

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 09-0676.01 Kristen Forrestal

**HOUSE BILL 09-1170**

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**HOUSE SPONSORSHIP**

**Casso, Pace**

**SENATE SPONSORSHIP**

**Tochtrop,**

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**House Committees**

Business Affairs and Labor

**Senate Committees**

State, Veterans & Military Affairs

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**A BILL FOR AN ACT**

101 **CONCERNING UNEMPLOYMENT INSURANCE BENEFITS FOR LOCKED-OUT**  
102 **EMPLOYEES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Allows an employee who is subject to a lockout initiated by an employer to receive unemployment insurance benefits.

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1 *Be it enacted by the General Assembly of the State of Colorado:*  
2 **SECTION 1.** 8-73-109, Colorado Revised Statutes, is

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

SENATE  
3rd Reading Unamended  
April 28, 2009

SENATE  
Amended 2nd Reading  
April 27, 2009

HOUSE  
3rd Reading Unamended  
March 19, 2009

HOUSE  
Amended 2nd Reading  
March 17, 2009

1 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

2 **8-73-109. Strikes or other labor disputes - unemployment**  
3 **insurance - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE  
4 CONTEXT OTHERWISE REQUIRES:

5 (a) "LOCKOUT" MEANS A REFUSAL BY AN EMPLOYER ENGAGED IN  
6 A DISPUTE WITH A UNION TO PERMIT ITS EMPLOYEES TO PERFORM SERVICES  
7 ON BEHALF OF THE EMPLOYER.

8 (b) "MULTI-EMPLOYER BARGAINING UNIT" MEANS ANY GROUP OF  
9 TWO OR MORE EMPLOYERS BARGAINING WITH A UNION AS A SINGLE UNIT  
10 WITH THE CONSENT OF EACH EMPLOYER AND THE UNION.

11 (c) "STRIKE" OR "LABOR DISPUTE" MEANS THE WITHHOLDING OF  
12 EMPLOYMENT SERVICES OR OTHER ECONOMIC ACTION, DIRECTED AT AN  
13 EMPLOYER'S BUSINESS, BY TWO OR MORE EMPLOYEES THAT ARE  
14 REPRESENTED BY A UNION. PARTICIPATING IN A STRIKE SHALL INCLUDE  
15 REFUSAL TO CROSS THE PICKET LINE.

16 (2) (a) AN INDIVIDUAL IS INELIGIBLE FOR UNEMPLOYMENT  
17 COMPENSATION BENEFITS FOR ANY WEEK WITH RESPECT TO WHICH THE  
18 DIVISION FINDS THAT HIS OR HER TOTAL OR PARTIAL UNEMPLOYMENT IS  
19 DUE TO A STRIKE OR LABOR DISPUTE IN THE FACTORY, ESTABLISHMENT, OR  
20 OTHER PREMISES IN WHICH HE OR SHE WAS EMPLOYED AND THEREAFTER  
21 FOR SUCH REASONABLE PERIOD OF TIME, IF ANY, AS MAY BE NECESSARY  
22 FOR THE FACTORY, ESTABLISHMENT, OR OTHER PREMISES TO RESUME  
23 NORMAL OPERATIONS. THIS SECTION SHALL NOT APPLY IF THE  
24 EMPLOYEE IS NOT PARTICIPATING IN, FINANCING, OR DIRECTLY  
25 INTERESTED IN THE STRIKE AS AN INDIVIDUAL OR AS A MEMBER OF THE  
26 GRADE OR CLASS INVOLVED IN THE STRIKE.

27 (b) IF THE INDIVIDUAL IS NOT A MEMBER OF A MULTI-EMPLOYER

1 BARGAINING UNIT AND THE UNEMPLOYMENT IS DUE TO A LOCKOUT, THE  
2 INDIVIDUAL SHALL NOT BE DETERMINED INELIGIBLE FOR UNEMPLOYMENT  
3 COMPENSATION BENEFITS UNLESS THE LOCKOUT RESULTS FROM THE  
4 DEMANDS OF EMPLOYEES, AS DISTINGUISHED FROM AN EFFORT ON THE  
5 PART OF THE EMPLOYER TO DEPRIVE THE EMPLOYEES OF SOME  
6 ADVANTAGE THAT THEY ALREADY POSSESS.

7 (c) IF THE INDIVIDUAL IS A MEMBER OF A MULTI-EMPLOYER  
8 BARGAINING UNIT AND THE UNEMPLOYMENT IS DUE TO A LOCKOUT THAT  
9 WAS NOT INITIATED BECAUSE OF A STRIKE OR LABOR DISPUTE INVOLVING  
10 A MULTI-EMPLOYER BARGAINING UNIT MEMBER, THE INDIVIDUAL SHALL  
11 NOT BE DETERMINED INELIGIBLE FOR UNEMPLOYMENT COMPENSATION  
12 BENEFITS UNLESS THE LOCKOUT RESULTS FROM THE DEMANDS OF  
13 EMPLOYEES, AS DISTINGUISHED FROM AN EFFORT ON THE PART OF THE  
14 EMPLOYER TO DEPRIVE THE EMPLOYEES OF SOME ADVANTAGE THAT THEY  
15 ALREADY POSSESS.

16 (d) IF THE INDIVIDUAL IS A MEMBER OF A MULTI-EMPLOYER  
17 BARGAINING UNIT AND THE UNEMPLOYMENT IS DUE TO A LOCKOUT THAT  
18 WAS INITIATED BECAUSE OF A STRIKE OR LABOR DISPUTE INVOLVING A  
19 MULTI-EMPLOYER BARGAINING UNIT MEMBER, THE INDIVIDUAL SHALL BE  
20 INELIGIBLE FOR UNEMPLOYMENT COMPENSATION BENEFITS. FOR THE  
21 PURPOSES OF THIS PARAGRAPH (d), A LOCKOUT SHALL CREATE A  
22 REBUTTABLE PRESUMPTION THAT THE LOCKOUT WAS INITIATED BECAUSE  
23 OF THE STRIKE OR LABOR DISPUTE.

24 (3) IF, IN ANY CASE, SEPARATE BRANCHES OF WORK THAT ARE  
25 COMMONLY CONDUCTED AS SEPARATE BUSINESSES IN SEPARATE PREMISES  
26 ARE CONDUCTED IN SEPARATE DEPARTMENTS OF THE SAME PREMISES,  
27 EACH SUCH DEPARTMENT, FOR THE PURPOSES OF THIS SECTION, SHALL BE

1 DEEMED TO BE A SEPARATE FACTORY, ESTABLISHMENT, OR OTHER  
2 PREMISES.

3 **SECTION 2. Effective date.** This act shall take effect July 1,  
4 2009.

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