

HB1260_L.016

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

HB24-1260 be amended as follows:

- 1 Amend the Business Affairs and Labor Committee Report, dated March
- 2 20, 2024, page 1, after line 19 insert:
- 3 "Page 3 of the printed bill, after line 20 insert:
- 4 "(a) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
- 5 EMPLOYMENT."
- 6 Reletter succeeding paragraphs accordingly."
- 7 Page 2 of the report, line 7, strike ""(2)" and substitute ""(2) (a)".
- 8 Page 2 of the report, line 14, strike "EMPLOYER." and substitute
- 9 "EMPLOYER.
- 10 (b) WITH REGARD TO EMPLOYEES OF THE STATE OF COLORADO,
- 11 THE PROHIBITIONS IN SUBSECTION (2)(a) OF THIS SECTION APPLY ONLY TO
- 12 MEETINGS AND COMMUNICATIONS RELATING TO THE DECISION OF A STATE
- 13 EMPLOYEE TO JOIN OR SUPPORT A FRATERNAL OR LABOR
- 14 ORGANIZATION."."
- 15 Page 2 of the report, after line 23 insert:
- 16 "Page 5 of the bill, strike lines 12 through 15 and substitute:
- 17 "(4) (a) AN AGGRIEVED PERSON MAY SEEK RELIEF FOR A
- 18 VIOLATION OF THIS SECTION BY:
- 19 (I) FILING A COMPLAINT WITH THE DEPARTMENT; OR
- 20 (II) FILING AN ACTION IN A DISTRICT COURT OF COMPETENT
- 21 JURISDICTION TO ENFORCE THIS SECTION.
- 22 (b) AN AGGRIEVED PERSON SEEKING RELIEF FOR A VIOLATION OF
- 23 THIS SECTION SHALL:
- 24 (I) EXHAUST ALL AVAILABLE ADMINISTRATIVE REMEDIES BEFORE
- 25 FILING AN ACTION IN DISTRICT COURT; AND
- 26 (II) FILE A COMPLAINT WITH THE DEPARTMENT AGAINST AN
- 27 EMPLOYER WITHIN ONE YEAR AFTER AN ALLEGED VIOLATION OF THIS
- 28 SECTION.
- 29 (c) ON OR BEFORE THE DATE THE DEPARTMENT MAKES A
- 30 COMPLAINT FORM PUBLICLY AVAILABLE, AN AGGRIEVED PERSON MAY FILE
- 31 A COMPLAINT FOR A VIOLATION OF THIS SECTION WITH THE DEPARTMENT
- 32 IN ANY FORM, INCLUDING BY UNITED STATES MAIL OR ELECTRONIC MAIL.
- 33 (d) AFTER THE DATE THE DEPARTMENT MAKES A COMPLAINT FORM

1 PUBLICLY AVAILABLE, AN AGGRIEVED PERSON SHALL FILE A COMPLAINT
2 ONLY BY COMPLETING THE REQUIRED FORM.

3 (e) AFTER RECEIVING A COMPLAINT, THE DEPARTMENT SHALL:
4 (I) INVESTIGATE THE COMPLAINT FILED AGAINST THE EMPLOYER
5 FOR AN ALLEGED VIOLATION OF THIS ARTICLE 2; OR
6 (II) AUTHORIZE AN AGGRIEVED PERSON TO PROCEED WITH AN
7 ACTION IN DISTRICT COURT.

8 (f) (I) ON AND WITHIN SIXTY DAYS AFTER THE DATE A COMPLAINT
9 IS FILED AND BEFORE THE DEPARTMENT ISSUES A WRITTEN
10 DETERMINATION, AN AGGRIEVED PERSON MAY REQUEST AND THE
11 DEPARTMENT SHALL GRANT SUCH AGGRIEVED PERSON WRITTEN
12 AUTHORIZATION TO PROCEED WITH AN ACTION IN DISTRICT COURT.

13 (II) AT THE TIME THAT THE AGGRIEVED PERSON FILES AN ACTION
14 IN DISTRICT COURT, THE AGGRIEVED PERSON SHALL PROVIDE WRITTEN
15 NOTICE OF THE FILING TO THE DEPARTMENT AND THE DEPARTMENT SHALL
16 TERMINATE ITS INVESTIGATION.

17 (III) AN AGGRIEVED PERSON WHO RECEIVES WRITTEN
18 AUTHORIZATION PURSUANT TO THIS SUBSECTION (4) IS DEEMED TO HAVE
19 EXHAUSTED ADMINISTRATIVE REMEDIES.

20 (g) IF, AFTER CONDUCTING AN INVESTIGATION, THE DEPARTMENT:
21 (I) DOES NOT FIND A VIOLATION, THE DEPARTMENT SHALL PROVIDE
22 THE BASIS FOR ITS DETERMINATION IN WRITING AND AUTHORIZE THE
23 AGGRIEVED PERSON TO PROCEED WITH AN ACTION IN A DISTRICT COURT OF
24 COMPETENT JURISDICTION. THE AGGRIEVED PERSON IS DEEMED TO HAVE
25 EXHAUSTED ALL ADMINISTRATIVE REMEDIES AFTER THE DETERMINATION
26 AND AUTHORIZATION IS ISSUED.

27 (II) FINDS ONE OR MORE VIOLATIONS, THE DEPARTMENT SHALL
28 PROVIDE THE BASIS FOR THE DETERMINATION IN WRITING AND MAY
29 AWARD THE SAME AFFIRMATIVE RELIEF AS A DISTRICT COURT PURSUANT
30 TO SUBSECTION (4)(j) OF THIS SECTION.

31 (h) (I) THE DETERMINATION OF THE DEPARTMENT IS A FINAL
32 AGENCY ACTION PURSUANT TO SECTION 24-4-106, AND, AFTER THE
33 DETERMINATION, SECTION 8-4-113 (2) APPLIES.

34 (II) THE DETERMINATION OF THE DEPARTMENT MAY BE APPEALED
35 ONLY BY COMMENCING AN ACTION FOR JUDICIAL REVIEW IN THE DISTRICT
36 COURT OF COMPETENT JURISDICTION WITHIN THIRTY-FIVE CALENDAR DAYS
37 AFTER THE DATE OF MAILING OF THE DETERMINATION BY THE
38 DEPARTMENT. JUDICIAL REVIEW IS LIMITED TO APPEAL BRIEFS AND THE
39 RECORD DESIGNATED ON APPEAL.

40 (i) AN AGGRIEVED INDIVIDUAL MAY, WITHIN ONE HUNDRED
41 EIGHTY DAYS AFTER EXHAUSTING ALL AVAILABLE ADMINISTRATIVE
42 REMEDIES, COMMENCE AN ACTION IN DISTRICT COURT OF COMPETENT
43 JURISDICTION AGAINST AN EMPLOYER FOR A VIOLATION OF THIS SECTION."

- 1 Renumber succeeding paragraph accordingly."
- 2 Page 2 of the report, line 24, strike "8," and substitute "8".
- 3 Page 2 of the report, line 25, strike ""(c)" and substitute ""(5)".
- 4 Page 2 of the report, after line 30 insert:
- 5 "Renumber succeeding subsections accordingly."
- 6 Page 3 of the report, after line 2 insert:
- 7 "Page 6 of the bill, line 23, strike "OF LABOR AND EMPLOYMENT".".

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