

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

**ENGROSSED**

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

LLS NO. 13-0713.01 Christy Chase x2008

**HOUSE BILL 13-1136**

---

**HOUSE SPONSORSHIP**

**Levy and Salazar,** Buckner, Court, Duran, Exum, Fields, Fischer, Garcia, Ginal, Hulinghorst, Kagan, Labuda, Lebsack, McCann, Melton, Mitsch Bush, Moreno, Peniston, Pettersen, Primavera, Ryden, Schafer, Singer, Tyler, Vigil, Williams, Ferrandino, Foote, Pabon, Rosenthal

**SENATE SPONSORSHIP**

**Carroll and Guzman,** Aguilar, Giron, Hodge, Hudak, Jones, Kefalas, Morse, Newell, Nicholson, Steadman, Tochtrop, Todd, Ulibarri, Heath, Johnston, Schwartz

---

**House Committees**

Judiciary  
Appropriations

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF REMEDIES IN EMPLOYMENT**  
102 **DISCRIMINATION CASES BROUGHT UNDER STATE LAW.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Current law does not permit an award of compensatory or punitive damages or attorney fees and costs to a plaintiff who prevails in a complaint before the Colorado civil rights commission (commission) or in a lawsuit alleging a discriminatory or unfair employment practice under state law, even in cases of intentional discrimination. While federal

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.*

HOUSE  
Amended 2nd Reading  
April 17, 2013

employment antidiscrimination laws allow such damages in cases where intentional discrimination is found, and allows an award of reasonable attorney fees and costs, only employers who employ 15 or more employees are subject to federal law. Moreover, victims of employment discrimination on the basis of sexual orientation are not afforded protections under federal law. Thus, employees who work for employers with fewer than 15 employees or who claim employment discrimination on the basis of sexual orientation are not allowed compensatory or punitive damages and cannot recover reasonable attorney fees and costs when they prove a case of intentional employment discrimination.

Additionally, current law precludes a claim of age discrimination by persons 70 years of age or older.

**Section 1** of the bill establishes the "Job Protection and Civil Rights Enforcement Act of 2013", which would allow the additional remedies of compensatory and punitive damages in employment discrimination cases brought under state law against employers where intentional discrimination is proven. These damages would be in addition to the remedies allowed under current law, namely, front pay, back pay, interest on back pay, reinstatement or hiring, and other equitable relief that may be awarded. Compensatory damages are to compensate a plaintiff for other pecuniary losses, emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses. If the plaintiff shows by a preponderance of the evidence that the defendant engaged in a discriminatory or unfair employment practice with malice or reckless indifference to the rights of the plaintiff, the plaintiff may recover punitive damages.

The bill limits the amount of compensatory and punitive damages to the amounts specified in the federal "Civil Rights Act of 1991" and directs the commission or court to consider the size and assets of the defendant and the egregiousness of the intentional discriminatory or unfair employment practice when determining the amount of damages to award the victim.

When a plaintiff claims compensatory or punitive damages in a civil lawsuit, either party to the action is entitled to demand a jury trial. Additionally, the court may award the prevailing plaintiff reasonable attorney fees and costs and, if the court finds that the action was frivolous, groundless, or vexatious, the court may award attorney fees and costs to the defendant.

**Section 2** of the bill removes the maximum age limit for purposes of age discrimination claims, thereby permitting persons 70 years of age or older to pursue a claim based on age discrimination.

**Section 3** of the bill authorizes the commission to appoint a working group of employers and employees to assist in education and outreach efforts to foster compliance with laws prohibiting discriminatory or unfair employment practices.

The remedies available under the bill would apply to causes of action alleging discriminatory or unfair employment practices accruing on or after January 1, 2015.

---

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

**SECTION 1.** In Colorado Revised Statutes, **repeal and reenact, with amendments,** 24-34-405 as follows:

**24-34-405. Relief authorized - short title.** (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "JOB PROTECTION AND CIVIL RIGHTS ENFORCEMENT ACT OF 2013".

(2) (a) IN ADDITION TO THE RELIEF AUTHORIZED BY SECTION 24-34-306(9), THE COMMISSION OR THE COURT MAY ORDER AFFIRMATIVE RELIEF THAT THE COMMISSION OR COURT DETERMINES TO BE APPROPRIATE, INCLUDING THE FOLLOWING RELIEF, AGAINST A RESPONDENT WHO IS FOUND TO HAVE ENGAGED IN AN UNFAIR OR DISCRIMINATORY EMPLOYMENT PRACTICE:

(I) REINSTATEMENT OR HIRING OF EMPLOYEES, WITH OR WITHOUT BACK PAY. IF THE COMMISSION OR COURT ORDERS BACK PAY, THE EMPLOYER, EMPLOYMENT AGENCY, OR LABOR ORGANIZATION RESPONSIBLE FOR THE DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE SHALL PAY THE BACK PAY TO THE PERSON WHO WAS THE VICTIM OF THE PRACTICE.

(II) FRONT PAY; OR

(III) ANY OTHER EQUITABLE RELIEF THE COMMISSION OR COURT DEEMS APPROPRIATE.

(b) IF THE COMMISSION OR COURT ORDERS BACK PAY, THE LIABILITY FOR BACK PAY ACCRUES FROM A DATE NOT MORE THAN TWO YEARS PRIOR TO THE FILING OF A CHARGE WITH THE DIVISION. THE

1 COMMISSION OR COURT SHALL REDUCE AN AWARD OF BACK PAY BY ANY  
2 AMOUNT OF ACTUAL EARNINGS OF, OR AMOUNTS THAT COULD HAVE BEEN  
3 EARNED WITH REASONABLE DILIGENCE BY, THE PERSON WHO WAS THE  
4 VICTIM OF THE DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE.

5 (3) (a) IN ADDITION TO THE RELIEF AVAILABLE PURSUANT TO  
6 SUBSECTION (2) OF THIS SECTION, AND EXCEPT AS PROVIDED IN  
7 PARAGRAPH (g) OF THIS SUBSECTION (3), IN A [REDACTED] CIVIL ACTION BROUGHT  
8 BY A [REDACTED] PLAINTIFF UNDER THIS PART 4 AGAINST A [REDACTED] DEFENDANT WHO IS  
9 FOUND TO HAVE ENGAGED IN AN INTENTIONAL DISCRIMINATORY OR  
10 UNFAIR EMPLOYMENT PRACTICE, THE [REDACTED] PLAINTIFF MAY RECOVER  
11 COMPENSATORY AND PUNITIVE DAMAGES AS SPECIFIED IN THIS  
12 SUBSECTION (3). THE COURT SHALL NOT AWARD A PLAINTIFF [REDACTED]  
13 COMPENSATORY OR PUNITIVE DAMAGES WHEN THE [REDACTED] DEFENDANT IS  
14 FOUND TO HAVE ENGAGED IN AN EMPLOYMENT PRACTICE THAT IS  
15 UNLAWFUL SOLELY BECAUSE OF ITS DISPARATE IMPACT.

16 (b) (I) EXCEPT AS LIMITED BY THE "COLORADO GOVERNMENTAL  
17 IMMUNITY ACT", ARTICLE 10 OF THIS TITLE, AND EXCEPT AS PROVIDED IN  
18 SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), A [REDACTED] PLAINTIFF MAY  
19 RECOVER PUNITIVE DAMAGES AGAINST A [REDACTED] DEFENDANT, OTHER THAN THE  
20 STATE OR ANY POLITICAL SUBDIVISION, COMMISSION, DEPARTMENT,  
21 INSTITUTION, OR SCHOOL DISTRICT OF THE STATE, IF THE [REDACTED] PLAINTIFF  
22 DEMONSTRATES BY CLEAR AND CONVINCING EVIDENCE THAT THE  
23 RESPONDENT OR DEFENDANT ENGAGED IN A DISCRIMINATORY OR UNFAIR  
24 EMPLOYMENT PRACTICE WITH MALICE OR RECKLESS INDIFFERENCE TO THE  
25 RIGHTS OF THE PLAINTIFF. HOWEVER, IF THE DEFENDANT DEMONSTRATES  
26 GOOD-FAITH EFFORTS TO COMPLY WITH THIS PART 4 AND TO PREVENT  
27 DISCRIMINATORY AND UNFAIR EMPLOYMENT PRACTICES IN THE

1 WORKPLACE, THE COURT SHALL NOT AWARD PUNITIVE DAMAGES AGAINST  
2 THE DEFENDANT.

3 (II) THE COMMISSION OR COURT SHALL NOT AWARD PUNITIVE  
4 DAMAGES IN A CIVIL ACTION INVOLVING A CLAIM OF FAILURE TO MAKE A  
5 REASONABLE ACCOMMODATION FOR A PERSON WITH A DISABILITY IF THE  
6 DEFENDANT DEMONSTRATES GOOD FAITH EFFORTS TO IDENTIFY AND MAKE  
7 A REASONABLE ACCOMMODATION THAT WOULD PROVIDE THE PERSON  
8 WITH A DISABILITY AN EQUALLY EFFECTIVE OPPORTUNITY AND WOULD  
9 NOT CAUSE AN UNDUE HARDSHIP ON THE OPERATION OF THE DEFENDANT'S  
10 BUSINESS.

11 (c) A [REDACTED] PLAINTIFF MAY RECOVER COMPENSATORY DAMAGES  
12 AGAINST A [REDACTED] DEFENDANT FOR OTHER PECUNIARY LOSSES, EMOTIONAL  
13 PAIN AND SUFFERING, INCONVENIENCE, MENTAL ANGUISH, LOSS OF  
14 ENJOYMENT OF LIFE, AND OTHER NONPECUNIARY LOSSES.

15 (d) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
16 PARAGRAPH (d), THE TOTAL AMOUNT OF COMPENSATORY AND PUNITIVE  
17 DAMAGES AWARDED PURSUANT TO THIS SUBSECTION (3) SHALL NOT  
18 EXCEED THE AMOUNTS SPECIFIED IN 42 U.S.C. SEC. 1981a (b) (3).

19 (II) FOR EMPLOYERS WHO EMPLOY FEWER THAN FIFTEEN  
20 EMPLOYEES, THE TOTAL AMOUNT OF COMPENSATORY AND PUNITIVE  
21 DAMAGES AWARDED PURSUANT TO THIS SUBSECTION (3) SHALL NOT  
22 EXCEED THE FOLLOWING AMOUNTS:

23 (A) IF THE RESPONDENT OR DEFENDANT HAS ONE OR MORE  
24 EMPLOYEES BUT FEWER THAN FIVE EMPLOYEES IN EACH OF TWENTY OR  
25 MORE CALENDAR WEEKS IN EITHER THE CURRENT OR PRECEDING  
26 CALENDAR YEAR, TEN THOUSAND DOLLARS; AND

27 (B) IF THE RESPONDENT OR DEFENDANT HAS FIVE OR MORE

1 EMPLOYEES BUT FOURTEEN OR FEWER EMPLOYEES IN EACH OF TWENTY OR  
2 MORE CALENDAR WEEKS IN EITHER THE CURRENT OR PRECEDING  
3 CALENDAR YEAR, TWENTY-FIVE THOUSAND DOLLARS.

4 (III) IN DETERMINING THE APPROPRIATE LEVEL OF DAMAGES TO  
5 AWARD A [REDACTED] PLAINTIFF WHO HAS BEEN THE VICTIM OF AN INTENTIONAL  
6 DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE, THE [REDACTED] COURT  
7 SHALL CONSIDER THE SIZE AND ASSETS OF THE [REDACTED] DEFENDANT AND THE  
8 EGREGIOUSNESS OF THE INTENTIONAL DISCRIMINATORY OR UNFAIR  
9 EMPLOYMENT PRACTICE.

10 (IV) IF A COMPLAINING PARTY OR PLAINTIFF ASSERTS CLAIMS OF  
11 INTENTIONAL DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICES  
12 UNDER THIS ARTICLE AND UNDER APPLICABLE FEDERAL  
13 ANTI-DISCRIMINATION LAWS, THE COMPLAINING PARTY OR PLAINTIFF MAY  
14 RECOVER RELIEF UNDER THIS SECTION ONLY ONCE FOR THE SAME INJURIES,  
15 DAMAGES, OR LOSSES.

16 (e) COMPENSATORY OR PUNITIVE DAMAGES AWARDED PURSUANT  
17 TO THIS SUBSECTION (3) ARE IN ADDITION TO, AND DO NOT INCLUDE,  
18 FRONT PAY, BACK PAY, INTEREST ON BACK PAY, OR ANY OTHER TYPE OF  
19 RELIEF AWARDED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

20 (f) THE REMEDIES SPECIFIED IN THIS SUBSECTION (3) APPLY TO  
21 CAUSES OF ACTION ALLEGING DISCRIMINATORY OR UNFAIR EMPLOYMENT  
22 PRACTICES ACCRUING ON OR AFTER JANUARY 1, 2015.

23 (g) IN A CIVIL ACTION INVOLVING A CLAIM OF DISCRIMINATION  
24 BASED ON AGE, THE PLAINTIFF IS ENTITLED ONLY TO THE RELIEF  
25 AUTHORIZED IN SUBSECTION (2) OF THIS SECTION AND IN 29 U.S.C. SEC.  
26 626 (b) AND 29 U.S.C. SEC. 216 (b) IF THE COURT FINDS THAT THE  
27 DEFENDANT ENGAGED IN A DISCRIMINATORY OR UNFAIR EMPLOYMENT

1 PRACTICE BASED ON AGE. IF, IN ADDITION TO ALLEGING DISCRIMINATION  
2 BASED ON AGE, THE PLAINTIFF ALLEGES DISCRIMINATION BASED ON ANY  
3 OTHER FACTOR SPECIFIED IN SECTION 24-34-402 (1), THIS PARAGRAPH (g)  
4 DOES NOT PRECLUDE A PLAINTIFF FROM RECOVERING THE RELIEF  
5 AUTHORIZED BY THIS SECTION FOR THAT DISCRIMINATION CLAIM.

6 (4) IF A PLAINTIFF IN A CIVIL ACTION FILED UNDER THIS PART 4  
7 SEEKS COMPENSATORY OR PUNITIVE DAMAGES PURSUANT TO SUBSECTION  
8 (3) OF THIS SECTION, ANY PARTY TO THE CIVIL ACTION MAY DEMAND A  
9 TRIAL BY JURY.

10 (5) IN ANY CIVIL ACTION UNDER THIS PART 4, THE COURT  
11 MAY AWARD REASONABLE ATTORNEY FEES AND COSTS TO THE PREVAILING  
12 PLAINTIFF. IF THE COURT FINDS THAT AN ACTION OR DEFENSE BROUGHT  
13 PURSUANT TO THIS PART 4 WAS FRIVOLOUS, GROUNDLESS, OR VEXATIOUS  
14 AS PROVIDED IN ARTICLE 17 OF TITLE 13, C.R.S., THE COURT MAY AWARD  
15 COSTS AND ATTORNEY FEES TO THE DEFENDANT IN THE ACTION.

16 (6) EXCEPT WHEN FEDERAL LAW IS SILENT ON THE ISSUE, THIS  
17 SECTION SHALL BE CONSTRUED, INTERPRETED, AND APPLIED IN A MANNER  
18 THAT IS CONSISTENT WITH STANDARDS ESTABLISHED THROUGH JUDICIAL  
19 INTERPRETATION OF TITLE VII OF THE FEDERAL "CIVIL RIGHTS ACT OF  
20 1964", AS AMENDED, 42 U.S.C. SEC. 2000e ET SEQ.; THE FEDERAL "AGE  
21 DISCRIMINATION IN EMPLOYMENT ACT OF 1967", AS AMENDED, 29 U.S.C.  
22 SEC. 621 ET SEQ.; TITLES I AND V OF THE FEDERAL "AMERICANS WITH  
23 DISABILITIES ACT OF 1990", AS AMENDED, 42 U.S.C. SEC. 12111 ET SEQ.;  
24 AND THE FEDERAL "CIVIL RIGHTS ACT OF 1991", 42 U.S.C. SEC. 1981a.

25 (7) NOTHING IN THIS SECTION PRECLUDES A PARTY FROM  
26 ASSERTING ANY OTHER AVAILABLE STATUTORY OR COMMON LAW CLAIMS.

27 (8) (a) AS USED IN THIS SUBSECTION (7), "AGGRIEVED PARTY"

1 MEANS A PERSON WHO HAS FILED A COMPLAINT AN INTENTIONAL  
2 DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE, INCLUDING AN  
3 APPLICANT FOR A POSITION IN THE STATE PERSONNEL SYSTEM OR AN  
4 EMPLOYEE IN THE STATE PERSONNEL SYSTEM.

5 (b) THE COMMISSION, A COMMISSIONER, AN ADMINISTRATIVE LAW  
6 JUDGE APPOINTED PURSUANT TO PART 10 OF ARTICLE 30 OF THIS TITLE, OR,  
7 IN CASES INVOLVING APPLICANTS FOR POSITIONS IN OR EMPLOYEES IN THE  
8 STATE PERSONNEL SYSTEM, THE STATE PERSONNEL BOARD ESTABLISHED  
9 PURSUANT TO SECTION 14 OF ARTICLE XII OF THE STATE CONSTITUTION  
10 SHALL NOT AWARD DAMAGES TO AN AGGRIEVED PARTY ALLEGING AN  
11 INTENTIONAL DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE. AN  
12 AGGRIEVED PARTY WHO IS SEEKING DAMAGES AS AUTHORIZED IN  
13 SUBSECTION (3) OF THIS SECTION MUST FILE A CIVIL ACTION IN A COURT OF  
14 COMPETENT JURISDICTION TO RECOVER THOSE DAMAGES; EXCEPT THAT  
15 PUNITIVE DAMAGES ARE NOT RECOVERABLE AGAINST THE STATE OR ANY  
16 POLITICAL SUBDIVISION, COMMISSION, DEPARTMENT, INSTITUTION, OR  
17 SCHOOL DISTRICT OF THE STATE.

18 (c) (I) UPON ISSUANCE OF AN ORDER BY THE COMMISSION  
19 PURSUANT TO SECTION 24-34-306 (9) AND SUBSECTION (2) OF THIS  
20 SECTION OR OF A WRITTEN DECISION BY THE STATE PERSONNEL BOARD  
21 PURSUANT TO SECTION 24-50-125.4 IN WHICH THE COMMISSION OR STATE  
22 PERSONNEL BOARD MAKES A FINDING OF AN INTENTIONAL  
23 DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE, AN AGGRIEVED  
24 PARTY MAY FILE A CIVIL ACTION IN A DISTRICT COURT IN THIS STATE  
25 SEEKING DAMAGES AS AUTHORIZED IN SUBSECTION (3) OF THIS SECTION.

26 (II) FOR COMPLAINTS FILED WITH THE COMMISSION, THE  
27 AGGRIEVED PARTY MUST FILE THE ACTION FOR DAMAGES WITHIN THIRTY



1 DAYS AFTER THE DATE THE COMMISSION MAILED NOTICE OF THE ORDER  
2 ISSUED PURSUANT TO SECTION 24-34-306 (9) AND SUBSECTION (2) OF THIS  
3 SECTION. IF THE AGGRIEVED PARTY FAILS TO FILE AN ACTION FOR  
4 DAMAGES WITHIN THIRTY DAYS AFTER THE DATE THE NOTICE OF THE  
5 ORDER IS MAILED, THE ACTION IS BARRED, NO DISTRICT COURT HAD  
6 JURISDICTION TO HEAR THE ACTION, AND THE COMMISSION'S ORDER  
7 BECOMES FINAL AND IS SUBJECT TO JUDICIAL REVIEW PURSUANT TO  
8 SECTION 24-34-307.

9 (III) (A) FOR COMPLAINTS FILED WITH THE STATE PERSONNEL  
10 BOARD, IF AN ADMINISTRATIVE LAW JUDGE ISSUES THE INITIAL WRITTEN  
11 DECISION ON BEHALF OF THE STATE PERSONNEL BOARD, THE AGGRIEVED  
12 PARTY MAY NOT FILE A CIVIL ACTION UNTIL AFTER THE EXPIRATION OF THE  
13 THIRTY-DAY PERIOD SPECIFIED IN SECTION 24-50-125.4 (4) FOR FILING AN  
14 APPEAL. IF A PARTY DOES NOT FILE AN APPEAL OF THE ADMINISTRATIVE  
15 LAW JUDGE'S INITIAL DECISION WITH THE STATE PERSONNEL BOARD IN  
16 ACCORDANCE WITH SECTION 24-50-125.4 (4), THE AGGRIEVED PARTY  
17 MUST FILE THE CIVIL ACTION FOR COMPENSATORY DAMAGES WITHIN  
18 THIRTY DAYS AFTER THE EXPIRATION OF THE APPEAL PERIOD SPECIFIED IN  
19 SECTION 24-50-125.4 (4). IF A PARTY FILES AN APPEAL WITH THE STATE  
20 PERSONNEL BOARD IN ACCORDANCE WITH SECTION 24-50-125.4 (4), THE  
21 AGGRIEVED PARTY MUST FILE THE CIVIL ACTION FOR COMPENSATORY  
22 DAMAGES WITHIN THIRTY DAYS AFTER THE DATE THE STATE PERSONNEL  
23 BOARD TRANSMITS THE NOTICE OF ITS DECISION ON THE APPEAL IN  
24 ACCORDANCE WITH SECTION 24-50-125.4 (6).

25 (B) IF THE AGGRIEVED PARTY FAILS TO FILE AN ACTION FOR  
26 COMPENSATORY DAMAGES WITHIN THIRTY DAYS AFTER THE APPEAL  
27 PERIOD EXPIRES OR THE DATE THE STATE PERSONNEL BOARD'S NOTICE OF

1 DECISION IS TRANSMITTED, WHICHEVER IS APPLICABLE PURSUANT TO  
2 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III), THE ACTION FOR  
3 COMPENSATORY DAMAGES IS BARRED, NO DISTRICT COURT HAS  
4 JURISDICTION TO HEAR THE ACTION, AND THE STATE PERSONNEL BOARD'S  
5 DECISION BECOMES FINAL AND IS SUBJECT TO JUDICIAL REVIEW PURSUANT  
6 TO SECTIONS 24-50-125.4 (3) AND 24-4-106 (11).

7 (d) (I) IF THE AGGRIEVED PARTY INITIALLY FILED A COMPLAINT  
8 WITH THE COMMISSION, THE AGGRIEVED PARTY AND THE DISTRICT COURT  
9 SHALL SERVE A COPY OF THE CIVIL ACTION COMPLAINT ON THE  
10 COMMISSION, AND UPON RECEIPT OF THE CIVIL ACTION COMPLAINT, THE  
11 COMMISSION'S ORDER IS AUTOMATICALLY STAYED PENDING THE OUTCOME  
12 OF THE CIVIL ACTION, IN WHICH CASE THE COMMISSION'S DECISION IS NOT  
13 A FINAL ORDER SUBJECT TO JUDICIAL REVIEW PURSUANT TO SECTION  
14 24-34-307 UNTIL THE DISTRICT COURT ISSUES A FINAL JUDGMENT IN THE  
15 CIVIL ACTION FOR DAMAGES.

16 (II) IF THE AGGRIEVED PARTY IS AN APPLICANT FOR A POSITION IN  
17 OR AN EMPLOYEE IN THE STATE PERSONNEL SYSTEM, THE AGGRIEVED  
18 PARTY AND THE DISTRICT COURT SHALL SERVE A COPY OF THE CIVIL  
19 ACTION COMPLAINT ON THE STATE PERSONNEL BOARD, AND UPON RECEIPT  
20 OF THE COMPLAINT, THE STATE PERSONNEL BOARD'S DECISION IS  
21 AUTOMATICALLY STAYED PENDING THE OUTCOME OF THE CIVIL ACTION,  
22 IN WHICH CASE THE STATE PERSONNEL BOARD'S DECISION IS NOT A FINAL  
23 ORDER SUBJECT TO JUDICIAL REVIEW PURSUANT TO SECTIONS 24-50-125.4  
24 (3) AND 24-4-106 (11) UNTIL THE DISTRICT COURT ISSUES A FINAL  
25 JUDGMENT IN THE CIVIL ACTION FOR COMPENSATORY DAMAGES.

26 (e) (I) IN A CIVIL ACTION BROUGHT PURSUANT TO THIS SUBSECTION  
27 (7) FOR DAMAGES AFTER THE COMMISSION OR STATE PERSONNEL BOARD

1 MAKES A FINDING OF AN INTENTIONAL DISCRIMINATORY OR UNFAIR  
2 EMPLOYMENT PRACTICE, THE DISTRICT COURT SHALL CONSIDER THE ISSUE  
3 OF WHETHER THE AGGRIEVED PARTY IS ENTITLED TO DAMAGES AND THE  
4 AMOUNT OF DAMAGES, IF AWARDED.

5 (II) THE DISTRICT COURT MAY AWARD ATTORNEY FEES AND COSTS  
6 IN CONNECTION WITH THE ACTION FOR DAMAGES CONSISTENT WITH  
7 SUBSECTION (5) OF THIS SECTION.

8 (III) THE DISTRICT COURT SHALL EXPEDITE THE ACTION FOR  
9 DAMAGES AND SET THE MATTER FOR TRIAL AT THE EARLIEST PRACTICAL  
10 TIME.

11 (f) UPON ENTERING A FINAL JUDGMENT IN A CIVIL ACTION  
12 BROUGHT PURSUANT TO THIS SUBSECTION (7), THE DISTRICT COURT SHALL  
13 SERVE NOTICE OF THE JUDGMENT ON THE PARTIES AND THE COMMISSION  
14 OR STATE PERSONNEL BOARD, AS APPROPRIATE. ONCE THE COMMISSION OR  
15 STATE PERSONNEL BOARD RECEIVES A FINAL JUDGMENT FROM THE  
16 DISTRICT COURT, THE COMMISSION OR STATE PERSONNEL BOARD SHALL  
17 INCORPORATE THE DISTRICT COURT JUDGMENT IN ITS ORDER OR DECISION,  
18 WHICH BECOMES A FINAL ORDER SUBJECT TO JUDICIAL REVIEW IN  
19 ACCORDANCE WITH SECTION 24-34-307 OR SECTIONS 24-50-125.4 (3) AND  
20 24-4-106 (11), AS APPLICABLE.

21 (g) A CLAIM FILED PURSUANT TO THIS SUBSECTION (7) BY AN  
22 AGGRIEVED PARTY AGAINST THE STATE FOR COMPENSATORY DAMAGES  
23 FOR AN INTENTIONAL UNFAIR OR DISCRIMINATORY EMPLOYMENT PRACTICE  
24 IS NOT SUBJECT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT",  
25 ARTICLE 10 OF THIS TITLE.

26 **SECTION 2.** In Colorado Revised Statutes, 24-30-1510, **amend**  
27 (3) (a) as follows:

1           **24-30-1510. Risk management fund - creation - authorized**  
2 **and unauthorized payments.** (3) Expenditures shall be made out of the  
3 risk management fund in accordance with subsection (1) of this section  
4 only for the following purposes:

5           (a) To pay liability claims and expenses related thereto, brought  
6 against the state, its officials, or its employees pursuant to the "Colorado  
7 Governmental Immunity Act", article 10 of this title; ~~and~~ claims against  
8 the state, its officials, or its employees arising under federal law, which  
9 the state is legally obligated to pay and which are compromised or settled  
10 pursuant to section 24-30-1515 or in which a final money judgment  
11 against the state has been entered; ~~OR CLAIMS FOR COMPENSATORY~~  
12 ~~DAMAGES AGAINST THE STATE, ITS OFFICIALS, OR ITS EMPLOYEES~~  
13 ~~PURSUANT TO SECTION 24-34-405;~~

14           **SECTION 3.** In Colorado Revised Statutes, 24-34-301, **amend**  
15 (1) as follows:

16           **24-34-301. Definitions.** As used in parts 3 to 7 of this article,  
17 unless the context otherwise requires:

18           (1) "Age" means a chronological age of at least forty years. ~~but~~  
19 ~~less than seventy years.~~

20           **SECTION 4.** In Colorado Revised Statutes, 24-34-305, **amend**  
21 (1) (c) as follows:

22           **24-34-305. Powers and duties of commission.** (1) The  
23 commission has the following powers and duties:

24           (c) (I) To investigate and study the existence, character, causes,  
25 and extent of unfair or discriminatory practices as defined in parts 4 to 7  
26 of this article and to formulate plans for the elimination ~~thereof~~ OF THOSE  
27 PRACTICES by educational or other means.

1           (II) (A) IN FURTHERANCE OF ITS EDUCATIONAL EFFORTS TO  
2 REDUCE INSTANCES OF DISCRIMINATORY OR UNFAIR EMPLOYMENT  
3 PRACTICES, THE COMMISSION SHALL CREATE A VOLUNTEER WORKING  
4 GROUP REPRESENTING BOTH EMPLOYER AND EMPLOYEE INTERESTS,  
5 INCLUDING HUMAN RESOURCE PROFESSIONALS, TO ASSIST IN EDUCATION  
6 AND OUTREACH EFFORTS TO FOSTER UNDERSTANDING OF AND  
7 COMPLIANCE WITH PART 4 OF THIS ARTICLE. THE COMMISSION MAY  
8 ACCEPT AND EXPEND GIFTS, GRANTS, AND DONATIONS TO ASSIST IN ITS  
9 DUTIES PURSUANT TO THIS SUBPARAGRAPH (II).

10           (B) THE COMMISSION SHALL CREATE THE VOLUNTEER WORKING  
11 GROUP BY SEPTEMBER 1, 2013. THE WORKING GROUP SHALL DEVELOP AND  
12 SUBMIT TO THE COMMISSION, BY JANUARY 1, 2014, AN EDUCATION AND  
13 OUTREACH PLAN FOR THE COMMISSION TO IMPLEMENT FOR PURPOSES OF  
14 EDUCATING EMPLOYERS AND PROVIDING OUTREACH REGARDING PART 4  
15 OF THE ARTICLE.

16           (C) IN ADDITION TO THE OUTREACH PLAN REQUIRED BY  
17 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), THE WORKING  
18 GROUP SHALL COMPILE AND PROVIDE TO THE COMMISSION INFORMATION  
19 ON EDUCATIONAL RESOURCES AVAILABLE TO EMPLOYERS REGARDING THE  
20 REQUIREMENTS OF AND COMPLIANCE WITH PART 4 OF THIS ARTICLE,  
21 INCLUDING RESOURCES FOR EMPLOYERS ON PREVENTION OF  
22 DISCRIMINATORY EMPLOYMENT PRACTICES. THE COMMISSION SHALL POST  
23 THE INFORMATION ON ITS WEB SITE AND SHALL MAKE THE INFORMATION  
24 AVAILABLE IN AN ELECTRONIC FORMAT TO ALL STATE DEPARTMENTS AND  
25 AGENCIES THAT INTERACT WITH PRIVATE BUSINESSES IN THE STATE,  
26 INCLUDING THE DEPARTMENTS OF LABOR AND EMPLOYMENT,  
27 REGULATORY AGENCIES, REVENUE, AND STATE AND THE GOVERNOR'S

1 OFFICE OF ECONOMIC DEVELOPMENT. THOSE DEPARTMENTS AND  
2 AGENCIES, WITHIN EXISTING RESOURCES, SHALL POST THE INFORMATION  
3 PROVIDED BY THE COMMISSION, OR LINKS TO THAT INFORMATION, ON  
4 THEIR WEB SITES.

5 **SECTION 5. Act subject to petition - effective date -**  
6 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
7 the expiration of the ninety-day period after final adjournment of the  
8 general assembly; except that, if a referendum petition is filed pursuant  
9 to section 1 (3) of article V of the state constitution against this act or an  
10 item, section, or part of this act within such period, then the act, item,  
11 section, or part will not take effect unless approved by the people at the  
12 general election to be held in November 2014 and, in such case, will take  
13 effect on the date of the official declaration of the vote thereon by the  
14 governor.

15 (2) This act applies to causes of action alleging discriminatory or  
16 unfair employment practices accruing on or after January 1, 2015.