

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 5, 2009
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB09-1057 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, line 10, after "school", insert "or in a
2 nonpublic home-based educational program pursuant to section
3 22-33-104.5, C.R.S.,".

4 Page 3, strike lines 16 through 20 and substitute the following:

5 "(1) "ACADEMIC ACTIVITY" MEANS THE FOLLOWING MEETINGS OR
6 CONFERENCES REGARDING THE EMPLOYEE'S CHILD OR ANY CHILD FOR
7 WHOM THE EMPLOYEE HAS PRIMARY LEGAL RESPONSIBILITY:

8 (a) A PARENT-TEACHER CONFERENCE; OR

9 (b) A MEETING RELATED TO: SPECIAL EDUCATION SERVICES, AS
10 DEFINED IN SECTION 22-20-103, C.R.S.; RESPONSE TO INTERVENTION, AS
11 DEFINED IN SECTION 22-2-133 (4) (b), C.R.S.; DROPOUT PREVENTION;
12 ATTENDANCE; TRUANCY; OR DISCIPLINARY ISSUES.";

13 line 27, after "SCHOOL", insert "OR IN A NONPUBLIC HOME-BASED
14 EDUCATIONAL PROGRAM PURSUANT TO SECTION 22-33-104.5, C.R.S.,".

15 Page 4, line 3, after "HOMES,", insert "SEASONAL WORKERS,";

16 strike lines 5 through 8 and substitute the following:

1 "(4) "EMPLOYER" MEANS AN EMPLOYER, AS DEFINED IN THE
2 FEDERAL "FAMILY AND MEDICAL LEAVE ACT OF 1993", PUB.L. 103-3, AS
3 AMENDED.";

4 line 9, strike "**Unpaid leave**" and substitute "**Leave**";

5 line 10, after "(1)", insert "(a)";

6 line 11, strike "UNPAID";

7 line 12, strike "FORTY" and substitute "EIGHTEEN";

8 line 17, strike "AT ANOTHER TIME." and substitute "WITHIN THE SAME
9 WORK WEEK.";

10 after line 17, insert the following:

11 "(b) AN EMPLOYEE WHO WORKS LESS THAN A FULL-TIME
12 SCHEDULE SHALL BE ELIGIBLE FOR A PORTION OF THE LEAVE SPECIFIED IN
13 PARAGRAPH (a) OF THIS SUBSECTION (1) BASED ON THE PERCENT OF A
14 FULL-TIME SCHEDULE THE EMPLOYEE WORKS.

15 (c) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1),
16 AN EMPLOYER MAY LIMIT THE ABILITY OF AN EMPLOYEE TO TAKE LEAVE
17 PURSUANT TO THIS SECTION IN CASES OF EMERGENCY OR OTHER
18 SITUATIONS THAT MAY ENDANGER A PERSON'S HEALTH OR SAFETY AND
19 THAT NECESSITATE THE PRESENCE OF THE EMPLOYEE.".

20 Page 5, line 4, strike "THREE DAYS" and substitute "ONE CALENDAR WEEK"
21 and, strike "ACTIVITY." and substitute "ACTIVITY, AND THE NOTICE SHALL
22 INCLUDE THE WRITTEN VERIFICATION SPECIFIED IN SUBSECTION (2) OF THIS
23 SECTION IF REQUIRED BY THE EMPLOYER.";

24 line 6, strike "THREE DAYS" and substitute "ONE CALENDAR WEEK";

25 line 8, strike "LEAVE. THE NOTICE TO THE" and substitute "LEAVE AND
26 SHALL PROVIDE THE EMPLOYER WITH WRITTEN VERIFICATION, AS
27 DESCRIBED IN SUBSECTION (2) OF THIS SECTION, UPON RETURN TO WORK.";

28 strike lines 9 and 10;

- 1 line 16, after "EMPLOYEE", insert "OR EMPLOYER";
- 2 line 17, after "VACATION LEAVE,", insert "SICK LEAVE,";
- 3 line 18, strike "SECTION." and substitute "SECTION, AND THE EMPLOYER
4 SHALL ALLOW THE EMPLOYEE TO USE SUCH ACCRUED PAID LEAVE FOR THE
5 SAME PURPOSES AS, AND WITH NOTICE REQUIREMENTS NO MORE
6 STRINGENT THAN, THOSE APPLICABLE TO LEAVE UNDER THIS ARTICLE.";
- 7 line 22, strike "LEAVE" and substitute "PAID OR UNPAID LEAVE, INCLUDING
8 VACATION LEAVE, SICK LEAVE, OR PERSONAL LEAVE,";
- 9 line 23, strike "OF SUBSECTION (1)";
- 10 strike line 26 and substitute the following:
- 11 "PURPOSES AS, AND WITH NOTICE REQUIREMENTS NO MORE STRINGENT
12 THAN, THOSE APPLICABLE TO";
- 13 after line 27, insert the following:
- 14 **"8-13.3-104. Repeal.** THIS ARTICLE IS REPEALED, EFFECTIVE
15 SEPTEMBER 1, 2015."

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