

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

PREAMENDED

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

LLS NO. 16-0988.01 Kristen Forrestal x4217

HOUSE BILL 16-1167

HOUSE SPONSORSHIP

Winter and Pettersen, Becker K., Danielson, Esgar, Fields, Garnett, Ginal, Hamner, Kagan, Lebsock, Melton, Pabon, Primavera, Tyler

SENATE SPONSORSHIP

Todd and Donovan,

House Committees

Business Affairs and Labor
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE "COLORADO FAMILY FIRST**
102 **EMPLOYER ACT", AND, IN CONNECTION THEREWITH,**
103 **ESTABLISHING A PROGRAM THAT RECOGNIZES COLORADO**
104 **EMPLOYERS THAT MEET CERTAIN FAMILY-FRIENDLY**
105 **REQUIREMENTS, AND MAKING 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/billsummaries>.)

The bill creates the "Colorado Family First Employer Act". The Colorado family first employer program, created in the bill, requires the

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.

1 AFFECTS FAMILIES ACROSS THE COUNTRY. IF WOMEN AND PEOPLE OF
2 COLOR EARNED EQUAL PAY FOR EQUAL WORK NATIONALLY IN 2012, OUR
3 GROSS DOMESTIC PRODUCT WOULD HAVE GROWN BY TWO AND
4 NINE-TENTHS PERCENT AND WOULD HAVE ADDED FOUR HUNDRED FIFTY
5 BILLION DOLLARS IN INCOME. CLOSING THE PAY GAP WILL HELP FAMILIES
6 AND WILL BE AN ECONOMIC DRIVER FOR ALL OF COLORADO.

7 (d) WORKERS SHOULD BE EVALUATED AND COMPENSATED BASED
8 UPON THEIR SKILL, EFFORT, RESPONSIBILITY, AND WORKING CONDITIONS.
9 WORKERS OF "COMPARABLE WORTH" SHOULD BE PAID THE SAME SALARY
10 REGARDLESS OF GENDER, RACE, ETHNICITY, OR NATIONAL ORIGIN.

11 (e) WITHOUT ACCESS TO CHILD CARE SERVICES, PARENTS MAY FACE
12 A DIFFICULT DECISION BETWEEN PUTTING THEIR CAREERS ON HOLD OR
13 LEAVING THEIR CHILDREN IN UNSAFE OR POOR-QUALITY CHILD CARE
14 SITUATIONS. ACCESS TO CHILD CARE MAKES IT POSSIBLE FOR EMPLOYEES
15 TO HAVE A FAMILY AND ADVANCE IN THE WORKPLACE, BUILDING A
16 STRONGER FUTURE FOR THEIR FAMILIES AND THEIR COMMUNITIES.

17 (f) PAID LEAVE ENSURES THAT WORKERS CAN TAKE ON FAMILY
18 RESPONSIBILITIES WITHOUT SACRIFICING THEIR INCOME. ENSURING THAT
19 EMPLOYEES CAN TAKE PAID TIME OFF TO CARE FOR AN ILL FAMILY MEMBER
20 OR CARE FOR A NEWBORN OR ADOPTED CHILD MEANS AN EMPLOYEE IS
21 MORE LIKELY TO STAY IN THE WORKFORCE AND EXPERIENCE BETTER
22 HEALTH OUTCOMES FOR THOSE UNDER THEIR CARE.

23 (2) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO
24 AUTHORIZE THE DEPARTMENT OF LABOR AND EMPLOYMENT TO ESTABLISH
25 A PROGRAM THROUGH WHICH FAMILY-FRIENDLY BUSINESSES MAY APPLY
26 FOR AND RECEIVE RECOGNITION AND CERTIFICATION FROM THE OFFICE OF
27 THE GOVERNOR.

1 **8-13.7-103. Definitions.** (1) AS USED IN THIS ARTICLE:

2 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
3 EMPLOYMENT.

4 (b) "EMPLOYER" MEANS A PERSON OR ENTITY ENGAGED IN
5 BUSINESS IN THIS STATE WHO HAS ONE OR MORE EMPLOYEES. "EMPLOYER"
6 INCLUDES THE STATE AND ANY POLITICAL SUBDIVISION OF THE STATE WITH
7 ONE OR MORE EMPLOYEES.

8 (c) "PROGRAM" MEANS THE COLORADO FAMILY FIRST EMPLOYER
9 PROGRAM ESTABLISHED IN SECTION 8-13.7-104.

10 **8-13.7-104. Colorado family first employer program - creation**

11 **- duties of the department - duties of the governor's office.** (1) THE

12 DEPARTMENT SHALL ESTABLISH THE COLORADO FAMILY FIRST EMPLOYER
13 PROGRAM TO DESIGNATE EMPLOYERS IN THIS STATE AS "COLORADO
14 FAMILY FIRST EMPLOYERS". THE GOVERNOR SHALL AWARD THE
15 COLORADO FAMILY FIRST DESIGNATION TO AN EMPLOYER WHO HAS BEEN
16 CERTIFIED BY THE DEPARTMENT AS MEETING ALL OF THE FOLLOWING
17 REQUIREMENTS:

18 (a) THE EMPLOYER DEMONSTRATES THAT ALL OF ITS EMPLOYEES,
19 INCLUDING WOMEN, PEOPLE OF COLOR, AND PERSONS WITH DISABILITIES,
20 HAVE EQUAL OPPORTUNITIES TO ADVANCE TO LEADERSHIP POSITIONS IN
21 THE WORKPLACE AND THAT THE EMPLOYER PROVIDES ACCESS TO, OR THE
22 ABILITY TO TAKE TIME OFF FOR, MENTORSHIP TRAINING OR LEADERSHIP
23 OPPORTUNITIES TO ACHIEVE THIS OUTCOME.

24 (b) THE EMPLOYER DEMONSTRATES THAT IT DOES NOT PAY SOME
25 OF ITS EMPLOYEES AT WAGE RATES LESS THAN THE RATES PAID TO OTHER
26 EMPLOYEES FOR SUBSTANTIALLY SIMILAR WORK, WHEN VIEWED AS A
27 COMPOSITE OF SKILL, EFFORT, AND RESPONSIBILITY AND PERFORMED

1 UNDER THE SAME WORKING CONDITIONS, EXCEPT WHERE THE WAGE
2 DIFFERENCE IS BASED UPON ONE OR MORE OF THE FOLLOWING:

3 (I) A SENIORITY SYSTEM;

4 (II) A MERIT SYSTEM;

5 (III) A SYSTEM THAT MEASURES EARNING BY QUANTITY OR
6 QUALITY OF PRODUCTION; OR

7 (IV) A BONA FIDE FACTOR OTHER THAN RACE, GENDER, ETHNICITY,
8 OR NATIONAL ORIGIN, SUCH AS EDUCATION, TRAINING OR EXPERIENCE.

9 (c) THE EMPLOYER MAKES A CHILD CARE STIPEND, A CHILD CARE
10 FACILITY, OR CHILD CARE SERVICES AVAILABLE TO ITS EMPLOYEES,
11 QUALIFIES FOR THE FEDERAL CREDIT FOR EMPLOYER-PROVIDED CHILD
12 CARE FACILITIES AND SERVICES TAX CREDIT PURSUANT TO 26 U.S.C. SEC.
13 45F, OR QUALIFIES FOR THE STATE CREDIT FOR CHILD CARE FACILITIES
14 PURSUANT TO SECTION 39-22-121, C.R.S.

15 (d) THE EMPLOYER PROVIDES AT LEAST TWO WEEKS PAID LEAVE
16 FOR THE BIRTH OR ADOPTION OF A CHILD, FOR MEDICAL CARE OF THE
17 EMPLOYEE, AND, IF POSSIBLE, FOR MEDICAL CARE OF A FAMILY MEMBER.

18 (e) THE EMPLOYER PROVIDES FLEXIBLE WORK ARRANGEMENTS TO
19 ACCOMMODATE IMPORTANT FAMILY OBLIGATIONS FOR ALL EMPLOYEES.

20 (f) THE EMPLOYER PROVIDES HEALTH INSURANCE OPTIONS FOR OR
21 CONTRIBUTES TO THE HEALTH INSURANCE COSTS OF ITS EMPLOYEES AND
22 THEIR DEPENDENTS.

23 (g) THE EMPLOYER CONTRIBUTES TO THE EMPLOYEE'S RETIREMENT
24 BENEFIT PLAN AT A LEVEL EQUAL TO OR GREATER THAN THE MINIMUM
25 CONTRIBUTION REQUIRED FOR AN EMPLOYEE TO PARTICIPATE IN THE
26 RETIREMENT BENEFIT PLAN.

27 (2) THE REQUIREMENTS IN SUBSECTION (1) OF THIS SECTION APPLY

1 TO ALL FULL-TIME EMPLOYEES.

2 (3) THE DEPARTMENT SHALL ESTABLISH PROCEDURES FOR THE
3 PROGRAM BY WHICH EMPLOYERS MAY APPLY FOR AND BE AWARDED A
4 "COLORADO FAMILY FIRST" DESIGNATION FOR A THREE-YEAR PERIOD.

5 THE APPLICATION FOR THE AWARD MUST INCLUDE THE FOLLOWING:

6 (a) THE EMPLOYER'S NAME, ADDRESS, AND DESCRIPTION OF THE
7 TYPE OF BUSINESS OR INDUSTRY IN WHICH THE EMPLOYER IS ENGAGED;

8 (b) EVIDENCE THAT THE EMPLOYER MEETS THE REQUIREMENTS FOR
9 CERTIFICATION IN SUBSECTION (1) OF THIS SECTION; AND

10 (c) THE SIGNATURE OF THE EMPLOYER, OR THE EMPLOYER'S
11 DESIGNEE, ATTESTING THAT THE INFORMATION PROVIDED IN THE
12 APPLICATION IS VALID. THE GOVERNOR MAY REVOKE AN AWARD IF AN
13 EMPLOYER KNOWINGLY PROVIDES FALSE INFORMATION ON THE
14 APPLICATION.

15 (4) THE OFFICE OF THE GOVERNOR SHALL DELIVER AN AWARD TO
16 THE EMPLOYER IN WRITING OR ELECTRONICALLY IN A TIMELY MANNER. IF
17 AN EMPLOYER MEETS ALL SEVEN OF THE REQUIREMENTS IN SUBSECTION
18 (1) OF THIS SECTION, THE EMPLOYER IS ENTITLED TO A PLATINUM AWARD.
19 IF AN EMPLOYER MEETS AT LEAST FOUR OF THE SEVEN REQUIREMENTS IN
20 SAID SUBSECTION (1), THE EMPLOYER IS ENTITLED TO A GOLD AWARD. THE
21 OFFICE OF THE GOVERNOR SHALL CREATE AND INCLUDE A LOGO THAT AN
22 EMPLOYER WHO IS DESIGNATED A COLORADO FAMILY FIRST EMPLOYER
23 MAY USE FOR PROMOTIONAL PURPOSES. IF AN EMPLOYER IS NOT A
24 DESIGNATED COLORADO FAMILY FIRST EMPLOYER, THE EMPLOYER MAY
25 NOT USE THE LOGO.

26 (5) THE DEPARTMENT SHALL PUBLISH A LIST ON ITS WEBSITE OF
27 EMPLOYERS THAT ARE AWARDED THE COLORADO FAMILY FIRST EMPLOYER

1 DESIGNATION. THE DEPARTMENT SHALL UPDATE THE LIST AT LEAST THREE
2 TIMES PER YEAR.

3 **8-13.7-105. Rules.** THE DEPARTMENT MAY PROMULGATE RULES TO
4 IMPLEMENT THIS ARTICLE.

5 **SECTION 2. Appropriation.** For the 2016-17 state fiscal year,
6 \$15,865 is appropriated to the department of labor and employment for
7 use by the division of labor. This appropriation is from the general fund
8 and is based on an assumption that the division will require an additional
9 0.3 FTE. To implement this act, the division may use this appropriation
10 for program costs.

11 **SECTION 3. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.