

Job Creation with Sustainable Income and Work Supports Sub-Committee Legislation Proposals

Representative Mark Waller

I. Clarify employer liability:

There is nothing currently in state statute that outlines employer liability when hiring someone with a criminal record. The concern that CCJRC hears most often from employers is that they are afraid of getting sued if they hire someone with a record and the person hurts or steals from another employee or customer. The question of employer liability is addressed in "common law" and relies on the interpretation of court decisions on the topic of "negligent hiring/supervision." We are proposing statutory language that indicates that hiring someone with a criminal record is NOT enough to trigger employer liability under a negligent hiring theory and that other factors must also come into play whereby a reasonable person would know or should know that an employee posed an undue risk to either another employee, a customer, or a member of the public to whom the employer had a duty to protect.

II. State Earned Income Tax Credit

Restore the State Earned Income Tax Credit for low wage workers to the #1 TABOR Refund mechanism. This would have not immediate impact due to low state revenues, but could result in low wage workers receiving their State EITC years earlier than the current situation. It should have no fiscal note in any case since it just reorders the refunding of TABOR excess revenues.