

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0416.03 Christy Chase x2008

HOUSE BILL 22-1367

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO LAWS PROHIBITING DISCRIMINATION
102 IN EMPLOYMENT PRACTICES, AND, IN CONNECTION THEREWITH,
103 REPEALING THE EXCLUSION OF DOMESTIC WORKERS FROM THE
104 DEFINITION OF "EMPLOYEE", EXTENDING THE TIME LIMIT FOR
105 FILING A CHARGE ALLEGING UNFAIR OR DISCRIMINATORY
106 EMPLOYMENT PRACTICES WITH THE COLORADO CIVIL RIGHTS
107 COMMISSION, AND REPEALING THE PROHIBITION AGAINST
108 CERTAIN DAMAGES IN CASES ALLEGING AGE-BASED
109 DISCRIMINATION.

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

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.

applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill amends employment discrimination laws, commonly referred to as the "Colorado Anti-discrimination Act" or "CADA", as follows:

- Expands the definition of "employee" to include individuals in domestic service;
- Extends the time limit to file a charge with the Colorado civil rights commission from 6 months to 300 days after the alleged discriminatory or unfair employment practice occurred; and
- Repeals the prohibition, applicable in age discrimination cases only, against the relief and recovery of certain damages so that the remedies available in employment discrimination claims are consistent, regardless of the type of discrimination alleged.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Under Colorado employment discrimination law in effect
5 before the enactment of House Bill 22-____:

6 (I) A worker alleging workplace discrimination or harassment is
7 allowed only 180 days to file a complaint with the Colorado civil rights
8 commission, whereas a worker filing a complaint under federal
9 employment discrimination law is allowed 300 days to file a complaint
10 with the federal equal employment opportunity commission;

11 (II) Domestic workers are excluded from the protections afforded
12 other workers; and

13 (III) Workers who are victims of discrimination on the basis of
14 age are not afforded the same remedies that are available to victims of
15 other forms of workplace discrimination; and

16 (b) It is important to enact House Bill 22-____ to:

1 (I) Eliminate the different deadline for filing a discrimination or
2 harassment complaint under state law to ensure that Colorado workers
3 filing a complaint under state law have the same amount of time to file
4 the complaint as any worker filing a complaint under federal law;

5 (II) Afford domestic workers the same protections against
6 discrimination and harassment in the workplace that are afforded other
7 workers in the state; and

8 (III) Provide all Colorado workers who are victims of
9 discrimination or harassment in the workplace consistent remedies.

10 **SECTION 2.** In Colorado Revised Statutes, 24-34-401, **amend**
11 (2) as follows:

12 **24-34-401. Definitions.** As used in this part 4, unless otherwise
13 defined in section 24-34-301 or unless the context otherwise requires:

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

16 **SECTION 3.** In Colorado Revised Statutes, **amend** 24-34-403 as
17 follows:

18 **24-34-403. Time limits on filing of charges.** Any charge alleging
19 a violation of this part 4 ~~shall~~ MUST be filed with the commission
20 pursuant to section 24-34-306 within ~~six months~~ THREE HUNDRED DAYS
21 after the alleged discriminatory or unfair employment practice occurred,
22 and if A CHARGE IS not ~~so~~ TIMELY filed, it ~~shall be~~ IS barred.

23 **SECTION 4.** In Colorado Revised Statutes, 24-34-405, **amend**
24 (3)(a); and **repeal** (3)(g) as follows:

25 **24-34-405. Relief authorized - short title.** (3) (a) In addition to
26 the relief available pursuant to subsection (2) of this section, ~~and except~~
27 ~~as provided in paragraph (g) of this subsection (3)~~, in a civil action

1 brought by a plaintiff under this part 4 against a defendant who is found
2 to have engaged in an intentional discriminatory or unfair employment
3 practice, the plaintiff may recover compensatory and punitive damages as
4 specified in this subsection (3). The court shall not award a plaintiff
5 compensatory or punitive damages when the defendant is found to have
6 engaged in an employment practice that is unlawful solely because of its
7 disparate impact.

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

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

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