

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0432.01 Christy Chase x2008

SENATE BILL 15-069

SENATE SPONSORSHIP

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Senate Committees

Business, Labor, & Technology
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A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF THE "JOB PROTECTION AND CIVIL**
102 **RIGHTS ENFORCEMENT ACT OF 2013", AND, IN CONNECTION**
103 **THEREWITH, REDUCING AN APPROPRIATION.**

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/bills summaries>.)

In 2013, the general assembly enacted HB13-1136, the "Job Protection and Civil Rights Enforcement Act of 2013" (act), which established compensatory and punitive damage remedies, as well as front pay, for a person who proves that an employer engaged in a discriminatory or unfair employment practice under state law. These

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.*

remedies were created in addition to equitable relief, such as back pay, reinstatement, or hiring, that was already available to employment discrimination victims. Additionally, the act:

- ! Expanded age discrimination claims under state law to persons 70 years of age or older;
- ! Authorized the use of moneys in the risk management fund to pay claims for compensatory damages against the state or its officials or employees; and
- ! Required the state civil rights commission to create a volunteer working group to assist in education and outreach efforts and provide the commission with information to post on its web site regarding educational resources available to employers to help them understand and comply with antidiscrimination laws.

With the exception of the expansion of age-based discrimination claims to individuals who are 70 years of age or older, the bill repeals all components of the act and restores the equitable relief remedies that were available to employment discrimination victims making claims under state law prior to the passage of the act.

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

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

4 **24-34-405. Relief authorized.** (1) IN ADDITION TO THE RELIEF
5 AUTHORIZED BY SECTION 24-34-306 (9), THE COMMISSION MAY ORDER A
6 RESPONDENT THAT ENGAGED IN AN UNFAIR OR DISCRIMINATORY
7 EMPLOYMENT PRACTICE TO TAKE ANY OF THE FOLLOWING AFFIRMATIVE
8 ACTIONS, AS APPLICABLE:

- 9 (a) PAY BACK PAY;
- 10 (b) HIRE, REINSTATE, OR UPGRADE EMPLOYEES, WITH OR WITHOUT
11 BACK PAY;
- 12 (c) REFER APPLICANTS FOR EMPLOYMENT, IF THE RESPONDENT IS
13 AN EMPLOYMENT AGENCY;
- 14 (d) RESTORE MEMBERSHIP IN A LABOR ORGANIZATION, IF THE

1 RESPONDENT IS A LABOR ORGANIZATION;

2 (e) ADMIT TO OR CONTINUE ENROLLMENT IN AN APPRENTICESHIP
3 PROGRAM, ON-THE-JOB TRAINING PROGRAM, OR A VOCATIONAL SCHOOL;

4 (f) POST NOTICES; OR

5 (g) MAKE REPORTS OF THE MANNER OF COMPLIANCE.

6 (2) THE COMMISSION MAY ORDER THE REMEDIES SPECIFIED IN
7 SUBSECTION (1) OF THIS SECTION SINGLY OR IN ANY COMBINATION.

8 **SECTION 2.** In Colorado Revised Statutes, 24-30-1510, **amend**

9 (3) (a) as follows:

10 **24-30-1510. Risk management fund - creation - authorized**
11 **and unauthorized payments.** (3) Expenditures shall be made out of the
12 risk management fund in accordance with subsection (1) of this section
13 only for the following purposes:

14 (a) To pay liability claims and expenses related ~~thereto~~, TO
15 CLAIMS brought against the state, its officials, or its employees pursuant
16 to the "Colorado Governmental Immunity Act", article 10 of this title, OR
17 claims against the state, its officials, or its employees arising under
18 federal law, which the state is legally obligated to pay and which are
19 compromised or settled pursuant to section 24-30-1515 or in which a final
20 money judgment against the state has been entered; ~~or claims for~~
21 ~~compensatory damages against the state, its officials, or its employees~~
22 ~~pursuant to section 24-34-405;~~

23 **SECTION 3.** In Colorado Revised Statutes, 24-34-305, **repeal** (1)

24 (c) (II) as follows:

25 **24-34-305. Powers and duties of commission.** (1) The
26 commission has the following powers and duties:

27 (c) (II) ~~(A) In furtherance of its educational efforts to reduce~~

1 instances of discriminatory or unfair employment practices, the
2 commission shall create a volunteer working group representing both
3 employer and employee interests, including human resource
4 professionals, to assist in education and outreach efforts to foster
5 understanding of and compliance with part 4 of this article. The
6 commission may accept and expend gifts, grants, and donations to assist
7 in its duties pursuant to this subparagraph (H).

8 (B) The commission shall create the volunteer working group by
9 September 1, 2013. The working group shall develop and submit to the
10 commission, by January 1, 2014, an education and outreach plan for the
11 commission to implement for purposes of educating employers and
12 providing outreach regarding part 4 of the article.

13 (C) In addition to the outreach plan required by sub-subparagraph
14 (B) of this subparagraph (H), the working group shall compile and
15 provide to the commission information on educational resources available
16 to employers regarding the requirements of and compliance with part 4
17 of this article, including resources for employers on prevention of
18 discriminatory employment practices. The commission shall post the
19 information on its web site and shall make the information available in an
20 electronic format to all state departments and agencies that interact with
21 private businesses in the state, including the departments of labor and
22 employment, regulatory agencies, revenue, and state and the governor's
23 office of economic development. Those departments and agencies, within
24 existing resources, shall post the information provided by the
25 commission, or links to that information, on their web sites.

26 **SECTION 4. Appropriation - adjustments to 2015 long bill.**

27 **(1) To implement this act, appropriations made in the annual general**

1 appropriation act for the 2015-16 state fiscal year to the department of
2 regulatory agencies are adjusted as follows:

3 (a) The general fund appropriation for the civil rights division,
4 personal services is decreased by \$18,220, and the related FTE is
5 decreased by 0.4 FTE; and

6 (b) The general fund appropriation for the executive director's
7 office and administrative services, legal services is decreased by \$7,655.

8 (2) To implement this act, the reappropriated funds made in the
9 annual general appropriation act for the 2015-16 state fiscal year to the
10 department of law for legal services to state agencies is decreased by
11 \$7,655. This appropriation is from reappropriated funds received from
12 the department of regulatory agencies.

13 **SECTION 5. Effective date - applicability.** This act takes effect
14 upon passage and applies to causes of action alleging discriminatory or
15 unfair employment practices accruing on or after said date.

16 **SECTION 6. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.