on which the arbitration findings become final the negotiating parties may themselves arrive at an agreement as to all the matters under negotiations, and such agreement shall, upon certification by the director, constitute the agricultural labor standards in that bargaining unit and shall make unnecessary any

(4) If the negotiating parties come to an agreement during the fifteen day period before the arbitrators' decisions become final, the negotiators may set aside the arbitrators' findings.

further proceedings in arbitration.

(5) The arbitrators shall at all times conduct arbitration proceedings expeditiously to the end that all proceedings for the establishment of agricultural labor standards commenced in any annual season shall be concluded prior to the commencement of the next annual season; The application of agricultural labor standards or any proceeding leading thereto, shall not be stayed by reason of any legal action for review thereof, unless specifically ordered by the arbitrators or the court to which review is directed.

80-22-19. Acts prohibited - employers - employees. (1) After approval of a petition to establish standards and continuing after such standards have been established no employer having accepted the provisions of this article may interfere with, restrain, or coerce an employee in any way related to a proceeding to determine representation or for negotiation or arbitration carried on under this article, or fail to perform any duty to his employee imposed by virtue of the establishment of agricultural labor standards.

(2) (a) After approval of a petition to establish standards and continuing after such standards have been established no employee whose employer has signified acceptance of such proceedings and standards established or to be established, may:

(b) Engage in a strike, concerted refusal to work, slow down, or obstruct the work of other employees, or encourage any other person to do so;

(c) Hinder in any way any employee from free entrance or egress from his place of employment;

(d) Interfere with the use by any person of public ways or public property;

(e) Engage in mass picketing, nonpeaceful picketing, violence, sabotage, arson, libel, or any other damage to person or property directed against an employer;

(2) No employee of an accepting employer may engage in any of the acts listed in (b) through (i) once a petition to establish labor standards is approved.

(b) Strikes are prohibited.

(f) Induce or encourage any person to refuse to use, manufacture, process, transport, or otherwise handle or work on any agricultural product;

(g) Picket or otherwise publish reports to the public by means of any signs or other communication other than truthful informational signs which specifically and clearly state whether or not the employer has or has not agreed to meet or has met the requirements imposed upon such employer by any applicable agricultural labor standards;

(h) Engage in any activity to prevent, discourage, or diminish the marketing, sale, or distribution to the ultimate consumer of any agricultural product;

(i) Encourage or assist any other person or organization to do any act prohibited by this section.

(3) No organization of employers or employees or any representative thereof may coerce or induce any other person to do any act prohibited by this section.

80-22-20. Interference by third persons. (1) (a) No person who is not an employer or an employee, or an authorized representative of either under this article, shall interfere or attempt to interfere with the employment relationship protected by the provisions of this article by:

(b) Attempting by any means to induce an employer or employee, or representative of either, to violate any provision of this article;

(c) Attempting by any means to prevent the processing, transportation, or sale of any agricultural product which is the subject of a pending or completed proceeding to establish agricultural labor standards under this article;

(d) Attempting by any means to induce or persuade the ultimate consumer or general public to refrain from the purchase, consumption, or use of any agricultural product which is the subject of a pending

(f) Applies to any agricultural product not just the products of an accepting employer.

(1) (a) It would appear that some of the provisions of this section may be unconstitutional. Particularly paragraph (d).

or completed proceeding to establish agricultural labor standards under this article.

(2) The prohibitions contained in this section shall not apply to otherwise lawful activities directed against the product of a particular employer who has not accepted the provisions of this article or standards established hereunder.

80-22-21. Effect of compliance or noncompliance - remedies. (1)

(a) Any employer who fails to comply with standards established by the board or with orders issued by the director pursuant to this article, either by virtue of his failure or refusal to become a party to such proceedings by registration or by filing an acceptance of the determinations made by the director, or by in fact willfully refusing to meet the standards in a substantial way, shall have no grounds for complaint to the director or to any other authority with respect to any otherwise lawful action or nonaction by an employee with respect to the employment relationship.

(b) In the event of occurrence of any of the acts prohibited by section 80-22-19 (2) which cause substantial injury to an employer, the affected employer shall not thereafter be bound by the standards established under this article during the term of such standards.

(c) Any employer who offers to his employees wages, hours, and conditions of employment which are in substantial compliance with established agricultural labor standards shall be entitled to the benefit of any remedy available at law against any employee or representative thereof whose refusal to accept established agricultural labor standards or whose inducement of others to so refuse results in damage to such employer, and the employer may terminate the employment of such employee refusing to accept such standards or inducing others to so refuse.

(2) When an employer has signified acceptance of proceedings to establish standards or has signified acceptance of standards when established, and fails in any respect to comply with the provisions of this article during the course of such proceedings, or fails to comply

(2) The provisions of this section do not apply to any employer who has not accepted to come under this article.

(1) (a) Any employer who does not come under this article, or who is covered by the article but willfully refuses to meet the standards, will have no grounds for complaint for any lawful action or nonaction by an employee.

(c) Any employer whose wages, hours, and conditions of employment are in substantial compliance with standards shall have remedies of law against persons who do not accept the standards or who induce others to refuse standards if damage results to the employer.

(2) The employee may file a complaint with the director if the employer does not comply with the established standards or provisions of this article.

with standards upon their becoming effective after establishment, any employee of such employer may file his complaint with the director with respect thereto. Orders in such case, upon a complaint found to be valid, may include an order to the employer to pay all amounts found to be due and owing to an employee for past employment for which the employer has failed to meet standards which had been accepted by such employer.

80-22-22. Proceedings concerning disputes and complaints - concurrent or alternative. (1) (a) At any time during the pendency of any proceedings under this article to establish agricultural labor standards, or at any time after their establishment, any employer who has signified his acceptance of the proceedings or any employee thereof may file his or its complaint with the director against his employer or employee or representative thereof, as the case may be, alleging the commission by the other party or representative of any act prohibited by this article during the pendency of such proceedings or after the establishment of standards. Such complaint shall be acted upon by the board in accordance with the provisions of sections 80-22-23 and 80-22-24.

(b) Any such employer or employee may likewise file with the director a complaint alleging the commission by any party other than an employer or employee or representative thereof, of an act constituting interference with the employment relationship if such act is prohibited by the provisions of section 80-22-20. Any such complaint shall be heard by the board in accordance with the provisions of sections 80-22-23 to 80-22-24.

(2) Either in the alternative to the rights granted to any person aggrieved as provided in subsection (1) of this section, or concurrently with the exercise of such rights, any such person may pursue legal or equitable relief in any court of competent jurisdiction for any damage suffered by him as a result of a violation by any other person or organization of the provisions of this article. Such action may include a request for injunctive relief and restraining orders, and such relief may be granted in any case in which such unlawful act may result in irreparable injury.

Sections 80-22-22 to 80-22-24 concern complaints regarding violations of acts prohibited by this article.

(1) (a) An employer or employee who is covered by this act may file a complaint on the basis that the other party has violated any of the prohibitions of this article. The complaint is filed with the director of the division of agricultural labor.

(b) Concerns complaints against third parties to be filed with the director.

(2) Either alternatively or concurrently, any person may pursue court action for damages and may request injunctive relief or restraining orders against any person violating the provisions of this article.

80-22-23. Remedies - violations of article. (1) Any controversy concerning acts prohibited by this article may be submitted in the manner and with the effect provided in this article, but nothing herein shall prevent the pursuit of equitable or legal relief in courts of competent jurisdiction, nor shall it be any ground for refusal of such relief that all of the administrative remedies provided in this article before the board shall not have been exhausted.

(2) (a) Upon the filing by any party in interest of a complaint in writing on a form provided by the board, charging any person with having engaged in any prohibited act, it shall mail a copy of such complaint to all persons so charged. Any other person claiming interest in the dispute or controversy, as an employer, an employee, or their representative, shall be made a party upon application. The board may bring in additional parties by service of a copy of the complaint.

(b) Only one such complaint shall issue against a person with respect to a single controversy, but any such complaint may be amended in the discretion of the board at any time prior to the issuance of a final order based thereon. The persons so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the notice of hearing. The board shall fix a time for the hearing on such complaint, which shall not be less than ten nor more than forty days after the filing of such complaint. Notice shall be given to the complainant and to each party named in the pleadings by service on him personally or by mailing a copy thereof to him at his last known post office address at least ten days before such hearing. In case a party in interest is located without the state and has no known post office address within this state, a copy of the complaint and copies of all notices shall be filed in the office of the secretary of state and shall also be sent by registered mail to the last known post office address of such party. Such filing and mailing shall constitute sufficient service with the same force and effect as if served upon the party located within this state.

(1) Court action is not to be barred for failure to exhaust all administrative belief.

(2) (a) Copies of the complaint are to be mailed to all persons charged with engaging in an act prohibited by this article.

(b) Board to hold hearings on complaints.

(c) Such hearing may be adjourned from time to time at the discretion of the board and hearings may be held at such places as the board shall designate. The director may initiate and file any such complaint of his own motion or at the request of any interested person. Should the director file such a complaint on request, he shall not disclose the name or interest of the person upon whose request the complaint is filed, if in his judgment such disclosure shall tend to prejudice the interest of any person who may be affected by any order that the board may enter upon such complaint.

(d) The board shall have the power to issue subpoenas and administer oaths. Depositions may be taken in the manner prescribed by the Colorado rules of civil procedure and all such depositions shall be taken upon commissions issued by the board. No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the board on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture under the laws of the state of Colorado. No individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, before the board in obedience to a subpoena issued by it. An individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(e) Any person who shall willfully and unlawfully fail or neglect to appear or testify or to produce books, papers, and records as required, shall, upon application to a district court, be ordered to appear before the board, there to testify or produce evidence if so ordered, and failure to obey such order of the court may be punished by the court as a contempt thereof.

(f) Each witness who shall appear before the board by its order or subpoena shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid by the state in the same manner as other expenses are audited and paid, upon presentation of properly verified vouchers

or the request of any interested person.

(d) The board has the power to issue subpoenas and administer oaths.

(e) Persons may be ordered to appear before the board by district court order.

(f) Witness to receive fees and mileage.

approved by the director and charged to the proper appropriation for the division.

(3) A full and complete record shall be kept of all proceedings had before the board, and all testimony and proceedings shall be taken down by the reporter appointed by the director. Such proceedings shall not be governed by the technical rules of evidence, but by such rules as are prescribed for administrative hearings.

(4) After the final hearing the board shall promptly make and file its findings of fact upon all of the issues involved in the controversy, and its order which shall state its determination as to the rights of the parties. Pending the final determination by the board of any controversy before it, the board, after hearing, may make interlocutory findings and orders, which may be enforced in the same manner as final orders. Final orders may dismiss the charges or require the person complained of to cease and desist from the prohibited acts found to have been committed, suspend his rights, immunities, privileges, or remedies granted or afforded by this article as the board may specify, but not more than one year, and require an employer to take such affirmative action, including reinstatement of employees with or without pay, as will effectuate the purposes of this article. Any order may further require such person to make reports from time to time showing the extent to which he has complied with the order.

(5) The board may authorize a hearing examiner to take evidence and to make findings and report them to the board in accordance with procedures described above.

(6) The board, on its own motion, may set aside, modify, or change any of its findings or order at any time within twenty days from the date thereof if the board shall discover any mistake therein or upon the ground of newly discovered evidence.

(7) The board may refer any case arising under this section to any district or county judge or other person in this state, as special referee for the purpose of taking evidence, and such special referee,

(3) Records of all proceedings and testimony before the board shall be kept.

(4) Boards findings and final order, interlocutory findings and orders, and cease and desist orders.

(6) Board may modify its findings.

(7) Board may authorize a special referee to take evidence on a case.

after notice to the parties in interest, may hold hearings and issue subpoenas for such purpose and, in case such hearing is held by him, shall reduce all evidence so taken to writing, certify to and return the same to the board, and such evidence may be used by the board in making or entering the findings and award of the board.

80-22-24. Enforcement of orders against prohibited acts. (1)

(a) If any party fails or neglects to obey an order of the board while the same is in effect, the director may file a complaint in the district court of the county wherein such person resides or usually transacts business, for the enforcement of such order for appropriate temporary relief or restraining order, and shall certify and file in the court the record in the proceedings, including all documents and papers on file in the matter, and pleadings and testimony upon which such order was entered, and the findings and order of the board. Upon the filing the director shall cause notice thereof to be served upon such party by mailing a copy to his last known post office address, and thereupon the court shall have jurisdiction of the proceedings and of the question determined therein. Said action may thereupon be brought on for hearing upon such order by the director serving ten days' written notice upon the respondent, subject, however, to the rules of civil procedure for a change of the place of trial or the calling in of another judge.

(b) Upon such hearing the court may confirm, modify, or set aside the order of the board and enter an appropriate decree. No objection that has not been urged before the board shall be considered by the court unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of fact made by the board, if supported by credible and competent evidence in the record, shall be conclusive. The court in its discretion may grant leave to adduce additional evidence before the court where such evidence appears to be material, and reasonable cause is shown for failure to have adduced such evidence in the hearing before the board. The board may modify its findings as to facts, or make new findings by reason of such additional evidence, and it shall file such modified or new findings with the same effect as its original findings and shall file its recommendations, if any, for the

(1) (a) If any party fails or neglects to obey an order of the board, the director may file a complaint in the appropriate district court.

(b) Court may confirm, modify or set aside the order of the board.

modification or setting aside of its original order. The court's judgment and decree shall be final except that the same shall be subject to appellate review as provided by law.

(2) Within thirty days from the date of the order of the board, any party aggrieved thereby may file a complaint in the district court for the county in which he or any party resides or transacts business for review of the decision and order of the board, subject, however, to provisions of law for a change of the place of trial or the calling in of another judge. Where different parties in the same proceeding file complaints for review in two or more courts having proper jurisdiction, the jurisdiction of the court in which the first complaint was filed shall be exclusive and the other complaints shall be transferred to it. Such complaints shall state the grounds upon which a review is sought and shall be served with the summons. Service upon any member of the board shall be deemed completed services on all parties, but there shall be left with the person so served as many copies of the summons and complaint as there are respondents, and the board shall mail one such copy to each respondent. If the court is satisfied that a party in interest has been prejudiced because of exceptional delay in the receipt of a copy of the order of the board it may extend the time another thirty days in which such action may be commenced. The board, within ten days after the complaint is filed, shall file in said court the record in the proceedings, as provided in subsection (1) of this section. Said action may thereupon be brought on for hearing before said court upon such record by either party on ten days' written notice to the other. Upon such hearing the court may confirm, modify, or set aside the order of the board and enter an appropriate decree. Except as specifically provided otherwise herein, the proceedings shall be the same as provided for in subsection (1) of this section.

80-22-25. Director may initiate proceedings. (1) The director shall also have the right and power by himself and on his own motion, to initiate proceedings in the manner provided in this section. It shall likewise be the duty of the director to so initiate any such proceeding or in his own name whenever complaint is made to him by any party in interest, whenever it shall appear to the director that the

The director has the right to limit picketing under the conditions specified in subsection (2) (a).

disclosure of the name of the complainant, either as an employee or group of employees, or as an employer or agent or representative of the employer would jeopardize the rights or interests or standing of any party in interest, either employer or employee. Such proceedings so initiated by the director shall be conducted in the same manner and have the same effect as provided for in this section.

(2) (a) The director shall have the power and it shall be his duty in carrying out the public policy of the state, either upon his own initiative or upon the complaint of any party in interest or any organization or persons representing any public interests, in the event there is picketing which, in the opinion of the director, might tend to disturb or lead to riots, disturbances, assaults, or disturb public peace or injure the property or persons of individuals, to limit the number of pickets that may be permitted and to prescribe the distance from any plant, entrance, or exit where such picketing may be permitted, and to otherwise prescribe limits to such picketing, including not only the number of persons picketing, but also the manner or method thereof, and to prevent the use of weapons of any kind or threats or intimidation.

(b) Upon the failure or refusal of any person against whom any such order or direction is issued, to comply with such order or direction, the district court of the district wherein the picketing takes place or the violation occurs, upon application of the director, may issue injunctive relief in the manner provided in the rules of civil procedure for courts of record in Colorado.

80-22-26. Review of arbitrators findings. Any party in interest being dissatisfied with any finding or standard of the arbitrators issued or promulgated by virtue of the authority conferred in this article, may commence an action in the court of appeals within twenty days after the date of issuance thereof, to modify or vacate any such finding or standard on the grounds set forth in section 80-22-30. In any such action all representatives shall be made parties.

80-22-27. Precedence of action. Any action brought under section 80-22-26 shall have precedence over any civil cause of a

Any interested party may ask the court of appeals to modify or vacate any finding or standard established by the arbitrators on the grounds listed in section 80-22-30.

Sections 80-22-27 to 80-22-36 outline the procedures and rules to be followed by the

different nature pending in such court, and the court of appeals shall always be deemed open for the trial thereof, and such actions shall be tried and determined by the court of appeals in the manner provided for other civil actions.

80-22-28. Petition - hearing - records. (1) (a) In such action, a copy of the petition, which shall state the grounds upon which the review is sought, shall be served upon the arbitrators and each adverse party. The arbitrators within twenty days after the service of the petition, shall make return to said court of all documents and papers on file in the matter, and of all testimony taken therein, and certified copies of all its findings, orders, and awards, which return shall be deemed its answer to said petition. Such return of the arbitrators shall constitute the judgment roll in such action and it shall not be necessary to settle a bill of exceptions in order to make such return part of the record of such court in such action.

(b) Such action shall be commenced by such service of the petition upon the arbitrators; the petition shall be filed with the court of appeals within ten days after such service. Such action shall be conducted in the manner as prescribed by the rule of the supreme court.

(2) The record so filed in said court shall be returned to the director after the final disposition by the court of appeals or the supreme court.

80-22-29. Stay of proceedings - consideration of new issues by arbitrators. If upon trial of such action it shall appear that all issues arising in such action have not theretofore been presented to the arbitrators in the petition filed as provided in this article or that the arbitrators have not theretofore had an ample opportunity to hear and determine any issues raised in such action, or has for any reason, not in fact heard and determined the issues raised, the court, before proceeding to render judgment, unless the parties to such action stipulate to the contrary, shall transmit to the arbitrators a full statement of such issue or issues not adequately considered, and shall stay further proceedings in such action until such issues are

courts in reviewing standards established by arbitration.

heard by the arbitrators and returned to said court. Upon receipt of such statement, the arbitrators shall hear and consider the issues not theretofore heard and considered, and may alter, affirm, modify, amend, or rescind the finding or standard complained of in said action. The arbitrators shall report their action thereon to said court within a reasonable time. The court thereupon shall order such amendment or other proceeding as may be necessary to raise the issues as presented by such modification of the finding or standard as may have been made by the arbitrators, if any such modification has in fact been made, and thereupon shall proceed with the trial of such action.

80-22-30. Causes for setting aside award. Upon the hearing, provided for in sections 80-22-28 and 80-22-29, the court may affirm or set aside such order or award, but only upon the following grounds: That the arbitrators acted without or in excess of their powers; that the finding, order, or award was procured by fraud; that the findings of fact by the arbitrators do not support the order or award.

80-22-31. Actions in court tried within thirty days. Any action commenced in court to set aside or modify any order or award of the arbitrators shall be heard within thirty days after issue shall

be joined, unless continued on order of the court for good cause shown. No continuance shall be for longer than thirty days at one time.

80-22-32. Error disregarded unless prejudicial. Review and appeal shall be upon the record of the arbitrators returned to said court. Upon the hearing of any such action, the court shall disregard any irregularity or error of the arbitrators unless it be made affirmatively to appear that the party complaining was damaged thereby.

80-22-33. Court record transmitted to arbitrators - when. It shall be the duty of the clerk of the court of appeals, without order of court or application by the arbitrators, to transmit the record in any case to the arbitrators, within twenty-five days after the order

Grounds for a court setting aside arbitrator's order or award.

or judgment of the court unless, in the meantime, further appellate review is granted by the supreme court. If the supreme court grants further appellate review, the clerk shall return the record immediately upon receipt of remittitur from the supreme court, unless the order of the supreme court requires further action by the court of appeals, and then within twenty-five days after such further action.

80-22-34. Court may remand case to arbitrators. Upon setting aside of any order or award, the court may recommit the controversy and remand the record in the case to the arbitrators for further hearing or proceedings by the arbitrators or it may order said arbitrators to enter the proper award upon the findings, as the nature of the case shall demand.

80-22-35. Summary review by supreme court. If the supreme court reviews the judgment of the court of appeals, such review shall be limited to a summary review of questions of law. Any such action shall be advanced upon the calendar of the supreme court, and a final decision shall be rendered within sixty days after the date the supreme court grants further appellate review. The arbitrators or any other aggrieved party shall not be required to file any undertaking or other security upon review by the supreme court.

80-22-36. Fees - costs - duty of district attorneys and attorney general. No fee shall be charged by the clerk of any court for the performance of any official service required by this article. On proceedings to review any order, or award, costs as between the parties shall be allowed, or not, in the discretion of the court, but no costs shall be taxed against the state or said arbitrators. In any action for the review of any order or award, and upon any review thereof by the supreme court, it shall be the duty of the district attorney in the county wherein said action is pending, or of the attorney general, if requested by the board, to appear on behalf of either or both, whether any other party defendant has appeared or is represented in the action or not.

SECTION 2. 3-28-21 (3), Colorado Revised Statutes 1963 (1969 Supp.), is amended BY THE ADDITION OF A NEW PARAGRAPH, and the said

3-28-21 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

3-28-21. Department of labor and employment - creation. (3) (e) The division of agricultural labor, created by article 22 of chapter 80, C.R.S. 1963, the head of which shall be the director of the division of agricultural labor. The division and the director shall exercise their powers and perform their duties and functions specified by law under the department of labor and employment as if the same were transferred to the department by a type 1 transfer.

(5) The agricultural labor board, created by article 22 of chapter 80, C.R.S. 1963, and its powers, duties, and functions, are transferred by a type 1 transfer to the department of labor and employment as the agricultural labor board.

SECTION 3. 37-21-2 (2), Colorado Revised Statutes 1963 (1969 Supp.), is amended to read:

37-21-2. Jurisdiction. (2) The court of appeals shall have initial jurisdiction to review awards or actions of the industrial commission, as provided in article 14 of chapter 81, C.R.S. 1963, and article 5 of chapter 82, C.R.S. 1963, as amended, AND ARBITRATION FINDINGS, AS PROVIDED IN ARTICLE 22 OF CHAPTER 80, C.R.S. 1963.

SECTION 4. 80-1-3 (4) (d), Colorado Revised Statutes 1963, is amended to read:

80-1-3. Construction of terms. (4) (d) This chapter is not intended to apply to employers of private domestic servants or EXCEPT FOR ARTICLE 22, TO farm and ranch labor; nor to employers who employ less than four employees regularly in the same business, or in or about the same place of employment, EXCEPT FOR FARM AND RANCH LABOR UNDER ARTICLE 22.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

JOINT MEMORIAL A

HOUSE JOINT MEMORIAL NO.

MEMORIALIZING THE CONGRESS OF THE UNITED STATES AND THE PRESIDENT OF THE UNITED STATES TO TAKE ACTION NECESSARY TO REINSTATE THE PROGRAM FOR EXPORTING AGRICULTURAL WORKERS FROM THE REPUBLIC OF MEXICO.

WHEREAS, The United States Government program for the importation of agricultural workers from the Republic of Mexico, commonly known as the "Bracero" program, was an eminently successful instance of international cooperation between the United States and the Republic of Mexico; and

WHEREAS, The Bracero program was one of the most practical foreign aid programs in which the United States has ever engaged in terms of producing the greatest direct benefit to the people of a foreign nation with the least cost to the United States taxpayers; and

WHEREAS, The Bracero program greatly benefited agriculture in the United States and particularly in the State of Colorado where it made

This memorial requests Congress to reinstate the Bracero Program, for the purpose of providing a back-up labor supply for agriculture.

an essential contribution to the production of fruits, vegetables, and sugar beets in the areas of the state which have been brought under irrigation and represent the most productive farming lands of the state; and

WHEREAS, Federal agencies are continuing to construct works for the irrigation of more acreage so that the natural conditions of soil and climate which contribute to the excellence of Colorado grown fruits and vegetables may be extended to a larger production; and

WHEREAS, The discontinuance of the Bracero program has cast a shadow over the future of fruit, vegetable, and sugar beet production in the State of Colorado and has already resulted in marked reductions in the production of vegetables in areas such as the South Platte, Arkansas, Rio Grande, and Colorado river basins; and

WHEREAS, There is not enough domestic agricultural labor willing and able to do the hand labor necessary to produce the high quality fruits and vegetables which the American people are entitled to expect; and

WHEREAS, As a consequence of the discontinuance of the program much agricultural production has been moved to Mexico, and the economic benefits of such production, with many collateral jobs

formerly done by domestic workers, lost to the United States; and

WHEREAS, Efforts to replace the hand labor supplied through the Bracero program by the use of machines have further reduced the availability of agricultural work for domestic labor, and at the same time have resulted in an increase in damage to fruits and vegetables in picking and an overall reduction in the quality of the product available to the public; and

WHEREAS, The Bracero program was designed to supplement the domestic labor supply rather than to replace it and reserved the more skilled agricultural pursuits such as operating machinery to domestic workers; and

WHEREAS, Restrictions being proposed upon the use of pesticides will result in a greater than ever demand for hand labor to cultivate fruits, vegetables, and sugar beets if production is to be maintained to meet the needs of growing populations; and

WHEREAS, The Bracero program, as an indirect benefit, facilitated the control of illegal immigration from Mexico; and

WHEREAS, H. R. 11269, introduced in the United States House of Representatives on October 14, 1971 would amend the Agricultural Act of 1949 in a manner to permit the entry of agricultural workers from

the Republic of Mexico into the United States under realistic controls and regulations; now, therefore,

Be It Resolved by the House of Representatives of the Forty-eighth General Assembly of the State of Colorado; the Senate concurring herein:

That the Congress of the United States and the President of the United States are hereby respectfully petitioned to give immediate attention to, and request action necessary to, reinstate the program for the importation of agricultural workers from the Republic of Mexico and to renew the migrant labor agreement between the United States and the Republic of Mexico or enter into new agreements to implement such a program.

Be It Further Resolved, That copies of this memorial be sent to the President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, and the members of the Congress of the United States from the State of Colorado.

JOINT MEMORIAL B

SENATE JOINT MEMORIAL NO.

MEMORIALIZING THE CONGRESS OF THE UNITED STATE TO RECONSIDER THE EFFECTIVENESS OF EXISTING LEGISLATION RELATING TO FARM LABOR HOUSING IN THE LIGHT OF CERTAIN REGULATIONS PROMULGATED BY FEDERAL AGENCIES.

WHEREAS, The federal farm labor housing regulations, previously promulgated by the Secretary of the United States Department of Labor under the authority of Title 29, United States Code section 49k, have already forced many agricultural producers of this state to close otherwise safe and sanitary housing; and

WHEREAS, The reason many agricultural producers were forced to close otherwise safe and sanitary housing, was because compliance with the federal farm labor housing regulations would have imposed an undue economic burden; and

WHEREAS, As a result of this closing of agricultural labor housing, many farm workers have been unable to find housing and in some cases have been forced to sleep in automobiles or fields, thereby

This memorial, concerning federal farm labor housing regulations, asks that Congress consider legislation which would insure that the labor housing regulations be written in a broad, flexible manner. The memorial also asks Congress to place in an agency other than the U.S. Department of Labor, the responsibility for insuring that labor housing regulations meet certain requirements.

defeating the purpose of the federal labor housing regulations; and

WHEREAS, The provisions of the Occupational and Safety Standard covering temporary labor camps, as promulgated by the Secretary of the United States Department of Labor pursuant to the Williams-Steiger Occupational Health and Safety Act of 1970, would force the agricultural producers of this state to close even more otherwise safe and sanitary farm labor housing of further undue economic burdens; and

WHEREAS, While each and every separate provision of the federal farm labor regulations in and of themselves may not be burdensome, when such regulations are taken as a whole and applied to farm labor housing, they can and do pose a burden for the agricultural producers; and

WHEREAS, The federal farm labor housing regulations should be written with some degree of flexibility in order that farm labor housing which does not meet each and every provision of the farm labor regulations yet is otherwise safe and sanitary may be used; and

WHEREAS, The state division of employment by federal regulation cannot recruit for or refer potential employees to an agricultural employer unless such an employer's labor housing meets the requirements of the federal farm labor housing regulations; even if

such housing may otherwise be safe and sanitary; and

WHEREAS, As a result, many agricultural employers no longer use the division of employment as a source of labor, thereby defeating one of the primary functions of the division of employment which is to place employee with employer; now, therefore,

Be it Resolved by the Senate of the Forty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the Congress of the United States is hereby memorialized to consider the need for additional legislation in the light of the actions of the affected federal agencies in promulgating regulations concerning farm labor housing which may have the effect of restricting rather than encouraging the availability of safe and sanitary farm labor housing.

That the responsibility for insuring that an agricultural employer's labor housing meets the federal farm labor housing regulations be placed in an agency other than the division of employment.

Be It Further Resolved, That copies of this Memorial be sent to the President of the Senate and the Speaker of the House of

Representatives of the Congress of the United States and to each member of Congress from the State of Colorado.

Appendix A

LDO NO, 72

Draft for Farm
Labor Committee
11/18/71

BY REPRESENTATIVE DeMoulin

A BILL FOR AN ACT

1 CONCERNING AGRICULTURAL LABOR.

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. 80-4-1, Colorado Revised Statutes 1963, is
4 amended BY THE ADDITION OF A NEW SUBSECTION to read:

5 80-4-1. Declaration of policy. (8) Notwithstanding that
6 the definitions contained in this article may limit its
7 applicability to employers having a certain minimum number of
8 employees, an employer or an employee who have by any means
9 become subject to a collective bargaining agreement may,
10 regardless of the number of employees involved in such case,
11 petition the director of the division of labor to intervene and
12 settle disputes in accordance with the provisions of this article
13 and the rules and regulations of the division, as if such
14 employer had the requisite number of employees to be subject to
15 the provisions of this article.

16 SECTION 2. 80-4-2 (2), Colorado Revised Statutes 1963 (1965
17 Supp.), is amended to read:

18 80-4-2. Definitions. (2) The term "employer" means a
19 EITHER AN AGRICULTURAL EMPLOYER WHO EMPLOYS ONE OR MORE SEASONAL
20 AGRICULTURAL EMPLOYEES, OR AN AGRICULTURAL EMPLOYER OR OTHER

1 person who regularly engages the services of eight or more
2 employees other than persons within the classes expressly
3 exempted under the terms of subsection (3) of this section, and
4 includes any person acting on behalf of any such employer within
5 the scope of his authority, express or implied, but shall not
6 include the state or any political subdivision thereof except
7 where the state or any political subdivision thereof shall
8 acquire or operate a mass transportation system as defined in
9 subsection (17) of this section, or any carrier by railroad,
10 express company, or sleeping car company subject to the Federal
11 Railway Labor Act, Title 45 U.S.C.A., or any labor organization
12 or anyone acting in behalf of such organization other than when
13 it or he is acting as an employer in fact.

14 SECTION 3. 80-4-2 (3) (a), Colorado Revised Statutes 1963,
15 is amended to read:

16 80-4-2. Definitions. (3) (a) The term "employee" shall
17 include any person, other than an independent contractor AND
18 domestic servants employed in and about private homes, ~~and--farm~~
19 ~~and--ranch--labor;~~ working for another for hire in the state of
20 Colorado in a nonexecutive or nonsupervisory capacity, and shall
21 not be limited to the employees of a particular employer unless
22 the context clearly indicates otherwise; and shall include any
23 individual whose work has ceased solely as a consequence of or in
24 connection with any current labor dispute or because of any
25 unfair labor practice on the part of an employer; and

26 SECTION 4. 80-4-2, Colorado Revised Statutes 1963, as
27 amended, is amended BY THE ADDITION OF THE FOLLOWING NEW

1 SUBSECTIONS to read:

2 80-4-2. Definitions. (21) "Agricultural employer" means a
3 person engaged in the raising of crops, produce, or animals for
4 commercial purposes, who engages the services of agricultural
5 employees for the planting, cultivation, harvesting, caring for,
6 or raising to maturity or marketability such crops, produce, or
7 animals.

8 (22) "Agricultural employee" means a person regularly
9 engaged by an agricultural employer to furnish one or more of the
10 services set forth in subsection (21) of this section for at
11 least ninety consecutive regular working days during a calendar
12 year.

13 (23) "Seasonal agricultural employee" means a person
14 engaged by an agricultural employer to furnish one or more of the
15 services set forth in subsection (21) of this section for less
16 than ninety consecutive regular working days during a calendar
17 year.

18 SECTION 5. 80-4-10 (2), Colorado Revised Statutes 1963
19 (1969 Supp.), is amended to read:

20 80-4-10. Arbitration. (2) All parties to any labor
21 dispute when the employer is an authority OR AN AGRICULTURAL
22 EMPLOYER, as defined in this article, shall submit to arbitration
23 upon written order of the director when such written order is the
24 result of the procedure set forth in section 80-4-11 (3), as
25 amended. Any order so given shall be subject to appeal within
26 five days of the receipt of such order by ~~either~~ the employee's
27 representative, ~~or~~ the authority, OR THE AGRICULTURAL EMPLOYER

1 who are parties in interest, BUT SUCH ORDER SHALL NOT BE STAYED
2 BY SUCH APPEAL. Appeal of the order shall be made to the
3 district court in the judicial district where the most
4 substantial number of the employees concerned are employed. Such
5 court shall either confirm, deny, amend, or continue the order
6 within sixty days following the application for appeal. The
7 results of any arbitration conducted in accordance with the
8 procedure set forth in this article shall be binding upon all
9 parties in interest with the right of appeal to any court of
10 competent jurisdiction on the grounds that the director or
11 arbitration board has been unfair, capricious, or unjust in its
12 conduct, determinations, or award.

13 SECTION 6. 80-4-11 (2) and (3), Colorado Revised Statutes
14 1963 (1969 Supp.), are amended to read:

15 80-4-11. Mediation. (2) Where, as provided by this
16 article, the exercise of the right to strike by the employees of
17 any employer engaged in the state of Colorado ~~in-the-production;~~
18 ~~harvesting;-or-initial-processing;-the-latter-after--leaving--the~~
19 ~~farm;--of--any-farm-or-dairy-product-produced-in-this-state-would~~
20 ~~tend-to-cause-the-destruction-or-serious--deterioration--of--such~~
21 ~~product;-the-employees-shall-give-to-the-division-at-least-thirty~~
22 ~~days'--notice--of--their--intention-to-strike;-and-in-the-case-of~~
23 ~~employees-in-all-other~~ IN ANY industries or occupations, OTHER
24 THAN THOSE SPECIFIED IN SUBSECTION (3) OF THIS SECTION, SUCH
25 EMPLOYEES SHALL GIVE THE DIVISION at least twenty days' notice
26 of their intention to strike, and the division shall immediately
27 notify the employer of the receipt of such notice. Upon receipt

1 of such notice, the director shall take immediate steps to effect
2 mediation, if possible. In the event of the failure of the
3 efforts to mediate, the director shall endeavor to induce the
4 parties to arbitrate the controversy. Any strike called or made
5 effective before the expiration of twenty days from the date of
6 such notice shall constitute an unfair labor practice.

7 (3) Where the exercise of the right to strike is desired by
8 the employees of any authority OR BY EITHER REGULAR OR SEASONAL
9 AGRICULTURAL EMPLOYEES, the employees or their representatives
10 shall file with the division written notice of intent to strike
11 not less than forty calendar days prior to the date contemplated
12 for such strike. Within twenty days of the filing of the notice,
13 the director shall enter an order allowing or denying the strike
14 based on the grounds of whether or not such strike would
15 interfere with the preservation of the public peace, health, and
16 safety OR WOULD CAUSE SERIOUS HARM TO PERISHABLE AGRICULTURAL
17 PRODUCTS, in accordance with rules and regulations of the
18 commission. Any order denying a strike under this section shall
19 include an order to arbitrate in accordance with section 80-4-10.
20 ~~as amended.~~ Such arbitration shall be entered into not later
21 than one hundred days from the filing of the notice of intent to
22 strike. Immediately upon receipt of a notice of intent to
23 strike, the director shall take steps to effect mediation, if
24 possible. In the event of failure to mediate, the director shall
25 endeavor to induce the parties to arbitrate the controversy. Any
26 strike before the expiration of forty days from the giving of
27 notice of intent to strike or in violation of an order of the

1 director, unless such order is changed on appeal or otherwise,
2 shall constitute an unfair labor practice.

3 SECTION 7. Article 1 of chapter 80, Colorado Revised
4 Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW
5 SECTION to read:

6 80-1-56. Agricultural labor-management council created -
7 duties. (1) There is hereby created in the division of labor of
8 the department of labor and employment the agricultural
9 labor-management council, hereinafter referred to as the council.
10 The council shall consist of five members, to be appointed by the
11 governor. Of the members initially appointed, two shall be
12 appointed for a term of one year, two for a term of two years,
13 and one for a term of three years. Upon the expiration of the
14 terms of initial appointments, appointments shall be made by the
15 governor for a term of three years. Vacancies on the council
16 shall be filled for the unexpired term. Members of the council
17 shall receive no compensation for their services, but shall be
18 reimbursed for actual and necessary expenses incurred in the
19 performance of their official duties.

20 (2) Two members of the council shall be farm or ranch
21 employees; two shall be farm or ranch employers; and one shall be
22 appointed from the public at large and shall act as chairman of
23 the council. All meetings of the council shall be held at the
24 offices of the division unless otherwise authorized by the
25 director of the division.

26 (3) (a) The council shall have the following duties:

27 (b) To advise and assist the director in the administration

1 of article 4 of this chapter with regard to the application of
2 said article to agricultural employment.

3 (c) When a notice of intention to strike is filed by
4 agricultural employees with the division pursuant to the
5 provisions of section 80-4-11 (3), the director shall immediately
6 notify the chairman of the council, who shall call a meeting to
7 be held within ten days of such notice, and the council shall
8 make a recommendation to the director as to whether or not the
9 strike shall be permitted. The council may call itself into
10 session at any time by written request signed by at least three
11 members thereof.

12 (4) The council shall exercise its powers and perform its
13 functions and duties specified in this section under the
14 department of labor and employment as if the same were
15 transferred to the department by a type 1 transfer as such
16 transfer is defined in the "Administrative Organization Act of
17 1968", being article 28 of chapter 3, C.R.S. 1963.

18 SECTION 8. 3-28-21 (3), Colorado Revised Statutes 1963
19 (1969 Supp.), is amended BY THE ADDITION OF A NEW PARAGRAPH to
20 read:

21 3-28-21. Department of labor and employment - creation.
22 (3) (e) The agricultural labor-management council created by
23 article 1 of chapter 80, C.R.S. 1963; said council and its
24 powers, duties, and functions are transferred by a type 1
25 transfer to the department of labor and employment, and allocated
26 to the division of labor as a section thereof.

27 SECTION 9. Repeal. 80-1-3 (4) (d), Colorado Revised

1 Statutes 1963, is repealed.

2 SECTION 10. Effective date. This act shall take effect
3 July 1, 1972.

4 SECTION 11. Safety clause. The general assembly hereby
5 finds, determines, and declares that this act is necessary for
6 the immediate preservation of the public peace, health, and
7 safety.

Appendix B

FISCAL NOTE ON REPRESENTATIVE DeMOULIN'S
BILL TO AMEND THE LABOR PEACE ACT

1 Junior Labor Relations Officer, Grade 26, \$727.00 mo.	\$ 8,724.00
2 Senior Investigators, Grade 24, \$660.00 mo.	15,840.00
1 Senior Clerk Steno, Grade 17, \$469.00 mo.	5,628.00
	<u>\$30,192.00</u>
P.E.R.A. 8.5%	2,566.00
	<u>\$32,758.00</u>
3 Cars @ \$2,500.00	7,500.00
3 Executive desks, chairs and miscellaneous supplies	950.00
1 Steno desk, chair and typewriter	750.00
2 Incoming telephone lines and extensions, in- cluding installation	500.00
Travel for 3 field personnel @ \$1,500.00 each	4,500.00
Operating expense, 3 cars, including insurance	3,000.00
Printing of material and handouts	<u>1,000.00</u>
Total estimated cost not including Agricultural Labor Management Council	\$50,958.00

For Council Members

5 Members @ \$50.00 per day	
1 Hearing Officer	
1 Reporter or electronic recording equipment - \$2,500.00 Reporter to be on a fee basis when needed	
Office space for Commissioners' meeting place @ \$5.50 per square foot	
1 Secretary or steno for Commission - \$5,628.00	
Travel allowance for Council members	
Per Diem for Council members	
Telephones for Council members	

SOURCE: Colorado Department of Labor and Employment.

Appendix C

FISCAL NOTE ON BILL C

(Note prepared for
H.B. 1439, 1971 Session)

Division of Agricultural Labor

Director's Office

	<u>Month</u>	<u>Year</u>	<u>Total Budget</u>
1 Director, Grade 33	\$1,023.00	\$12,276.00	\$12,276.00
1 Deputy Director, Grade 31	928.00	11,236.00	11,236.00
1 Principal Clerk Steno, Grade 18	492.00	5,904.00	5,904.00
1 Intermediate Clerk Steno, Grade 13	386.00	4,632.00	4,632.00

Field Personnel

8 Investigators, Grade 23	\$ 628.00	\$ 7,536.00	\$60,288.00
2 Intermediate Clerk Stenos, Grade 13	386.00	4,632.00	9,264.00
2 Intermediate Clerk Typists, Grade 12	367.00	4,404.00	8,808.00
1 Intermediate Clerk (Fil- ing), Grade 12	367.00	4,404.00	4,404.00

Commissioners

Per Diem for 3 Commis- sioners	(each)	\$ 5,000.00	\$15,000.00
Necessary annual travel expenses, total for 3 Commissioners			750.00
			<u>\$132,562.00</u>

Minimum Capital Outlay

	<u>Total Budget</u>
2 Executive Desks, Director and Deputy @ \$200.00 (est.)	\$ 400.00
2 Executive Swivel Chairs @ \$60.00	120.00
4 Guest Arm Chairs @ \$79.00	316.00
6 Chairs for Reception Room @ \$50.00	300.00
7 Steno Desks @ \$115.00	805.00

	<u>Total Budget</u>
7 Steno Posture Chairs @ \$68.00	\$ 476.00
6 Electric Typewriters @ \$365.00	2,190.00
1 Adding Machine	282.60
8 Four Drawer Legal Size File Cabinets @ \$101.70 (w/lock)	813.60
2 60" tables for filing @ \$130.00	260.00
5 Automobiles for Field Personnel @ \$2,600.00	13,000.00

Miscellaneous Capital Expenditures

Coat Racks, wastebaskets, telephone stands, etc.	250.00
	<u>\$19,213.20</u>

Operating Expendable Items

Printing of necessary forms, blanks, brochures for distribution, letterheads, envelopes, etc.	\$ 5,000.00
Miscellaneous office supplies, such as desk pads, date stamps, staplers, paper clips, etc.	1,000.00
Equipment maintenance and repairs, typewriters, adding machines, etc.	225.00
Operating expenses for ten automobiles for one year @ \$543.00	5,430.00
Travel and per diem expenses for Director, Deputy Director and Field Personnel for one year @ \$1,500.00	15,000.00
Postage @ \$150.00 per month	1,800.00
Telephone services (this would depend upon the location of the Division and whether or not the service was off of the main state switchboard). It is estimated that a minimum of 3 trunklines and 15 extensions be considered. This figure can be accurately obtained from Capitol Build- ings Section, Department of Administration.	
Office Space. The office rental expense cannot be accurately estimated until space is located. An estimate of a minimum 3,000 square feet usable space as a start, with an estimated rental fig- ure of \$4.00 per square foot.	<u>12,000.00</u>
	\$ 40,45.00
Total FY Budget	\$192,230.20

SOURCE: Colorado Department of Labor and Employment.