



**D. Rico Munn**  
**Executive Director**

**ACCESS BY EMPLOYEE ORGANIZATIONS TO THE  
DEPARTMENT OF REGULATORY AGENCIES' AND ITS  
WORKFORCE**

**Policy Number:** 2008-DORA-HR-011

**Effective Date:** 02/08/2008

**REFERENCE:** Executive Order D 028 07 Authorizing Partnership Agreements with State Employees

## **I. PURPOSE OF POLICY**

To establish a policy that supports Executive Order D 028 07 Authorizing Partnership Agreements with State Employees, and provides a framework for employee organization access to the Department of Regulatory Agencies' and its workforce.

It is the intent of the Colorado Department of Regulatory Agencies (DORA or "the Department") that its office space and facilities be used for the programs and services central to the mission of the Department. Use of the facilities by employee organizations is permissible, so long as use does not conflict with DORA's statutory mission or schedule; department policy, procedures and regulations; or building/leased space agreements and provisions.

Employee organizations that use department facilities must adhere to all local, state, and federal laws while doing so. Certain department facilities (*e.g.*, 1560 Broadway) are subject to a valid lease agreement. Therefore, employee organizations that use or request access to department facilities must also adhere to all the covenants, conditions, and agreements set forth in the building lease agreement.

This policy establishes an orderly process for effectuating the recent changes to the Department of Personnel & Administration Board Rules regarding access of employee organizations to provide general information to employees within the state personnel system.

## **II. DEFINITIONS**

- A. An "employee organization," as referenced throughout this policy, is defined as an organization in which covered employees may participate and that exists for the purpose of dealing with the State, as an employer, concerning issues of mutual concern between employees and the State.
- B. "Employee organization" includes the term "union" and has the same meaning as "labor organization" in C.R.S. 24-34-401(6) (Colorado Antidiscrimination Act) and "employee organization" in C.R.S. 24-50-104 (1)(b) and (total compensation statute).

## **III. POLICY**

- A. Pursuant to the requirements of State Personnel Board Rules and Governor's Executive Order D 028 07, it is the policy of DORA neither to encourage nor discourage employee membership in employee organizations. Appointing authorities and supervisors shall not influence employees to join or not to join employee organizations or to attend or not to attend meetings with employee organizations. Discrimination against any person because of employee organization membership is prohibited.

- B. Organizations will not be permitted to charge admission to any function or to collect monies from persons attending functions at department facilities. DORA may restrict the use of its facilities as it deems necessary. The organization using the facility shall be liable for any and all costs and/or damages associated with its use of the facilities. This policy shall not apply to any local, state, or federal agency or political subdivision of this state or of the United States.
- C. Subject to any limitations imposed by law or real property lease, representatives of employee organizations may have reasonable access to non-secure common areas of DORA office space, including building main entrances and exits, parking lots, outdoor walkways and other similar areas for purposes of talking to and distributing literature to employees so long as such activities do not interfere with normal operations or access. Hallways, guest reception areas and individual floor elevator lobbies are excluded from this access.
- D. The Executive Director, or designee, has final decision-making authority over all proposed use of department facilities and space, and has the right to approve or deny requests for meetings or solicitations during work hours based on reasonable business needs and to minimize disruption to state business, operations and facilities.
- E. For purposes of this policy, access and meetings are limited to the following:
  - i. **Informational or member solicitation meetings during a common lunch hour, or before or after regular work shifts.** Such meetings may occur in DORA meeting or conference rooms at times and locations pre-approved by the Executive Director or his/her designee. Reasonable costs associated with providing meeting space to employee organizations shall be paid by the organization. The employee organization must work with the Executive Director's Office (EDO) Operations Manager (303-894-7866) in order to identify and secure available meeting space, and arrange for payment of any expenses incurred for use of the meeting space.
  - ii. **Membership meetings during a common lunch hour, or before or after regular work shifts.** Employee organizations may request access to conduct group/member meetings with DORA employees within DORA facilities, provided such meetings do not conflict with state business. Reasonable costs associated with providing meeting space to employee organizations shall be paid by the organization. The employee organization must work with the Executive Director's Office (EDO) Operations Manager in order to identify and secure available meeting space, and arrange for payment of any expenses incurred for use of the meeting space.
  - iii. **Conferring/Personal contact with an employee, typically as a "representative" of the employee on a specific issue or on an individualized subject (e.g., representing the employee in a grievance process, etc.).** Advance permission from the supervisor is required for an employee to confer with the representative during regularly scheduled work hours or in any DORA office or work space. Approval may be granted so long as the employee's ability to perform his/her assignment is not compromised, disruption to the work environment is minimized, and an undue burden or inconvenience is not placed on others in the office.
- F. Meetings for regular state business shall have priority over employee organization meetings.
- G. All arrangements are subject to final approval by the Executive Director, or designee, of the Department.

#### **IV. RESPONSIBILITIES**

- A. Employee Organizations: Regardless of the purpose of the meeting or access, employee organizations granted access to DORA facilities shall not disrupt work operations, shall conform to worksite safety and

security regulations and policies, and shall limit activities to the purpose(s) for which access is permitted. Employee organization representatives will conduct themselves in a professional manner and shall respect the request of any employee who does not wish to engage in a discussion or accept literature.

- B.** Employee: Regardless of the purpose of the meeting or access, employees participating in meeting(s) with employee organizations or organization representatives will conduct themselves in a professional manner. Employees' performance of his/her assigned duties and the business and services of the office may not be compromised in order for an employee to participate in any employee organization meeting.
- C.** Supervisor: The supervisor of an employee who is a member of an employee organization may reasonably consent to allow employee organizations to confer with the member during work hours, with prior notice and as long as disruption to the environment is minimized. A supervisor's consent shall not be unreasonably withheld.
- D.** Joint Employee and Supervisor: Employees and supervisors are responsible for ensuring employee organization activity does not hinder any employee's ability to perform his/her assignment, result in inappropriate use of state equipment, resources or time, or violate any department policy or procedure.

## **V. EMAILS TO DEPARTMENT EMPLOYEES**

Emails to Department employees from employee organizations containing information about their organizations, events, meetings and state employee related news sent through their work email accounts shall be subject to all department policies, procedures and protocols, including the following restrictions:

- A.** Volume (broadcast) emails, defined as emails of broad general interest to multiple state employees not concerning a specific employment matter between an employee and his or her representative or other specific topic related to a small group of individuals, must be delivered after 6:00 PM.
- B.** Volume email content must be informative and factual in nature. No political endorsements or opposition, and no emails commenting on managers, administration officials or other employee organizations will be sent through the state email system.
- C.** To ensure the security of the state email system, emails may not contain attachments.
- D.** A state employee organization may only send one volume email per month.
- E.** Employees may opt out of an employee organization's email list at any time and the employee organization must promptly respect those requests. All emails must contain a statement notifying state employees that they can choose to not receive future emails from the sender organization along with instructions for how state employees can opt out.
- F.** Employees and supervisors are responsible for ensuring employee organization activity, including the exchange of email, does not hinder any employee's ability to perform his/her assignment, result in inappropriate use of state equipment, resources or time, or violate any department policy or procedure, including the IT Statement of Compliance and Acceptable Use Policy.

Failure to comply with these email procedures may result in electronically blocking all future broadcast email of the non-compliant organization as an improper interference with public business.

## **VI. PROHIBITIONS ON USE OF FACILITIES**

The Department's facilities and/or space shall be used in a responsible manner that does not interfere with the Department's lawful duties. The following restrictions shall apply to the use of the Department's facilities and space:

- A. No organization will be allowed to use the Department's facilities without the prior approval from the EDO Operations Manager;
- B. Employee organizations that misuse the facilities or the policies of the Department associated with the facilities may be disqualified from future use of the Department's facilities;
- C. Employee organizations whose use of the Department's facilities may have an adverse affect on the overall mission and functioning of the Department will be denied use of the facilities;
- D. Requests for meetings that are deemed to potentially pose a danger to the safety of the Department's employees and/or property will be denied; and
- E. No employee organization shall be allowed to use the Department's facilities for commercial purposes.

## **VII. PROVISION OF CONTACT INFORMATION**

Colorado open records laws allow citizens and organizations to obtain state email and telephone lists. Frequent and unanticipated requests for this information may be disruptive. Therefore, DORA will endeavor to provide on no more than a quarterly basis, a list of its employee's names, state telephone numbers and state email addresses to employee organizations that request such lists through an Open Records request. Use of such lists shall be subject to the provisions of this policy. DORA does not warrant the accuracy of such lists.

## **VIII. OPTING OUT**

Employees may choose to be included, "opt in," to an employee organization's telephone and email contacts by so notifying the employee organizations of their choice. Employees who do not wish to be contacted for membership solicitation, surveys, news or lobbying by employee organizations and their representatives or contractors may "opt out" by so informing the employee organizations, and the employee organizations shall promptly respect those requests by removing the requesting employee from all active contact lists. Failure to honor such requests may result in the loss or restriction of telephone contact privileges for the affected employee organization, at the discretion of the Executive Director.

## **IX. IMPLEMENTATION COMMENTS**

Employees or employee organizations may submit complaints or suggestions regarding implementation of this access protocol in writing to the Department's Operations Manager via email or letter. The Department will promptly investigate all complaints and take appropriate action.

## **X. APPLICABILITY**

This policy is applicable to all divisions and offices of the Department of Regulatory Agencies.

**XI. RESPONSIBILITY**

It is the responsibility of each person to whom policies or procedures are applicable to become familiar with, and to understand and adhere to departmental policies and procedures. During new employee orientation employees will be instructed on where to find the departmental policies and procedures.



2-8-08

Approved by: \_\_\_\_\_  
D. Rico Munn, Executive Director                      Date