

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

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 07-0173.01 Christy Chase

**SENATE BILL 07-025**

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**SENATE SPONSORSHIP**

**Veiga,**

**HOUSE SPONSORSHIP**

**Madden,**

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**Senate Committees**  
State, Veterans & Military Affairs  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE EXPANSION OF EMPLOYMENT NONDISCRIMINATION**  
102 **PROTECTIONS, AND MAKING AN APPROPRIATION THEREFOR.**

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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.)*

Adds sexual orientation to the list of characteristics for which a person may not be discriminated against under state laws applying to:

Employers' practices involving hiring, discharging, promoting, or demoting employees; the harassment of employees; and the compensation of employees;

Employment agency practices involving listings, referrals, or compliance with an employer's direct or indirect request

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  
Amended 2nd Reading  
April 16, 2007

to discriminate;  
Labor organization practices involving the exclusion,  
expulsion, or other discrimination in membership;  
Employer, employment agency, or labor organization  
practices involving the use of a discriminatory publication,  
application, or inquiry; and  
Apprenticeship training programs or other occupational  
instruction programs.

Allows employers to require compliance with a dress code.

Excludes religious organizations or associations from the  
definition of "employer" for purposes of complying with state  
employment nondiscrimination laws.

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

2 **SECTION 1.** 24-34-401, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **24-34-401. Definitions.** As used in this part 4, unless the context  
5 otherwise requires:

6 (7.5) "SEXUAL ORIENTATION" MEANS A PERSON'S ACTUAL OR  
7 PERCEIVED ORIENTATION TOWARD HETEROSEXUALITY, HOMOSEXUALITY,  
8 BISEXUALITY, OR TRANSGENDER STATUS.

9 **SECTION 2.** 24-34-402 (1) (a), (1) (b), (1) (c), (1) (d), and (1)  
10 (f), Colorado Revised Statutes, are amended, and the said 24-34-402 is  
11 further amended BY THE ADDITION OF THE FOLLOWING NEW  
12 SUBSECTIONS, to read:

13 **24-34-402. Discriminatory or unfair employment practices.**

14 (1) It shall be a discriminatory or unfair employment practice:

15 (a) For an employer to refuse to hire, to discharge, to promote or  
16 demote, to harass during the course of employment, or to discriminate in  
17 matters of compensation against any person otherwise qualified because  
18 of disability, race, creed, color, sex, SEXUAL ORIENTATION, RELIGION, age,  
19 national origin, or ancestry; but, with regard to a disability, it is not a

1 discriminatory or an unfair employment practice for an employer to act  
2 as provided in this paragraph (a) if there is no reasonable accommodation  
3 that the employer can make with regard to the disability, the disability  
4 actually disqualifies the person from the job, and the disability has a  
5 significant impact on the job. For purposes of this paragraph (a), "harass"  
6 means to create a hostile work environment based upon an individual's  
7 race, national origin, sex, SEXUAL ORIENTATION, disability, age, or  
8 religion. Notwithstanding the provisions of this paragraph (a),  
9 harassment is not an illegal act unless a complaint is filed with the  
10 appropriate authority at the complainant's workplace and such authority  
11 fails to initiate a reasonable investigation of a complaint and take prompt  
12 remedial action if appropriate.

13 (b) For an employment agency to refuse to list and properly  
14 classify for employment or to refer an individual for employment in a  
15 known available job for which such individual is otherwise qualified  
16 because of disability, race, creed, color, sex, SEXUAL ORIENTATION,  
17 RELIGION, age, national origin, or ancestry or for an employment agency  
18 to comply with a request from an employer for referral of applicants for  
19 employment if the request indicates either directly or indirectly that the  
20 employer discriminates in employment on account of disability, race,  
21 creed, color, sex, SEXUAL ORIENTATION, RELIGION, age, national origin,  
22 or ancestry; but, with regard to a disability, it is not a discriminatory or an  
23 unfair employment practice for an employment agency to refuse to list  
24 and properly classify for employment or to refuse to refer an individual  
25 for employment in a known available job for which such individual is  
26 otherwise qualified if there is no reasonable accommodation that the  
27 employer can make with regard to the disability, the disability actually

1       disqualifies the applicant from the job, and the disability has a significant  
2       impact on the job;

3               (c) For a labor organization to exclude any individual otherwise  
4       qualified from full membership rights in such labor organization, or to  
5       expel any such individual from membership in such labor organization,  
6       or to otherwise discriminate against any of its members in the full  
7       enjoyment of work opportunity because of disability, race, creed, color,  
8       sex, SEXUAL ORIENTATION, RELIGION, age, national origin, or ancestry;

9               (d) For any employer, employment agency, or labor organization  
10       to print or circulate or cause to be printed or circulated any statement,  
11       advertisement, or publication, or to use any form of application for  
12       employment or membership, or to make any inquiry in connection with  
13       prospective employment or membership ~~which~~ THAT expresses, either  
14       directly or indirectly, any limitation, specification, or discrimination as to  
15       disability, race, creed, color, sex, SEXUAL ORIENTATION, RELIGION, age,  
16       national origin, or ancestry or intent to make any such limitation,  
17       specification, or discrimination, unless based upon a bona fide  
18       occupational qualification or required by and given to an agency of  
19       government for security reasons;

20              (f) For any employer, labor organization, joint apprenticeship  
21       committee, or vocational school providing, coordinating, or controlling  
22       apprenticeship programs or providing, coordinating, or controlling  
23       on-the-job training programs or other instruction, training, or retraining  
24       programs:

25              (I) To deny to or withhold from any qualified person because of  
26       disability, race, creed, color, sex, SEXUAL ORIENTATION, RELIGION, age,  
27       national origin, or ancestry the right to be admitted to or participate in an

1 apprenticeship training program, an on-the-job training program, or any  
2 other occupational instruction, training, or retraining program; but, with  
3 regard to a disability, it is not a discriminatory or an unfair employment  
4 practice to deny or withhold the right to be admitted to or participate in  
5 any such program if there is no reasonable accommodation that can be  
6 made with regard to the disability, the disability actually disqualifies the  
7 applicant from the program, and the disability has a significant impact on  
8 participation in the program;

9 (II) To discriminate against any qualified person in pursuit of such  
10 programs or to discriminate against such a person in the terms, conditions,  
11 or privileges of such programs because of disability, race, creed, color,  
12 sex, SEXUAL ORIENTATION, RELIGION, age, national origin, or ancestry;

13 (III) To print or circulate or cause to be printed or circulated any  
14 statement, advertisement, or publication, or to use any form of application  
15 for such programs, or to make any inquiry in connection with such  
16 programs ~~which~~ THAT expresses, directly or indirectly, any limitation,  
17 specification, or discrimination as to disability, race, creed, color, sex,  
18 SEXUAL ORIENTATION, RELIGION, age, national origin, or ancestry or any  
19 intent to make any such limitation, specification, or discrimination, unless  
20 based on a bona fide occupational qualification;

21 (5) NOTHING IN THIS SECTION SHALL PRECLUDE AN EMPLOYER  
22 FROM REQUIRING COMPLIANCE WITH A REASONABLE DRESS CODE AS LONG  
23 AS THE DRESS CODE IS APPLIED CONSISTENTLY.

24 (6) FOR PURPOSES OF THIS SECTION, "EMPLOYER" SHALL NOT  
25 INCLUDE ANY RELIGIOUS ORGANIZATION OR ASSOCIATION, EXCEPT FOR  
26 ANY RELIGIOUS ORGANIZATION OR ASSOCIATION THAT IS SUPPORTED IN  
27 WHOLE OR IN PART BY MONEY RAISED BY TAXATION OR PUBLIC

1 BORROWING.

2 **SECTION 3. Appropriation.** (1) In addition to any other  
3 appropriation, there is hereby appropriated, out of any moneys in the  
4 controlled maintenance trust fund, to the department of regulatory  
5 agencies, for allocation to the executive director's office, for legal  
6 services, for the fiscal year beginning July 1, 2007, the sum of thirty-three  
7 thousand eight hundred eighty-five dollars (\$33,885), or so much thereof  
8 as may be necessary, for the implementation of this act.

9 (2) In addition to any other appropriation, there is hereby  
10 appropriated, out of any moneys in the general fund not otherwise  
11 appropriated, to the department of regulatory agencies, for allocation to  
12 the division of civil rights, for the fiscal year beginning July 1, 2007, the  
13 sum of twenty-eight thousand seven hundred one dollars (\$28,701) and  
14 0.5 FTE, or so much thereof as may be necessary, for the implementation  
15 of this act.

16 (3) In addition to any other appropriation, there is hereby  
17 appropriated to the department of law, for the fiscal year beginning July  
18 1, 2007, the sum of thirty-three thousand eight hundred eighty-five dollars  
19 (\$33,885) and 0.3 FTE, or so much thereof as may be necessary, for the  
20 provision of legal services to the department of regulatory agencies  
21 related to the implementation of this act. Said sum shall be from cash  
22 funds exempt received from the department of regulatory agencies out of  
23 the appropriation made in subsection (1) of this section.

24 **SECTION 4. Effective date - applicability.** (1) This act shall  
25 take effect at 12:01 a.m. on the day following the expiration of the  
26 ninety-day period after final adjournment of the general assembly that is  
27 allowed for submitting a referendum petition pursuant to article V,

1 section 1 (3) of the state constitution (August 8, 2007, if adjournment sine  
2 die is on May 9, 2007); except that, if a referendum petition is filed  
3 against this act or an item, section, or part of this act within such period,  
4 then the act, item, section, or part, if approved by the people, shall take  
5 effect on the date of the official declaration of the vote thereon by  
6 proclamation of the governor.

7 (2) The provisions of this act shall apply to discriminatory or  
8 unfair employment practices committed on or after the applicable  
9 effective date of this act.