

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

PREAMENDED

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

LLS NO. 21-0558.01 Christy Chase x2008

SENATE BILL 21-176

SENATE SPONSORSHIP

Winter and Pettersen, Jaquez Lewis, Buckner, Danielson, Ginal, Gonzales, Hansen, Kolker, Story

HOUSE SPONSORSHIP

Lontine and Gray, Bernett, Caraveo, Cutter, Esgar, Froelich, Jackson, Jodeh, Kipp, McLachlan, Titone, Young

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTIONS FOR COLORADO WORKERS AGAINST**
102 **DISCRIMINATORY EMPLOYMENT PRACTICES, AND, IN**
103 **CONNECTION THEREWITH, 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://leg.colorado.gov>.)

For purposes of addressing discriminatory or unfair employment practices pursuant to Colorado's anti-discrimination laws, the bill:

- Allows an employment discrimination claim to be brought in any court of competent jurisdiction in the county or district where the alleged discriminatory or unfair

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

employment practice occurred and allows an individual to file a civil action, without otherwise exhausting administrative proceedings and remedies, as long as the individual either files a charge with the Colorado civil rights commission (commission) or serves a written demand for the relief on the individual's employer and allows the employer 14 days to respond;

- Expands the definition of "employee" to include individuals in domestic service; individuals who perform a service for a price, including independent contractors, subcontractors, and their employees; and individuals who offer services or labor without pay;
- Adds new definitions of "caregiver", "care recipient", "child", "minor child", "harassment", "hostile work environment", and "independent contractor";
- Adds protections from discriminatory or unfair employment practices for individuals based on their "marital status" or "caregiver status";
- Specifies that it is a discriminatory or unfair employment practice for an employer to fail to initiate an investigation of a complaint or fail to take prompt remedial action if appropriate;
- Prohibits certain preemployment medical examinations, imposes limitations on inquiries and examinations about an employee's disability during employment, and specifies that violations of these prohibitions and limitations constitute discriminatory or unfair employment practices;
- Expands the time limit to file a charge with the commission from 6 months to 300 days after the alleged discriminatory or unfair employment practice occurred;
- Repeals the limits on remedies in cases involving age discrimination; and
- Limits the ability of an employer to require confidentiality of claims once a charge is filed with the commission.

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

2 **SECTION 1. Short title.** The short title of this act is the
3 **"Protecting Opportunities and Workers' Rights (POWR) Act"**.

4 **SECTION 2.** In Colorado Revised Statutes, 24-34-303, **amend**
5 **(1)(b)(II)(A)** as follows:

1 **24-34-303. Civil rights commission - membership.**

2 (1) (b) (II) In addition to the qualifications specified in subsection
3 (1)(b)(I) of this section, the members of the commission must at all times
4 include:

5 (A) At least four members who are members of groups of people
6 who have been or who might be discriminated against because of
7 disability, race, creed, color, sex, sexual orientation, national origin,
8 ancestry, marital status, CAREGIVER STATUS, religion, or age; and

9 **SECTION 3.** In Colorado Revised Statutes, **repeal 24-34-304 as**
10 follows:

11 **24-34-304. Division and commission subject to termination -**
12 **repeal of part.** (1) The provisions of section 24-34-104, concerning the
13 termination schedule for regulatory bodies of the state unless extended as
14 provided in that section, are applicable to the division and the commission
15 created by this part 3.

16 (2) This part 3 is repealed, effective September 1, 2027. Before its
17 repeal, the functions of the division and commission are scheduled for
18 review in accordance with section 24-34-104.

19 **SECTION 4.** In Colorado Revised Statutes, **24-34-306, amend**
20 (1)(a), (2)(b) introductory portion, (2)(b)(I) introductory portion,
21 (2)(b)(I)(B), (2)(b)(I)(C), (11), and (14) as follows:

22 **24-34-306. Charge - complaint - hearing - procedure -**
23 **exhaustion of administrative remedies.** (1) (a) (I) Any person claiming
24 to be aggrieved by a discriminatory or unfair practice as defined by parts
25 4 to 7 of this article ARTICLE 34 may, by himself or herself or through his
26 or her THE PERSON'S attorney-at-law, make, sign, and file with the division
27 a verified written charge stating the name and address of the respondent

1 alleged to have committed the discriminatory or unfair practice, setting
2 forth the particulars of the alleged discriminatory or unfair practice, and
3 containing any other information required by the division.

4 (II) THE DIVISION SHALL INCLUDE ON ANY CHARGE FORM OR
5 CHARGE INTAKE MECHANISM AN OPTION TO SELECT "HARASSMENT" AS A
6 BASIS OR DESCRIPTION OF THE TYPE OF DISCRIMINATORY OR UNFAIR
7 EMPLOYMENT PRACTICE THAT IS THE SUBJECT OF THE CHARGE.

8 (2) (b) The director or the director's designee, who shall MUST be
9 an employee of the division, shall determine as promptly as possible
10 whether probable cause exists for crediting the allegations of the charge
11 and shall follow one of the following courses of action:

12 (I) If the director or the director's designee determines that
13 probable cause does not exist, ~~he or she~~ THE DIRECTOR OR THE DIRECTOR'S
14 DESIGNEE shall dismiss the charge and shall notify the person filing the
15 charge and the respondent of the dismissal. In addition, in the notice, the
16 director or the director's designee shall advise both parties:

17 (B) That, if the charging party wishes to file a civil action in a
18 district court OF COMPETENT JURISDICTION IN A DISTRICT in this state OR,
19 IF APPLICABLE IN CASES ALLEGING A VIOLATION OF PART 4 OF THIS
20 ARTICLE 34, IN A COURT OF COMPETENT JURISDICTION IN A COUNTY IN THIS
21 STATE based on the alleged discriminatory or unfair practice that was the
22 subject of the charge filed with the commission, ~~he or she must do so~~ THE
23 CHARGING PARTY MUST FILE THE ACTION: Within ninety days after the
24 date the notice specified in this subparagraph (I) SUBSECTION (2)(b)(I) is
25 mailed if ~~he or she~~ THE CHARGING PARTY does not file an appeal with the
26 commission pursuant to sub-subparagraph (A) of this subparagraph (I)
27 SUBSECTION (2)(b)(I)(A) OF THIS SECTION; or within ninety days after the

1 date the notice that the commission has dismissed the appeal specified in
2 sub-subparagraph (A) of this subparagraph (F) SUBSECTION (2)(b)(I)(A)
3 OF THIS SECTION is mailed;

4 (C) That, if the charging party does not file an action within the
5 time limits specified in sub-subparagraph (B) of this subparagraph (F)
6 SUBSECTION (2)(b)(I)(B) OF THIS SECTION, the action will be barred, and
7 no district court shall have HAS jurisdiction to hear the action.

8 (11) If written notice that a formal hearing will be held is not
9 served within two hundred seventy days after the filing of the charge, if
10 the complainant has requested and received a notice of right to sue
11 pursuant to subsection (15) of this section, or if the hearing is not
12 commenced within the one-hundred-twenty-day period prescribed by
13 subsection (4) of this section, the jurisdiction of the commission over the
14 complaint shall cease CEASES, and the complainant may seek the relief
15 authorized under this part 3 and parts 4 to 7 of this article ARTICLE 34
16 against the respondent by filing a civil action in the district court for the
17 A COURT OF COMPETENT JURISDICTION IN THE district OR, IF APPLICABLE
18 IN COMPLAINTS ALLEGING A VIOLATION OF PART 4 OF THIS ARTICLE 34, IN
19 THE COUNTY in which the alleged discriminatory or unfair practice
20 occurred. Such THE action must be filed within ninety days of AFTER the
21 date upon which the jurisdiction of the commission ceased, and if not so
22 filed, it shall be IS barred and the district court shall have HAS no
23 jurisdiction to hear such THE action. If any party requests the extension of
24 any time period prescribed by this subsection (11), such THE extension
25 may be granted for good cause by the commission, a commissioner, or the
26 administrative law judge, as the case may be, but the total period of all
27 such extensions to either the respondent or the complainant shall MUST

1 not exceed ninety days each, and, in the case of multiple parties, the total
2 period of all extensions shall MUST not exceed one hundred eighty days.

3 (14) No A person may NOT file a civil action in a district court in
4 this state based on an alleged discriminatory or unfair practice prohibited
5 by parts 4 to 7 of this article PARTS 5 TO 7 OF THIS ARTICLE 34 OR, IN
6 CASES ALLEGING A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE
7 PROHIBITED BY PART 4 OF THIS ARTICLE 34, IN A COURT OF COMPETENT
8 JURISDICTION IN THE DISTRICT OR COUNTY IN WHICH THE ALLEGED
9 DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE OCCURRED without
10 first exhausting the proceedings and remedies available to him THE
11 PERSON under this part 3 unless he THE PERSON shows, in an action filed
12 in the appropriate district court, by clear and convincing evidence, his THE
13 PERSON'S ill health, which is of such a nature that pursuing administrative
14 remedies would not provide timely and reasonable relief and would cause
15 irreparable harm.

16 SECTION 5. In Colorado Revised Statutes, add 24-34-310 as
17 follows:

18 24-34-310. Training and education programs for employers -
19 commission to develop. IN ADDITION TO ANY EDUCATION AND OUTREACH
20 DUTIES SPECIFIED IN SECTION 24-34-305, THE COMMISSION SHALL
21 DEVELOP SAMPLE TRAINING AND EDUCATION PROGRAMS REGARDING THE
22 PREVENTION OF HARASSMENT AND DISCRIMINATION IN THE WORKPLACE,
23 BYSTANDER INTERVENTION, AND WORKPLACE CIVILITY. WITHIN SIX
24 MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSION
25 SHALL DEVELOP THE TRAINING AND EDUCATION PROGRAMS AND MAKE
26 THE PROGRAMS AVAILABLE TO EMPLOYERS, AT NO COST, ON THE
27 DIVISION'S WEBSITE AND IN OTHER MANNERS THAT ENABLE EMPLOYERS TO

1 ACCESS THE PROGRAMS.

2 **SECTION 6.** In Colorado Revised Statutes, add 24-34-400.2 as
3 follows:

4 **24-34-400.2. Legislative declaration.** (1) THE GENERAL
5 ASSEMBLY FINDS THAT:

6 (a) ALL COLORADANS SHOULD HAVE AN EQUAL OPPORTUNITY TO
7 SUCCEED IN THE WORKPLACE AND ARE ENTITLED TO A WORKPLACE THAT
8 IS FREE FROM DISCRIMINATION, HOSTILITY, OR HARASSMENT BASED ON
9 THEIR PROTECTED STATUS;

10 (b) WHEN EMPLOYEES HAVE A SAFE WORKPLACE THAT IS FREE
11 FROM HARASSMENT AND DISCRIMINATION, THOSE EMPLOYEES ARE MORE
12 PRODUCTIVE AND ARE MORE INCLINED TO REMAIN IN THEIR JOBS, AND
13 EMPLOYERS BENEFIT FROM INCREASED EMPLOYEE PRODUCTIVITY AND
14 RETENTION;

15 (c) WHILE MANY EMPLOYERS HAVE MADE GREAT STRIDES IN
16 IMPROVING WORKPLACE ENVIRONMENTS BY MAKING THEM FREE FROM
17 HARASSMENT AND DISCRIMINATION SINCE THE FIRST ITERATION OF THIS
18 PART 4 WAS ENACTED IN 1951, MANY EMPLOYEES IN THIS STATE STILL
19 EXPERIENCE HARASSMENT AND DISCRIMINATION IN THE WORKPLACE,
20 RESULTING IN MENTAL, PHYSICAL, AND ECONOMIC HARM;

21 (d) WITH REGARD TO SEXUAL HARASSMENT IN THE WORKPLACE,
22 RECENT STUDIES AND REPORTS, INCLUDING THE 2018 HISCOX WORKPLACE
23 HARASSMENT STUDY AND A 2020 ISSUE BRIEF FROM THE CENTER FOR
24 WOMEN AND WORK IN THE RUTGERS SCHOOL OF MANAGEMENT AND
25 LABOR RELATIONS ENTITLED "ECONOMIC IMPACTS OF SEXUAL
26 HARASSMENT: COMBATING SEXUAL HARASSMENT CAN FURTHER GENDER
27 EQUALITY", HAVE SHOWN THAT:

1 (I) BASED ON DATA FROM A STUDY ON HARASSMENT IN THE
2 WORKPLACE CONDUCTED BY A SPECIAL TASK FORCE OF THE UNITED
3 STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, UP TO
4 EIGHTY-FIVE PERCENT OF ALL WOMEN HAVE EXPERIENCED SOME FORM OF
5 SEXUAL HARASSMENT WHILE AT WORK, AND, IN ABOUT TWELVE PERCENT
6 OF CASES, THE HARASSMENT OCCURRED ON A DAILY OR WEEKLY BASIS;

7 (II) UP TO THIRTY-ONE PERCENT OF PEOPLE SAY THAT NO ACTION
8 WAS TAKEN ON THEIR CLAIM OF SEXUAL HARASSMENT, EVEN THOUGH
9 INCIDENTS OCCURRED FREQUENTLY; AND

10 (III) FIFTY-THREE PERCENT OF EMPLOYEES WHO EXPERIENCED
11 SEXUAL HARASSMENT WERE TOO AFRAID TO REPORT THE UNWELCOME
12 BEHAVIOR;

13 (e) IT IS CRITICAL THAT EMPLOYERS ENGAGE IN PREVENTIVE AND
14 CORRECTIVE ACTIONS TO ELIMINATE WORKPLACE DISCRIMINATION AND
15 HARASSMENT AND ENSURE A SAFE WORKPLACE ENVIRONMENT FOR ALL
16 THEIR EMPLOYEES; AND

17 (f) COURTS SHOULD APPLY THE LAW CONSISTENTLY TO ALL
18 WORKPLACES.

19 (2) ADDITIONALLY, THE GENERAL ASSEMBLY:

20 (a) FINDS THAT THE "SEVERE OR PERVASIVE" STANDARD CREATED
21 BY COURTS TO DETERMINE IF HARASSMENT AT WORK IS A DISCRIMINATORY
22 OR UNFAIR EMPLOYMENT PRACTICE DOES NOT TAKE INTO ACCOUNT THE
23 REALITIES OF THE WORKPLACE OR THE HARM THAT WORKPLACE
24 HARASSMENT CAUSES; AND

25 (b) REJECTS THE "SEVERE OR PERVASIVE" STANDARD FOR PROOF
26 OF WORKPLACE HARASSMENT IN FAVOR OF A STANDARD THAT PROHIBITS
27 UNWELCOME HARASSMENT.

1 (3) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

2 (a) IT IS THE PUBLIC POLICY OF THE STATE TO ENCOURAGE:

3 (I) EMPLOYERS TO ADOPT EQUAL EMPLOYMENT OPPORTUNITY
4 POLICIES TO PREVENT AND DISINCENTIVIZE ILLEGAL DISCRIMINATION AND
5 HARASSMENT; AND

6 (II) THE FREE REPORTING, DISCUSSION, AND EXPOSURE OF
7 DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICES IN ORDER TO
8 BETTER PROTECT EMPLOYEES AND DISCOURAGE DISCRIMINATORY OR
9 UNFAIR EMPLOYMENT PRACTICES; AND

10 (b) ATTEMPTS TO INTERFERE WITH EMPLOYEES' ABILITY TO
11 COMMUNICATE ABOUT AND REPORT ALLEGED DISCRIMINATORY OR UNFAIR
12 EMPLOYMENT PRACTICES ARE CONTRARY TO THE PUBLIC POLICY OF THE
13 STATE.

14 **SECTION 7.** In Colorado Revised Statutes, 24-34-401, **amend**
15 **(2); and add (1.3), (1.5), (1.7), (4.5), and (6.3) as follows:**

16 **24-34-401. Definitions.** As used in this part 4, unless otherwise
17 defined in section 24-34-301 or unless the context otherwise requires:

18 (1.3) "CAREGIVER" MEANS AN INDIVIDUAL WHO PROVIDES DIRECT
19 AND ONGOING CARE TO A MINOR CHILD OR CARE RECIPIENT.

20 (1.5) "CARE RECIPIENT" MEANS AN INDIVIDUAL WHO:

21 (a) (I) HAS A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH
22 CONDITION;

23 (II) NEEDS TO OBTAIN A MEDICAL DIAGNOSIS, CARE, OR
24 TREATMENT FOR A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH
25 CONDITION; OR

26 (III) NEEDS TO OBTAIN PREVENTIVE MEDICAL CARE;

27 (b) IS A FAMILY MEMBER, AS DEFINED IN SECTION 8-13.3-503 (11),

1 OF THE CAREGIVER OR RESIDES IN THE CAREGIVER'S HOUSEHOLD; AND

2 (c) RELIES ON THE CAREGIVER FOR MEDICAL CARE OR TO MEET THE
3 NEEDS OF DAILY LIVING.

4 (1.7) "CHILD" MEANS A BIOLOGICAL, ADOPTED, OR FOSTER CHILD;
5 A STEPCCHILD; A LEGAL WARD; A CHILD OF A DOMESTIC PARTNER; OR A
6 CHILD TO WHOM THE CAREGIVER STANDS IN LOCO PARENTIS.

7 (2) (a) "Employee" means any person INDIVIDUAL employed by an
8 employer. ~~except a person in the domestic service of any person.~~

9 (b) (I) FOR PURPOSES OF THIS PART 4 ONLY, AN INDIVIDUAL WHO
10 PERFORMS SERVICES FOR PAY FOR ANOTHER IS DEEMED AN EMPLOYEE,
11 IRRESPECTIVE OF WHETHER THE COMMON-LAW RELATIONSHIP OF MASTER
12 AND SERVANT EXISTS, UNLESS IT IS PROVED BY A PREPONDERANCE OF THE
13 EVIDENCE THAT THE INDIVIDUAL IS:

14 (A) FREE FROM CONTROL AND DIRECTION IN THE PERFORMANCE OF
15 THE SERVICE, BOTH UNDER THE CONTRACT FOR PERFORMANCE OF THE
16 SERVICE AND IN FACT; AND

17 (B) CUSTOMARILY ENGAGED IN AN INDEPENDENT TRADE,
18 OCCUPATION, PROFESSION, OR BUSINESS RELATED TO THE SERVICE
19 PERFORMED.

20 (II) FOR PURPOSES OF THIS PART 4 ONLY, TO PROVE THAT AN
21 INDIVIDUAL IS NOT AN EMPLOYEE AND IS ENGAGED IN AN INDEPENDENT
22 TRADE, OCCUPATION, PROFESSION, OR BUSINESS AND IS FREE FROM
23 CONTROL AND DIRECTION IN THE PERFORMANCE OF THE SERVICE, THE
24 PERSON FOR WHOM THE SERVICES ARE PERFORMED MUST SHOW BY A
25 PREPONDERANCE OF THE EVIDENCE THAT:

26 (A) THE CONDITIONS SPECIFIED IN SECTION 8-70-115 (1)(c) AND
27 (1)(d) HAVE BEEN SATISFIED; AND

1 (B) THE INDIVIDUAL PERFORMING THE SERVICES AND THE PERSON
2 FOR WHOM THE SERVICES ARE PERFORMED EXECUTED A SIGNED, WRITTEN
3 AGREEMENT UNDER WHICH THE PERSON FOR WHOM THE SERVICES ARE
4 PERFORMED UNAMBIGUOUSLY AGREES THAT, DURING THE PERFORMANCE
5 OF THE AGREEMENT, THE PERSON FOR WHOM THE SERVICES ARE
6 PERFORMED WILL NOT DISCRIMINATE AGAINST OR HARASS THE INDIVIDUAL
7 BECAUSE OF DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION,
8 GENDER IDENTITY, GENDER EXPRESSION, MARITAL STATUS, CAREGIVER
9 STATUS, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY.

10 (III) IF THE PERSON FOR WHOM THE SERVICES ARE PERFORMED
11 SATISFIES THE REQUIREMENTS OF SUBSECTION (2)(b)(II) OF THIS SECTION,
12 THE INDIVIDUAL PERFORMING THE SERVICES FOR THE PERSON WILL NOT BE
13 DEEMED AN EMPLOYEE FOR PURPOSES OF THIS PART 4 ONLY. A
14 DETERMINATION PURSUANT TO THIS SUBSECTION (2)(b) THAT AN
15 INDIVIDUAL IS NOT AN EMPLOYEE FOR PURPOSES OF THIS PART 4 DOES NOT
16 AFFECT THE RIGHTS OR LIABILITIES OF THE INDIVIDUAL PERFORMING
17 SERVICES OR THE PERSON FOR WHOM THE SERVICES ARE PERFORMED
18 UNDER THE AGREEMENT OR ANY OTHER LAW.

19 (4.5) (a) "HARASS" OR "HARASSMENT" MEANS TO SUBJECT AN
20 INDIVIDUAL TO UNWELCOME VERBAL, WRITTEN, OR PHYSICAL CONDUCT,
21 WHERE THE FOLLOWING FACTORS ARE MET:

22 (I) THE CONDUCT IS RELATED TO THE INDIVIDUAL'S DISABILITY,
23 RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY,
24 GENDER EXPRESSION, MARITAL STATUS, CAREGIVER STATUS, RELIGION,
25 AGE, NATIONAL ORIGIN, OR ANCESTRY; AND

26 (II) (A) SUBMISSION TO THE CONDUCT IS MADE EITHER EXPLICITLY
27 OR IMPLICITLY A TERM OR CONDITION OF THE INDIVIDUAL'S EMPLOYMENT;

1 (B) SUBMISSION TO OR REJECTION OF THE CONDUCT IS USED AS A
2 BASIS FOR EMPLOYMENT DECISIONS AFFECTING THE INDIVIDUAL; OR

3 (C) WHEN TAKEN AS A WHOLE, THE CONDUCT WOULD BE
4 OFFENSIVE TO A REASONABLE PERSON WITH THE SAME OR SIMILAR
5 CHARACTERISTICS AS THE INDIVIDUAL SUBJECTED TO THE CONDUCT AND
6 WAS OFFENSIVE TO THE INDIVIDUAL.

7 (b) WHETHER THE CONDUCT WOULD BE OFFENSIVE TO A
8 REASONABLE PERSON WITH THE SAME OR SIMILAR CHARACTERISTICS AS
9 THE INDIVIDUAL SUBJECTED TO THE CONDUCT MUST BE DETERMINED BY
10 A REVIEW OF THE TOTALITY OF THE CIRCUMSTANCES OF THE CONDUCT,
11 INCLUDING:

- 12 (I) THE TYPE OF CONDUCT;
- 13 (II) THE NATURE OF THE CONDUCT; AND
- 14 (III) THE FREQUENCY OF THE CONDUCT, RECOGNIZING THAT A
15 SINGLE ACT OF HARASSMENT MAY BE OFFENSIVE TO A REASONABLE
16 PERSON IN THE TOTALITY OF THE CIRCUMSTANCES.

17 (c) WHETHER THE CONDUCT WAS OFFENSIVE TO THE INDIVIDUAL
18 MUST BE DETERMINED BY A REVIEW OF THE TOTALITY OF THE
19 CIRCUMSTANCES OF THE CONDUCT, INCLUDING:

- 20 (I) THE IDENTITY OF THE INDIVIDUAL ENGAGING IN THE CONDUCT;
21 AND
- 22 (II) WHETHER THE INDIVIDUAL WHO WAS SUBJECTED TO THE
23 CONDUCT FELT EXPLICIT OR IMPLICIT PRESSURE TO CONDONE, ENCOURAGE,
24 OR PARTICIPATE IN THE CONDUCT.

25 (6.3) "MINOR CHILD" MEANS A CHILD WHO IS UNDER EIGHTEEN
26 YEARS OF AGE.

27 **SECTION 8.** In Colorado Revised Statutes, 24-34-402, **amend**

1 (1) introductory portion, (1)(a), (1)(b), (1)(c), (1)(d), and (1)(f); and add
2 (1)(j) and (1.5) as follows:

3 **24-34-402. Discriminatory or unfair employment practices.**

4 (1) It shall be IS a discriminatory or unfair employment practice:

5 (a) (I) For an employer to refuse to hire, to discharge, to promote
6 or demote, to harass during the course of employment, or to discriminate
7 in matters of compensation, terms, conditions, or privileges of
8 employment against any person INDIVIDUAL otherwise qualified because
9 of disability, race, creed, color, sex, sexual orientation, MARITAL STATUS,
10 CAREGIVER STATUS, religion, age, national origin, or ancestry; but, with
11 regard to a disability, it is not a discriminatory or an unfair employment
12 practice for an employer to act as provided in this paragraph (a)
13 SUBSECTION (1)(a) if there is no reasonable accommodation that the
14 employer can make with regard to the disability, the disability actually
15 disqualifies the person INDIVIDUAL from the job, and the disability has a
16 significant impact on the job. For purposes of this paragraph (a), "harass"
17 means to create a hostile work environment based upon an individual's
18 race, national origin, sex, sexual orientation, disability, age, or religion.
19 Notwithstanding the provisions of this paragraph (a), harassment is not
20 an illegal act unless a complaint is filed with the appropriate authority at
21 the complainant's workplace and such authority fails to initiate a
22 reasonable investigation of a complaint and take prompt remedial action
23 if appropriate.

24 (II) FOR A HARASSMENT CLAIM UNDER THIS SUBSECTION (1)(a):

25 (A) THE LEGAL STANDARD FOR HARASSMENT DOES NOT VARY BY
26 TYPE OF WORKPLACE. IT IS IRRELEVANT THAT A PARTICULAR OCCUPATION
27 MAY HAVE BEEN CHARACTERIZED BY A GREATER FREQUENCY OF

1 DISCRIMINATORY COMMENTS OR CONDUCT IN THE PAST.

2 (B) THE CONDUCT DOES NOT NEED TO BE SEVERE OR PERVASIVE TO
3 CONSTITUTE A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE
4 UNDER THIS SUBSECTION (1)(a).

5 (C) IT SHALL BE AN AFFIRMATIVE DEFENSE IF AN EMPLOYER
6 DEMONSTRATES THAT WHEN THE EMPLOYER KNEW OR SHOULD HAVE
7 KNOWN OF THE HARASSMENT, THE EMPLOYER TOOK PROMPT,
8 REASONABLE, REMEDIAL ACTION TO END THE HARASSMENT, DETER
9 FUTURE HARASSERS, AND PROTECT EMPLOYEES.

10 (b) For an employment agency to refuse to list and properly
11 classify for employment or to REFUSE TO refer an individual for
12 employment in a known available job for which ~~such~~ THE individual is
13 otherwise qualified because of disability, race, creed, color, sex, sexual
14 orientation, MARITAL STATUS, CAREGIVER STATUS, religion, age, national
15 origin, or ancestry or for an employment agency to comply with a request
16 from an employer for referral of applicants for employment if the request
17 indicates either directly or indirectly that the employer discriminates in
18 employment on account of disability, race, creed, color, sex, sexual
19 orientation, MARITAL STATUS, CAREGIVER STATUS, religion, age, national
20 origin, or ancestry; but, with regard to a disability, it is not a
21 discriminatory or an unfair employment practice for an employment
22 agency to refuse to list and properly classify for employment or to refuse
23 to refer an individual for employment in a known available job for which
24 ~~such~~ THE individual is otherwise qualified if there is no reasonable
25 accommodation that the employer can make with regard to the disability,
26 the disability actually disqualifies the applicant from the job, and the
27 disability has a significant impact on the job;

1 (c) For a labor organization to exclude any individual otherwise
2 qualified from full membership rights in such THE labor organization, or
3 to expel any such individual from membership in such THE labor
4 organization, or to otherwise discriminate against any of its members in
5 the full enjoyment of work opportunity because of disability, race, creed,
6 color, sex, sexual orientation, MARITAL STATUS, CAREGIVER STATUS,
7 religion, age, national origin, or ancestry;

8 (d) For any employer, employment agency, or labor organization
9 to print or circulate or cause to be printed or circulated any statement,
10 advertisement, or publication, or to use any form of CONTRACT OR
11 application for employment, WORK, or membership, or to make any
12 inquiry in connection with A POTENTIAL CONTRACT OR prospective
13 employment, WORK, or membership that expresses, either directly or
14 indirectly, any limitation, specification, or discrimination as to disability,
15 race, creed, color, sex, sexual orientation, MARITAL STATUS, CAREGIVER
16 STATUS, religion, age, national origin, or ancestry or intent to make any
17 such limitation, specification, or discrimination, unless based upon ON a
18 bona fide occupational qualification or required by and given to an
19 agency of government for security reasons;

20 (f) For any employer, labor organization, joint apprenticeship
21 committee, or vocational school providing, coordinating, or controlling
22 apprenticeship programs or providing, coordinating, or controlling
23 on-the-job training programs or other instruction, training, or retraining
24 programs;

25 (I) To deny to or withhold from any qualified person INDIVIDUAL,
26 because of disability, race, creed, color, sex, sexual orientation, MARITAL
27 STATUS, CAREGIVER STATUS, religion, age, national origin, or ancestry, the

1 right to be admitted to or participate in an apprenticeship training
2 program, an on-the-job training program, or any other occupational
3 instruction, training, or retraining program; but, with regard to a
4 disability, it is not a discriminatory or an unfair employment practice to
5 deny or withhold the right to be admitted to or participate in any such
6 program if there is no reasonable accommodation that can be made with
7 regard to the disability, the disability actually disqualifies the applicant
8 from the program, and the disability has a significant impact on
9 participation in the program;

10 (II) To discriminate against any qualified ~~person~~ INDIVIDUAL in
11 pursuit of such programs or to discriminate against ~~such a person~~ THE
12 INDIVIDUAL in the terms, conditions, or privileges of such programs
13 because of disability, race, creed, color, sex, sexual orientation, MARITAL
14 STATUS, CAREGIVER STATUS, religion, age, national origin, or ancestry; OR

15 (III) To print or circulate or cause to be printed or circulated any
16 statement, advertisement, or publication, or to use any form of application
17 for such programs, or to make any inquiry in connection with such
18 programs that expresses, directly or indirectly, any limitation,
19 specification, or discrimination as to disability, race, creed, color, sex,
20 sexual orientation, MARITAL STATUS, CAREGIVER STATUS, religion, age,
21 national origin, or ancestry or any intent to make any such limitation,
22 specification, or discrimination, unless based on a bona fide occupational
23 qualification;

24 (j) FOR AN EMPLOYER TO FAIL TO CONDUCT A REASONABLE
25 INVESTIGATION OF AN EMPLOYEE'S COMPLAINT OF HARASSMENT,
26 DISCRIMINATION, RETALIATION, OR ANY COMBINATION OF HARASSMENT,
27 DISCRIMINATION, OR RETALIATION OR TO FAIL TO TAKE PROMPT,

1 REASONABLE, REMEDIAL ACTION IN RESPONSE TO A COMPLAINT.

2 (1.5) WHEN AN EMPLOYEE CLAIMS THAT A SUPERVISOR HAS
3 UNLAWFULLY HARASSED THAT EMPLOYEE, THE EMPLOYER CAN AVOID
4 LIABILITY ONLY IF IT ESTABLISHES THAT:

5 (a) THE EMPLOYER HAS ESTABLISHED A PROGRAM THAT IS
6 REASONABLY DESIGNED TO END THE HARASSMENT, DETER FUTURE
7 HARASSERS, AND PROTECT EMPLOYEES FROM HARASSMENT;

8 (b) THE EMPLOYER HAS COMMUNICATED THE EXISTENCE AND
9 DETAILS OF THE PROGRAM SPECIFIED IN SUBSECTION (1.5)(a) OF THIS
10 SECTION TO BOTH ITS SUPERVISORY AND NONSUPERVISORY EMPLOYEES;

11 (c) NO EMPLOYEE HAS SUBMITTED A CHARGE OF RETALIATION FOR
12 A COMPLAINT OF ALLEGED UNLAWFUL HARASSMENT WITH THE DIVISION
13 OR THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
14 WITHIN THE PRIOR SIX YEARS; AND

15 (d) THE EMPLOYEE HAS UNREASONABLY FAILED TO TAKE
16 ADVANTAGE OF THE EMPLOYER'S PROGRAM SPECIFIED IN SUBSECTION
17 (1.5)(a) OF THIS SECTION, AS ESTABLISHED BY THE TOTALITY OF THE
18 CIRCUMSTANCES.

19 **SECTION 9.** In Colorado Revised Statutes, **amend** 24-34-403 as
20 follows:

21 **24-34-403. Time limits on filing of charges.** Any charge alleging
22 a violation of this part 4 ~~shall~~ MUST be filed with the commission
23 pursuant to section 24-34-306 within ~~six months~~ THREE HUNDRED DAYS
24 after the alleged discriminatory or unfair employment practice occurred,
25 and if IT IS not so filed, it ~~shall be~~ IS barred.

26 **SECTION 10.** In Colorado Revised Statutes, 24-34-405, **amend**
27 (3)(a); and **repeal** (3)(g) as follows:

1 **24-34-405. Relief authorized - short title.** (3) (a) In addition to
2 the relief available pursuant to subsection (2) of this section, and except
3 as provided in paragraph (g) of this subsection (3), in a civil action
4 brought by a plaintiff under this part 4 against a defendant who is found
5 to have engaged in an intentional discriminatory or unfair employment
6 practice, the plaintiff may recover compensatory and punitive damages as
7 specified in this subsection (3). The court shall not award a plaintiff
8 compensatory or punitive damages when the defendant is found to have
9 engaged in an employment practice that is unlawful solely because of its
10 disparate impact.

11 (g) In a civil action involving a claim of discrimination based on
12 age, the plaintiff is entitled only to the relief authorized in subsection (2)
13 of this section and in 29 U.S.C. sec. 626 (b) and 29 U.S.C. sec. 216 (b) if
14 the court finds that the defendant engaged in a discriminatory or unfair
15 employment practice based on age. If, in addition to alleging
16 discrimination based on age, the plaintiff alleges discrimination based on
17 any other factor specified in section 24-34-402 (1), this paragraph (g)
18 does not preclude a plaintiff from recovering the relief authorized by this
19 section for that discrimination claim.

20 **SECTION 11.** In Colorado Revised Statutes, **add** 24-34-407 and
21 24-34-408 as follows:

22 **24-34-407. Nondisclosure agreements - requirements for**
23 **enforcement - prior charges against an employer - access.** (1) (a) ON
24 AND AFTER THE EFFECTIVE DATE OF THIS SECTION, A PROVISION IN AN
25 AGREEMENT BETWEEN AN EMPLOYER AND AN EMPLOYEE THAT LIMITS THE
26 ABILITY OF AN EMPLOYEE TO DISCLOSE OR DISCUSS, EITHER ORALLY OR IN
27 WRITING, ALLEGED DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICES,

1 WHICH PROVISION IS REFERRED TO IN THIS SECTION AS A "NONDISCLOSURE
2 PROVISION", IS VOID UNLESS:

3 (I) THE NONDISCLOSURE PROVISION:

4 (A) WAS FIRST PROPOSED BY THE EMPLOYEE; AND

5 (B) APPLIES EQUALLY TO ALL PARTIES TO THE AGREEMENT;

6 (II) AN ADDENDUM, SIGNED BY ALL PARTIES TO THE AGREEMENT
7 AND ATTESTING TO COMPLIANCE WITH THIS SUBSECTION (1), IS ATTACHED
8 TO THE AGREEMENT;

9 (III) THE NONDISCLOSURE PROVISION DOES NOT RESTRAIN THE
10 EMPLOYEE FROM DISCLOSING THE UNDERLYING FACTS OF THE ALLEGED
11 DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE:

12 (A) TO THE EMPLOYEE'S IMMEDIATE FAMILY, RELIGIOUS ADVISOR,
13 MEDICAL OR MENTAL HEALTH PROVIDER, LEGAL COUNSEL, FINANCIAL
14 ADVISOR, OR TAX PREPARER; OR

15 (B) AS REQUIRED BY LAW; AND

16 (IV) THE AGREEMENT INCLUDES A CONDITION THAT ANY
17 MATERIAL MISREPRESENTATION BY THE EMPLOYER OR THE INDIVIDUAL OR
18 INDIVIDUALS WHO ENGAGED IN THE ALLEGED DISCRIMINATORY OR UNFAIR
19 EMPLOYMENT PRACTICE ABOUT THE COMPLAINING EMPLOYEE VOIDS THE
20 NONDISCLOSURE PROVISION AND ANY ASSOCIATED LIQUIDATED DAMAGES
21 FOR VIOLATIONS OF THE NONDISCLOSURE PROVISION, AS THE
22 NONDISCLOSURE PROVISION APPLIES TO THE EMPLOYEE, BUT THE
23 REMAINDER OF THE AGREEMENT REMAINS ENFORCEABLE.

24 (b) IN ANY CIVIL ACTION INVOLVING A CLAIM OF A
25 DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE, A PLAINTIFF MAY
26 PRESENT EVIDENCE THAT THE EMPLOYER AGAINST WHOM THE ACTION WAS
27 FILED ENTERED INTO ONE OR MORE AGREEMENTS THAT INCLUDED A

1 NONDISCLOSURE PROVISION INVOLVING THE CONDUCT OF THE SAME
2 INDIVIDUAL OR INDIVIDUALS WHO ARE ALLEGED IN THE ACTION TO HAVE
3 ENGAGED IN THE DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE. IF
4 SUCH EVIDENCE IS PRESENTED, THE COURT SHALL ALLOW THE JURY TO
5 CONSIDER THE EVIDENCE IN SUPPORT OF AN AWARD OF PUNITIVE
6 DAMAGES.

7 (2) (a) UPON THE FILING OF A CHARGE OF A DISCRIMINATORY OR
8 UNFAIR EMPLOYMENT PRACTICE PURSUANT TO SECTION 24-34-306(2), THE
9 DIVISION SHALL PROVIDE TO THE CHARGING PARTY ANY OTHER CHARGES
10 FILED WITH THE DIVISION AGAINST THE SAME RESPONDENT, INCLUDING
11 THE RESPONDENT'S POSITION STATEMENT PROVIDED TO THE DIVISION IN
12 RESPONSE TO A PREVIOUS CHARGE.

13 (b) BEFORE PROVIDING PRIOR CHARGES TO A CHARGING PARTY
14 PURSUANT TO THIS SECTION, THE DIVISION SHALL REDACT THE NAME OF
15 THE CHARGING PARTY IN ANY PREVIOUS CHARGE AGAINST THE SAME
16 RESPONDENT.

17 **24-34-408. Employer training requirements - records - notices**
18 **to employees - rules - enforcement. (1) (a) (I) STARTING ONE YEAR**
19 **AFTER THE EFFECTIVE DATE OF THIS SECTION, AN EMPLOYER WITH TWENTY**
20 **OR MORE EMPLOYEES SHALL PROVIDE TRAINING AND EDUCATION TO ALL**
21 **EMPLOYEES REGARDING HARASSMENT AND DISCRIMINATION PREVENTION,**
22 **BYSTANDER INTERVENTION, AND CIVILITY IN THE WORKPLACE.**

23 (II) THE EMPLOYER SHALL PROVIDE THE TRAINING AND EDUCATION
24 TO:

25 (A) NEW EMPLOYEES WITHIN ONE HUNDRED EIGHTY DAYS AFTER
26 HIRE; AND

27 (B) TO ALL EMPLOYEES AT LEAST ANNUALLY.

1 (b) THE EMPLOYER SHALL INCLUDE AS PART OF THE TRAINING AND
2 EDUCATION REQUIRED BY THIS SECTION THE NAMES OF AT LEAST TWO
3 INDIVIDUALS OR POSITIONS WITHIN THE ORGANIZATION TO WHOM
4 HARASSING OR DISCRIMINATORY CONDUCT SHOULD BE REPORTED.

5 (c) AN EMPLOYER MAY USE THE PROGRAMS DEVELOPED BY THE
6 COMMISSION OR ANY OTHER TRAINING AND EDUCATION PROGRAMS THAT
7 ADDRESS HARASSMENT AND DISCRIMINATION PREVENTION, BYSTANDER
8 INTERVENTION, AND CIVILITY IN THE WORKPLACE.

9 (d) AN EMPLOYER SHALL MAINTAIN RECORDS, IN A FORM AND
10 MANNER DETERMINED BY THE COMMISSION BY RULE, DEMONSTRATING
11 COMPLIANCE WITH THIS SECTION. AN EMPLOYER SHALL MAINTAIN THE
12 RECORDS FOR AT LEAST THREE YEARS AND SHALL MAKE THE RECORDS
13 AVAILABLE TO THE DIVISION UPON REQUEST.

14 (e) EMPLOYERS WITH FEWER THAN TWENTY EMPLOYEES ARE
15 ENCOURAGED TO PROVIDE THE TRAINING AND EDUCATION SPECIFIED IN
16 THIS SUBSECTION (1) TO THEIR EMPLOYEES.

17 (2) (a) ALL EMPLOYERS SHALL INFORM EMPLOYEES, AT THE TIME
18 OF HIRE, AND INCLUDE AS PART OF ANY EMPLOYEE HANDBOOK, MANUAL,
19 OR OTHER MATERIALS OUTLINING THE TERMS AND CONDITIONS OF THE
20 EMPLOYMENT RELATIONSHIP, THE FOLLOWING:

21 (I) THAT EMPLOYEES SHOULD EXPECT A WORKPLACE THAT IS FREE
22 FROM HARASSMENT AND DISCRIMINATION;

23 (II) THE NAME AND CONTACT INFORMATION FOR THE INDIVIDUALS
24 OR POSITIONS WITHIN THE ORGANIZATION TO WHOM AN EMPLOYEE IS TO
25 REPORT ANY HARASSING OR DISCRIMINATORY CONDUCT; AND

26 (III) THE CONTACT INFORMATION FOR THE DIVISION FOR PURPOSES
27 OF FILING A CHARGE IF THE EMPLOYEE IS NOT COMFORTABLE REPORTING

1 TO THE ORGANIZATION'S DESIGNATED INDIVIDUAL.

2 (b) EMPLOYERS SHALL INCLUDE THE INFORMATION SPECIFIED IN
3 SUBSECTION (2)(a) OF THIS SECTION ON A WRITTEN NOTICE POSTED IN A
4 CONSPICUOUS PLACE IN THE EMPLOYER'S PLACE OF BUSINESS IN AN AREA
5 ACCESSIBLE TO EMPLOYEES.

6 (3) UPON FINDING THAT AN EMPLOYER HAS FAILED TO COMPLY
7 WITH THE REQUIREMENTS OF THIS SECTION, THE DIRECTOR MAY ORDER
8 THE EMPLOYER TO PAY A FINE OF NO LESS THAN FIVE HUNDRED DOLLARS
9 AND NO MORE THAN TEN THOUSAND DOLLARS PER VIOLATION.

10 (4) IN ANY CIVIL ACTION INVOLVING A CLAIM OF A
11 DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE, A PLAINTIFF MAY
12 PRESENT EVIDENCE THAT THE EMPLOYER AGAINST WHOM THE ACTION WAS
13 FILED FAILED TO COMPLY WITH THE TRAINING REQUIREMENTS SPECIFIED
14 IN SUBSECTION (1) OF THIS SECTION. IF SUCH EVIDENCE IS PRESENTED, THE
15 COURT SHALL ALLOW THE JURY TO CONSIDER THE EVIDENCE IN SUPPORT
16 OF AN AWARD OF PUNITIVE DAMAGES.

17 **SECTION 12. In Colorado Revised Statutes, 24-34-104, repeal**
18 **(28)(a)(II) as follows:**

19 **24-34-104. General assembly review of regulatory agencies**
20 **and functions for repeal, continuation, or reestablishment - legislative**
21 **declaration - repeal.** (28) (a) The following agencies, functions, or both,
22 are scheduled for repeal on September 1, 2027:

23 (II) The Colorado civil rights division, including the Colorado
24 civil rights commission, created in part 3 of this article 34;

25 **SECTION 13. Appropriation.** (1) For the 2021-22 state fiscal
26 year, \$539,292 is appropriated to the department of corrections for use by
27 support services. This appropriation is from the general fund. To

1 implement this act, the department may use this appropriation as follows:

2 (a) \$493,992 for personal services related to the personnel
3 subprogram, which amount is based on an assumption that the department
4 will require an additional 6.0 FTE;

5 (b) \$3,000 for operating expenses related to the personnel
6 subprogram;

7 (c) \$37,200 for personnel start-up related to the personnel
8 subprogram;

9 (d) \$2,700 for operating expenses related to the communications
10 subprogram; and

11 (d) \$2,400 for operating expenses related to the information
12 systems subprogram.

13 (2) For the 2021-22 state fiscal year, \$71,905 is appropriated to
14 the department of education for use by management and administration.
15 This appropriation is from the general fund and is based on an assumption
16 that the department will require an additional 0.8 FTE. To implement this
17 act, the department may use this appropriation for general department and
18 program administration.

19 (3) For the 2021-22 state fiscal year, \$134,823 is appropriated to
20 the office of the governor. This appropriation is from the general fund. To
21 implement this act, the office may use this appropriation as follows:

22 (a) \$44,941 for use by the office of the governor for
23 administration of governor's office and residence, which amount is based
24 on an assumption that the office will require an additional 0.5 FTE; and

25 (b) \$89,882 for use by the office of information technology for
26 central administration, which amount is based on an assumption that the
27 office will require an additional 1.0 FTE.

1 (4) For the 2021-22 state fiscal year, \$22,471 is appropriated to
2 the department of health care policy and financing for use by the
3 executive director's office. This appropriation is from the general fund
4 and is based on an assumption that the office will require an additional
5 0.5 FTE. To implement this act, the office may use this appropriation for
6 personal services.

7 (5) For the 2021-22 state fiscal year, the general assembly
8 anticipates that the department of health care policy and financing will
9 receive \$22,470 in federal funds for use by the executive director's office
10 for personal services to implement this act. The appropriation in
11 subsection (4) of this section is based on the assumption that the
12 department will receive this amount of federal funds, which is subject to
13 the "(I)" notation as defined in the annual general appropriation act for the
14 same fiscal year.

15 (6) For the 2021-22 state fiscal year, \$449,410 is appropriated to
16 the department of human services for use by the executive director's
17 office. This appropriation is from the general fund and is based on an
18 assumption that the office will require an additional 5.0 FTE. To
19 implement this act, the office may use this appropriation for personal
20 services.

21 (7) For the 2021-22 state fiscal year, \$449,410 is appropriated to
22 the judicial department. This appropriation is from the general fund. To
23 implement this act, the office may use this appropriation as follows:

24 (a) \$334,728 for use by courts administration for general courts
25 administration, which amount is based on an assumption that courts
26 administration will require an additional 4.0 FTE;

27 (b) \$24,800 for use by courts administration for capital outlay

1 related to central appropriations; and

2 (c) \$89,882 for use by the office of the state public defender for
3 personal services, which amount is based on an assumption that the office
4 will require an additional 1.0 FTE.

5 (8) For the 2021-22 state fiscal year, \$107,858 is appropriated to
6 the department of labor and employment for use by the executive
7 director's office. This appropriation is from the general fund and is based
8 on an assumption that the office will require an additional 1.2 FTE. To
9 implement this act, the office may use this appropriation for personal
10 services.

11 (9) For the 2021-22 state fiscal year, \$401,180 is appropriated to
12 the department of law. This appropriation consists of \$44,941 from the
13 general fund and \$356,239 from reappropriated funds received from the
14 department of personnel under subsection (11)(d) of this section and from
15 the department of regulatory agencies under subsection (14)(d) of this
16 section. To implement this act, the department may use this appropriation
17 as follows:

18 (a) \$44,941 from the general fund for use by administration for
19 personal services, which amount is based on an assumption that the
20 department will require an additional 0.5 FTE; and

21 (b) \$356,239 from reappropriated funds received from and to
22 provide legal services for the department of personnel and the department
23 of regulatory agencies under subsections (11)(d) and (14)(d) of this
24 section, which amount is based on an assumption that the department will
25 require an additional 2.0 FTE.

26 (10) For the 2021-22 state fiscal year, \$134,823 is appropriated to
27 the department of natural resources for use by the executive director's

1 office. This appropriation is from the general fund and is based on an
2 assumption that the office will require an additional 1.5 FTE. To
3 implement this act, the office may use this appropriation for personal
4 services.

5 (11) For the 2021-22 state fiscal year, \$630,465 is appropriated to
6 the department of personnel. This appropriation is from the general fund.
7 To implement this act, the department may use this appropriation as
8 follows:

9 (a) \$52,967 for use by risk management services for personal
10 services, which amount is based on an assumption that the department
11 will require an additional 0.9 FTE;

12 (b) \$7,550 for use by risk management services for operating
13 expenses;

14 (c) \$58,460 for use by the state personnel board for personal
15 services, which amount is based on an assumption that the board will
16 require an additional 0.6 FTE; and

17 (d) \$511,488 for the purchase of legal services, which amount
18 consists of \$340,288 for the purchase of legal services from the
19 department of law and \$171,200 for the purchase of legal services from
20 outside council.

21 (12) For the 2021-22 state fiscal year, \$125,835 is appropriated to
22 the department of public health and environment for use by
23 administration and support. This appropriation is from the general fund
24 and is based on an assumption that the department will require an
25 additional 1.4 FTE. To implement this act, the department may use this
26 appropriation for personal services related to administration.

27 (13) For the 2021-22 state fiscal year, \$161,788 is appropriated to

1 the department of public safety for use by the executive director's office.
2 This appropriation is from the general fund and is based on an assumption
3 that the office will require an additional 1.8 FTE. To implement this act,
4 the office may use this appropriation for personal services related to
5 administration.

6 (14) For the 2021-22 state fiscal year, \$652,879 is appropriated to
7 the department of regulatory agencies. This appropriation is from the
8 general fund. To implement this act, the department may use this
9 appropriation as follows:

10 (a) \$44,941 for use by the executive director's office for personal
11 services, which amount is based on an assumption that the office will
12 require an additional 0.5 FTE;

13 (b) \$491,487 for use by the civil rights division for personal
14 services, which amount is based on an assumption that the division will
15 require an additional 9.2 FTE;

16 (c) \$100,500 for use by the civil rights division for operating
17 expenses; and

18 (d) \$15,951 for the purchase of legal services.

19 (15) For the 2021-22 state fiscal year, \$134,823 is appropriated to
20 the department of revenue for use by the executive director's office. This
21 appropriation is from the general fund and is based on an assumption that
22 the office will require an additional 1.5 FTE. To implement this act, the
23 office may use this appropriation for personal services related to
24 administration and support.

25 (16) For the 2021-22 state fiscal year, \$269,646 is appropriated to
26 the department of transportation. This appropriation is from the state
27 highway fund created in section 43-1-219, C.R.S., and is based on an

1 assumption that the department will require an additional 3.0 FTE. To
2 implement this act, the department may use this appropriation for
3 administration.

4 **SECTION 14. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
6 the expiration of the ninety-day period after final adjournment of the
7 general assembly; except that, if a referendum petition is filed pursuant
8 to section 1 (3) of article V of the state constitution against this act or an
9 item, section, or part of this act within such period, then the act, item,
10 section, or part will not take effect unless approved by the people at the
11 general election to be held in November 2022 and, in such case, will take
12 effect on the date of the official declaration of the vote thereon by the
13 governor.

14 (2) This act applies to employment practices occurring on or after
15 the applicable effective date of this act.