Published on *University of Colorado* (https://www.cu.edu)

COWINS HCM [1]

The University of Colorado's classified staff are covered by the state employees' union — COWINS. Find out what that means for you and your classified employees.

The Colorado Workers for Innovative and New Solutions, or COWINS, is a union that represents all covered, classified employees for the State of Colorado. The WINS union's authority to negotiate on behalf of all covered, classified state employees was established in the 2020 Colorado Partnership for Quality Jobs & Services Act [2]. The duties and limits of this union representation is outlined in greater detail in the Partnership Agreement [3].

Colorado Partnership for Quality Jobs & Services Act [3]

Decision tree for covered vs. non-covered employees [4]

Partnership Agreement [3]

Union code field position data [5]

Generally, covered employees are employees in the state personnel system, also known as classified employees. There are exceptions, including confidential employees, managerial employees, executive employees, administrative law judges, hearing officers, state troopers, legislative branch employees, and temporary employees.

COWINS Stewards

Instructions are available [6] to track and pay COWINS stewards completing work on behalf of the union.

These Frequently Asked Questions (FAQs) have been developed to assist supervisors and HR professionals with questions they may have pertaining to the Act and Agreement. They have been updated following the ratification and signing of the Agreement.

Frequently Asked Questions (FAQs)

NEW EMPLOYEE ORIENTATION

Does COWINS have the right to participate in New Employee Orientations?

Yes. According to the Act and Article 7: New Employee Orientation of the Partnership Agreement, the university must provide COWINS the opportunity to hold a 30-minute session during New Employee Orientation (NEO) or scheduled new employee training time, for covered employees. New hires who are covered employees will be directed to attend the session and be paid for their time. The time of the session will be mutually determined by the agency and COWINS, but cannot be the last session of NEO. The session will be conducted by COWINS-designated representatives. If for any reason the covered employee is unable to attend NEO or new employee training time, they will be scheduled to attend the next regularly scheduled NEO or new employee training time.

The state employee facilitating the NEO should ensure that all non-covered employees are excused from the COWINS portion of the NEO or scheduled new employee training time.

What will be provided to covered employees during NEO?

The university and COWINS will distribute employee FAQs concerning the Act, rights and duties of covered employees, COWINS, and the state, and the Partnership Agreement before the COWINS' portion of NEO or scheduled new employee training time.

New employees should also be given notice within thirty (30) days of their start date, via email and at NEO, of their option to direct the university not to provide their personal contact information with COWINS.

COWINS has the right to distribute materials (e.g. basic educational information about the union and its mission/programs/history, the Partnership Agreement, a membership/Committee on Political Education application, a list of stewards) at this portion of the NEO or scheduled new employee training time.

What is the university required to do as it relates to NEOs?

The university is required to provide COWINS electronic notification of the name, job title, department and work location of any newly hired covered employees who are expected to attend the NEO session at least 48 hours in advance of the orientation. Additionally, the university is to provide at least 10 days' notice of any NEO to COWINS. A shorter notice may be provided where there is an urgent need critical to the agency's operations that was not reasonably foreseeable.

Can a covered employee present the COWINS NEO information?

Yes, as described in the Partnership Agreement, covered employees who are designated as COWINS Representatives can assist COWINS with their NEO presentation.

Will COWINS be given personal contact information on covered employees?

Yes, unless an employee opts out of having their personal contact information provided. The Act requires the university to provide COWINS with the home address, personal and mobile phone numbers, and personal email address for each new covered employee who has not opted out. The purpose of this is to assist COWINS in carrying out its obligations under the Act to represent covered employees. The Act requires COWINS to treat the information as confidential. COWINS may not release the information to any third party except for the purpose of carrying out the Certified Employee Organization's duties under the Act.

The law also provides a process by which covered employees can direct the State to refrain from providing this information to COWINS.

How does an employee request the University to refrain from sharing any personal information with COWINS?

Covered employees may opt in or opt out of their personal information being shared with COWINS through the web-based form, located at https://dhr.colorado.gov/about/labor-relations/quality-jobs-services-act/wins-opt-out-form [7]

Should employees be directed to visit Employee Self Service (ESS) to opt-out of the State sharing any personal information with COWINS?

If a current employee asks how to opt out, you may direct them to the web-based form located at https://dhr.colorado.gov/about/labor-relations/quality-jobs-services-act/wins-opt-out-form [7] website.

The university must remain neutral regarding any communication to employees about COWINS or any other employee organization, and you should not proactively raise the issue of personal information being shared with COWINS, or the opt-out process generally. New employees will be provided an initial notification via email when they begin their new roles with the university.

Is COWINS permitted to call employees or visit them at their personal residence?

Employees should contact COWINS at info@cowins.org [8] or (720) 614-1547 to discuss their communications with employees.

How was it determined which employees were designated as covered?

Initially, Human Resource representatives, in partnership with their appointing authorities, determined if an employee's designation was covered or not covered and those determinations were provided to COWINS. These representatives consulted the attached decision tree when making these decisions. If an employee questions their designation, please contact your campus HR office. Additionally, direct them to the Designation Dispute page located at https://dhr.colorado.gov/about/labor-relations/dispute-forms [9]

May non-covered employees choose to have payroll deductions go to COWINS?

Yes. A non-covered employee in most state entities and institutions can elect to have a payroll deduction go to COWINS. However, if you believe such payroll deductions for non-covered employees are mistaken, let the employee know that deductions are being made despite the fact they are not covered under the Act. If the employee requests that the deductions stop, contact the Employee Services Payroll team (hcm_community@cu.edu [10]) and request the appropriate payroll adjustments.

RIGHTS OF THE STATE, AGENCIES AND INSTITUTIONS (INCLUDING THE UNIVERSITY)

How will the Act affect the relationship between covered employees and management?

The Act was designed to ensure that the State, which includes the university, through its chosen representatives, "jointly work to promote cooperative relationships with the shared goal of providing the best possible services to the taxpayers and residents of the state." However, nothing in the Act prevents the university from convening, or engaging in discussions with any university employee or group of university employees to: (a) exercise any right or responsibility reserved to an appointing authority; (b) determine and carry out any mission, initiative, task force, agenda, policy, or program; (c) establish and oversee budget, finances, and accounting; (f) determine utilization of technology; (g) negotiate with, procure, and administer contracts; (h) make, amend and enforce, or revoke reasonable personal conduct rules; or (i) take any actions necessary to carry out any government function during an emergency.

Additionally, the state/university may respond to questions from a covered employee pertaining to the covered employee's employment or any matter, provided that such response is neutral toward participation, selection, and membership in an employee organization.

What rights will the university continue to have regarding operations?

The Act preserves certain "management rights." Specifically, the Act recognizes the ability of the university to: (a) exercise any right or responsibility reserved to an appointing authority, the [state personnel] director, or the state personnel board pursuant to the state personnel system and rules or procedures of either the state personnel board or the [state personnel] director; (b) determine and carry out any mission, initiative, task force, agenda, policy, or program of any department, division office, or other subdivision of the state; (c) establish and oversee budget, finances, and accounting; (d) determine utilization of technology; (e) negotiate with, procure and administer contracts the state has the lawful authority to enter; (f) make, amend and enforce, or revoke reasonable personal conduct rules; or (g) take such

actions as may be necessary to carry out any government function during an emergency.

Additionally, nothing in the Act prevents the university from convening or engaging in discussions with any state employee or group of state employees to accomplish any of the matters listed above.

The Partnership Agreement reiterates the Executive and Management Rights consistent with the Act.

Under the Act, does COWINS play a new role representing or speaking on behalf of employees in day-to-day workplace concerns and grievances?

The state and COWINS have negotiated Article 5: Union Rights, Article 9: Partnership Agreement Dispute Resolution Process, and Article 18: Corrective and Disciplinary Actions in the Partnership Agreement which address union rights and employee representation during a Rule 6-10 meeting and certain investigatory interviews. Please be aware that State Personnel Board Rules BR 1-18, BR 6-9, and BR 8-13 also address employee representation during disciplinary and grievance processes and authorize an employee to request to have a representative present during Rule 6-10 Meeting regarding potential disciplinary actions or during a Step Two Grievance meeting that occurs as part of the grievance process. This representative can be a COWINS Representative.

Does COWINS need to be notified of any corrective actions?

No. There is no requirement in the Act or the State Personnel Board Rules to notify COWINS or any employee representative about corrective actions that have been issued. If an employee chooses to share a corrective action with COWINS, it is the employee's right to do so.

How should violations of the Act's neutrality clause relating to COWINS be reported?

Under the Act and the Colorado Labor Peace Act, a violation of the neutrality clause constitutes an Unfair Labor Practice (ULP). As noted above, covered employees may refer ULP claims to CDLE-DLSS for review and processing. (See the CDLE Unfair Labor Practices Complaint Form). To the extent that the university violates Article 2: Union Recognition in the Partnership Agreement, the sole remedy is an unfair labor practice claim before CDLE-DLSS.

What are the consequences of violating neutrality requirements concerning COWINS?

Consequences of violating the neutrality requirement could include a formal ULP complaint being filed with CDLE-DLSS. To the extent neutrality is also contained within the Act, there may be a concern regarding an overlapping Partnership Agreement dispute as well. See the Colorado Department of Labor page on Navigating Labor Relations in Colorado [11]

.

COWINS ACCESS TO COVERED EMPLOYEES

Should COWINS be provided access to meeting and bulletin board spaces?

Yes, with reasonable limitations. It is suggested that requests be handled as outlined in the State Personnel Board Rules and your Department's access protocol or any current agreement with COWINS, and in consultation with your campus HR Office.

Rule 1-18 states: "Employees have the right to associate, self-organize, and designate representatives of their choice." ... "Such conferences should be scheduled to minimize disruption to productivity and the general work environment. A supervisor's consent shall not be unreasonably withheld."

If a department has a pre-existing partnership agreement pertaining to building access, meeting space and/or meeting with employees, they should abide by that agreement until it is superseded with the statewide Agreement or other department partnership agreement.

PROHIBITED ACTIVITIES

What activities is the state, including the university, prohibited from doing as it relates to the Act?

The university cannot: (a) take any action or make any statement in favor of or in opposition to a covered employee's decision to participate in, select or join an employee organization, or to refrain from these activities; except that the university may respond to questions from a covered employee pertaining to the covered employee's employment or any matter described in the Act, provided that such response is neutral toward participation, selection, and membership in an employee organization; (b) expend public money or resources for a negative campaign against an employee organization or otherwise provide assistance to individuals or groups engaged in such a campaign; (c) interfere with, restrain, or coerce covered employees from exercising the rights granted them under the Act; (d) discharge or discriminate against any covered employee because the employee filed an affidavit, or gave any information or testimony under the Act, or because the employee formed, joined, or chose to be represented by any employee organization, or refrained from any such activities; (e) refuse to participate in the partnership process; or (f) refuse to participate in the partnership dispute resolution process.

What happens if the state, including the university, engages in any prohibited activities?

The university could be subjected to an unfair labor practice (ULP) filing subject to review by

CDLE-DLSS if it engages in any prohibited activities or fails to discharge its duties outlined in the Act. Additionally, the university could be subject to a Partnership Agreement Dispute if it violates its duties under the Partnership Agreement.

COWINS ACTIVITY DURING THE WORKDAY

May employees use their work emails to send COWINS information?

Covered employees are permitted to communicate with one another and with COWINS about COWINS and workplace issues using work email. Generally, covered employees can send and receive such emails before and after work, during duty-free breaks, and occasionally during work time. However, the university's expectation is that working time is for employees to carry out their work duties for the benefit of the people of the state, and for that reason personal and non-duty related emails during working time (no matter the subject) should be limited and occasional and should never interfere with any work or any employees' duties. Covered employees must also follow applicable policies regarding the proper and secure use of university email systems.

Non-covered employees must remain neutral about employees' participation, selection, and membership in COWINS, and may not use their work email to talk about COWINS or other union matters in order to encourage or discourage participation in COWINS, or in a way that could be viewed as being non-neutral.

May an employee wear a pro- or anti- COWINS button or hat in the workplace?

In general, covered employees may wear pro- or anti-COWINS clothing so long as it complies with the dress code of your department, office or institution. If an employee is able to wear a hat for their favorite sports team, for example, they may wear items that show support for COWINS. However, a covered employee may be asked to remove an item if it poses a safety hazard due to the nature of the employee's work.

Non-covered employees may not wear pro- or anti-COWINS clothing in the workplace because non-covered employees must remain neutral about union involvement.

May an employee distribute or post COWINS literature?

Covered employees are permitted to distribute COWINS literature at work during non-work time. Additionally, COWINS Officials or Stewards may post COWINS literature on bulletin boards, subject to reasonable restrictions which would apply to other non-work related items, as outlined in Article 5.6: Bulletin Boards of the Partnership Agreement.

May employees participate in COWINS activities during work time?

Aside from NEO, time spent on COWINS activities should generally be conducted outside of work time such as after work, lunch periods and breaks. While employees may spend

incidental time at work on COWINS activities, such as reviewing communications from COWINS or visiting COWINS' website, employees are still expected to perform their duties during work time. Agencies and institutions should apply work restrictions about non-work-related activities uniformly. Employees that are COWINS stewards may participate in COWINS activities during work time consistent with Article 5 of the Partnership Agreement. If you have questions about whether a particular activity is allowed during work time, please reach out to your HR representative.

Is the union allowed to talk to employees while they are at work?

Yes, with reasonable limitations. COWINS shall have reasonable access to covered employees at work through electronic communication, on-site visitation and other means as further outlined in Articles 5: Union Rights, Article 7: New Employee Orientation, Article 9: Partnership Agreement Dispute Resolution Process, and Article 18: Corrective and Disciplinary Actions of the Partnership Agreement.

New employees and union members/representatives can talk for thirty (30) minutes on work time during new hire orientation (NEO) or scheduled new employee training time. Employees can also talk during unpaid lunch periods, breaks, and before and after work. Covered employees have the right to communicate with one another and with employee organization representatives concerning organization, representation, workplace issues, the partnership process, and the business and programs of Certified Employee Organizations by means of email systems, texts, other electronic communications, telephone, paper documents, and other means of communication subject to reasonable restrictions.

What is protected concerted union activity?

Protected concerted union activity, or "PCA", is the right of covered employees to:

Engage in concerted activities for the purpose of the partnership process or other mutual aid or protection. Employees have the right to engage in these activities without interference, restraint or coercion by the state or COWINS. Interference with the PCA of a covered employee constitutes an unfair labor practice. PCA may include activities that occur during work time, such as attending a work meeting as a union steward, but may also occur outside work time, such as attending an after-hours union event. When PCA occurs during work time, employees must still follow applicable state policies and cannot disrupt, on a widespread basis, the day-to-day functioning of the state or any of its agencies or departments.

Groups audience:
HCM Community

Source URL:https://www.cu.edu/hcm-community/cowins-hcm

Links
[1] https://www.cu.edu/hcm-community/cowins-hcm [2] https://node/309738
[3] https://www.cu.edu/docs/cowins-partnership-agreement [4] https://www.cu.edu/docs/co-wins-decision-tree-classified-employees [5] https://www.cu.edu/docs/union-code-field-position-data
[6] https://www.cu.edu/hcm-community/employee-transactions#tabs-2 [7] https://dhr.colorado.gov/about/labor-relations/quality-jobs-services-act/wins-opt-out-form
[8] mailto:info@cowins.org [9] https://dhr.colorado.gov/about/labor-relations/dispute-forms
[10] mailto:hcm_community@cu.edu [11] https://cdle.colorado.gov/dlss/labor-laws-by-topic/labor-

relations/unions