

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 07-0173.01 Christy Chase

SENATE BILL 07-025

SENATE SPONSORSHIP

Veiga,

HOUSE SPONSORSHIP

Madden,

Senate Committees

State, Veterans & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

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

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
3rd Reading Unamended
April 17, 2007

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.

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.