

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

INTRODUCED

LLS NO. 01-0797.01 Julie Hoerner

HOUSE BILL 01-1332

HOUSE SPONSORSHIP

Borodkin, Chavez, Madden, and Tapia

SENATE SPONSORSHIP

(None),

House Committees

Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LEAVE FROM EMPLOYMENT FOR PARENTS WHOSE**
102 **EMANCIPATED CHILD SUSTAINS AN INJURY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Defines employer and employee. Allows an employee of any employer subject to the state laws on discriminatory or unfair employment practices to take unpaid leave for the purpose of attending to an emancipated child who is injured or who suffers from a serious and chronic health condition. Limits the unpaid leave to 12 work weeks in 12 months. Allows the employee to elect to substitute accrued paid vacation leave, personal leave, or other types of paid leave for unpaid leave. Requires the employee to submit to his or her employer written

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.

verification from a health care provider caring for the emancipated child. Directs employees to make reasonable attempts to schedule activities related to the care of an emancipated child with a chronic and serious medical condition outside of work hours.

States that nothing in the law requires that the leave be paid. Allows an employer to extend greater benefits on leave policies than required by law. States that rights or obligations under existing collective bargaining agreements are not affected.

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

2 **SECTION 1.** Title 8, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 13.5**

5 **Colorado Parental Leave**

6 **for Injured Emancipated Children**

7 **8-13.5-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
8 BE CITED AS THE "COLORADO PARENTAL LEAVE FOR INJURED
9 EMANCIPATED CHILDREN ACT".

10 **8-13.5-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "CHRONIC AND SERIOUS HEALTH CONDITION" MEANS AN
13 ILLNESS, INJURY, IMPAIRMENT, OR PHYSICAL OR MENTAL CONDITION THAT
14 INVOLVES EITHER:

15 (a) INPATIENT CARE IN A HOSPITAL, HOSPICE, OR RESIDENTIAL
16 MEDICAL CARE FACILITY; OR

17 (b) CONTINUING TREATMENT BY A HEALTH CARE PROVIDER.

18 (2) "EMPLOYEE" MEANS ANY PERSON, OTHER THAN AN
19 INDEPENDENT CONTRACTOR, DOMESTIC SERVANTS EMPLOYED IN AND
20 ABOUT PRIVATE HOMES, AND FARM AND RANCH LABOR, WORKING FOR
21 ANOTHER FOR HIRE IN THE STATE OF COLORADO IN A NONEXECUTIVE OR

1 NONSUPERVISORY CAPACITY.

2 (3) "EMPLOYER" MEANS A PERSON WHO REGULARLY ENGAGES THE
3 SERVICES OF FIFTY OR MORE EMPLOYEES AND INCLUDES THE STATE AND
4 ALL POLITICAL SUBDIVISIONS OF THE STATE.

5 (4) "WORK WEEK" MEANS A PERIOD OF FORTY HOURS OF WORK
6 WITHIN A SEVEN DAY PERIOD.

7 **8-13.5-103. Unpaid leave for injured, emancipated child.**

8 (1) AN EMPLOYEE EMPLOYED BY AN EMPLOYER SUBJECT TO THIS ARTICLE
9 MAY BE ENTITLED TO TAKE UNPAID LEAVE NOT TO EXCEED TWELVE WORK
10 WEEKS IN ANY TWELVE-MONTH PERIOD FOR THE PURPOSE OF ATTENDING
11 TO AN EMANCIPATED CHILD OR EMANCIPATED LEGAL WARD WHO IS NOT
12 MARRIED AND WHO HAS BEEN INJURED OR WHO SUFFERS FROM A CHRONIC
13 AND SERIOUS HEALTH CONDITION.

14 (2) AN EMPLOYER MAY REQUIRE THAT THE EMPLOYEE PROVIDE
15 WRITTEN VERIFICATION FROM A HEALTH CARE PROVIDER FOR THE
16 EMANCIPATED CHILD.

17 (3) AN EMPLOYEE SHALL MAKE A REASONABLE ATTEMPT TO
18 SCHEDULE CARE FOR AN EMANCIPATED CHILD WITH A CHRONIC AND
19 SERIOUS HEALTH CONDITION FOR WHICH LEAVE MAY BE TAKEN UNDER THIS
20 SECTION OUTSIDE OF REGULAR WORK HOURS.

21 (4) IN ORDER TO TAKE LEAVE UNDER THIS SECTION, AN EMPLOYEE
22 SHALL PROVIDE THE EMPLOYER WITH THE EARLIEST POSSIBLE NOTICE OF
23 THE LEAVE, INCLUDING THE WRITTEN VERIFICATION CONTAINED IN
24 SUBSECTION (2) OF THIS SECTION.

25 (5) NOTHING IN THIS SECTION REQUIRES THAT THE LEAVE
26 DESCRIBED IN THIS SECTION BE PAID.

27 (6) A QUALIFYING EMPLOYEE MAY ELECT TO SUBSTITUTE ACCRUED

1 PAID VACATION LEAVE, PERSONAL LEAVE, OR OTHER PAID LEAVE FOR
2 UNPAID LEAVE REQUIRED PURSUANT TO THIS SECTION.

3 (7) NOTHING IN THIS SECTION SHALL PREVENT AN EMPLOYER FROM
4 GRANTING TO EMPLOYEES LEAVE PROVISIONS OR LEAVE BENEFITS THAT
5 ARE GREATER THAN THE REQUIREMENTS FOR LEAVE AS DESCRIBED IN THIS
6 SECTION.

7 (8) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT OR
8 ABROGATE THE RIGHTS OF EMPLOYEES OR THE OBLIGATIONS OF EMPLOYERS
9 SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT.

10 **SECTION 2. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.