

CHAPTER 17

MILITARY AND VETERANS

HOUSE BILL 23-1045

BY REPRESENTATIVE(S) Evans, Marshall, Martinez, Armagost, Bacon, Bird, Boesenecker, Bottoms, Bradfield, Bradley, Daugherty, DeGraaf, deGruy Kennedy, Dickson, Duran, English, Epps, Frizell, Garcia, Gonzales-Gutierrez, Hamrick, Hartsook, Herod, Jodeh, Joseph, Kipp, Lindstedt, Lukens, Lynch, Mabrey, McLachlan, Ortiz, Parenti, Pugliese, Ricks, Sharbini, Snyder, Soper, Story, Taggart, Titone, Valdez, Velasco, Weinberg, Weissman, Willford, Wilson, Winter T., Woodrow, Young, McCluskie, Brown, Catlin, Froelich, Holtorf, Lindsay, Mauro, McCormick, Michaelson Jenet;
also SENATOR(S) Pelton B. and Hinrichsen, Bridges, Coleman, Exum, Gardner, Ginal, Gonzales, Hansen, Jaquez Lewis, Kirkmeyer, Kolker, Liston, Lundeen, Marchman, Moreno, Mullica, Pelton R., Priola, Rich, Roberts, Rodriguez, Smallwood, Sullivan, Van Winkle, Will, Winter F., Zenzinger, Fenberg.

AN ACT**CONCERNING LEAVE FROM EMPLOYMENT FOR STATE MILITARY SERVICE.**

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

SECTION 1. In Colorado Revised Statutes, 28-3-601, **amend** (1) as follows:

28-3-601. Public employees - annual military leave. (1) Subject to the conditions prescribed in sections 28-3-601 to 28-3-607, any officer or employee of the state or of any political subdivision, municipal corporation, or other public agency of the state who is a member of the National Guard or any other component of the military forces of the state organized or constituted under state or federal law or who is a member of the reserve forces of the United States, organized or constituted under federal law, is entitled to leave of absence from ~~his or her~~ THE OFFICER'S OR EMPLOYEE'S public office or employment without loss of pay, seniority, status, efficiency rating, vacation, sick leave, or other benefits for ~~all the time when he or she~~ THE ENTIRE TIME THE OFFICER OR EMPLOYEE is engaged with such organization or component in training or active service ordered or authorized by proper authority pursuant to law, whether for state or federal purposes, but not exceeding ~~fifteen days~~ THE EQUIVALENT OF THREE WEEKS OF WORK ON THE OFFICER'S OR EMPLOYEE'S REGULAR WORK SCHEDULE in the leave year established by the employer. ~~Such leave shall be allowed~~ THE EMPLOYER SHALL ALLOW THE LEAVE if the required military service is satisfactorily performed, which ~~shall be~~ IS presumed unless the contrary is established.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SECTION 2. In Colorado Revised Statutes, **amend** 28-3-602 as follows:

28-3-602. Public employees - extended military leave. AN OFFICER OR EMPLOYEE WHO IS TAKING A LEAVE OF ABSENCE DESCRIBED IN SECTION 28-3-601 (1) IS ENTITLED TO USE ANY PAID LEAVE AVAILABLE TO THE OFFICER OR EMPLOYEE OR TO USE UNPAID LEAVE. ~~If any such AN officer or employee USES PAID LEAVE AND IS required by proper authority to continue in such military service beyond the time for which THE OFFICER OR EMPLOYEE HAS AVAILABLE PAID leave, with pay is allowed, he or she~~ THE OFFICER OR EMPLOYEE IS ENTITLED TO LEAVE OF ABSENCE FROM ~~his or her~~ THE OFFICER'S OR EMPLOYEE'S public office or employment without pay for all ~~such~~ additional service with right of reinstatement thereafter upon the same conditions as provided in section 28-3-604 for reinstatement after active service in time of war or other emergency.

SECTION 3. In Colorado Revised Statutes, **amend** 28-3-603 as follows:

28-3-603. Public employees - emergency military leave. Subject to the conditions prescribed in this section, any officer or employee of the state or of any political subdivision, municipal corporation, or other public agency of the state who engages in active military service in time of war or other emergency declared by proper authority of the state or the United States, for which leave is not otherwise allowed by law OR PERMITTED BY THE OFFICER'S OR EMPLOYEE'S EMPLOYER, is entitled to leave of absence from ~~his or her~~ THE OFFICER'S OR EMPLOYEE'S public office or employment without pay during ~~such~~ THE service with right of reinstatement as provided in section 28-3-604.

SECTION 4. In Colorado Revised Statutes, 28-3-604, **amend** (1) introductory portion; and **repeal** (1)(b) as follows:

28-3-604. Reinstatement. (1) Except as otherwise provided in sections 28-3-601 to 28-3-607, upon the completion of such service, ~~such AN officer or employee shall~~ MUST BE REINSTATED IN THE PUBLIC POSITION ~~which he or she~~ THAT THE OFFICER OR EMPLOYEE HELD AT THE TIME OF ENTRY INTO SUCH SERVICE OR A PUBLIC POSITION OF LIKE SENIORITY, STATUS, AND PAY IF SUCH A POSITION IS AVAILABLE AT THE SAME SALARY ~~which he or she~~ THAT THE OFFICER OR EMPLOYEE WOULD HAVE RECEIVED IF ~~he or she~~ THE OFFICER OR EMPLOYEE HAD NOT TAKEN ~~such~~ THE LEAVE UPON THE FOLLOWING CONDITIONS:

(b) ~~That he or she is not physically or mentally disabled from performing the duties of such position;~~

SECTION 5. In Colorado Revised Statutes, **amend** 28-3-609 as follows:

28-3-609. Private employees - annual military leave. Any person who is a duly qualified member of the Colorado National Guard or the reserve forces of the United States who, in order to receive military training with the armed forces of the United States, not to exceed ~~fifteen days~~ THE EQUIVALENT OF THREE WEEKS OF WORK ON THE PERSON'S REGULAR WORK SCHEDULE in any one calendar year, leaves a position other than a temporary position in the employ of an employer, and who gives evidence of the satisfactory completion of ~~such~~ THE training, and who is still qualified to perform the duties of ~~such~~ THE PERSON'S position, is entitled to be

restored to ~~his or her~~ THE PERSON'S previous or a similar position in the same status, pay, and seniority. ~~and such period of absence for military training shall be construed as an absence with leave and without pay.~~ THE PERSON IS ENTITLED TO USE ANY PAID LEAVE AVAILABLE TO THE PERSON OR TO USE UNPAID LEAVE FOR THE PERSON'S PERIOD OF ABSENCE FOR MILITARY TRAINING.

SECTION 6. In Colorado Revised Statutes, **amend** 28-3-610.5 as follows:

28-3-610.5. Private employees - state service - reemployment rights - benefits retained. (1) A private employee who is a duly qualified member of the Colorado National Guard who leaves or who is absent from ~~his or her~~ THE EMPLOYEE'S employment, regardless of the length of ~~such~~ THE absence, in order to engage in active service for state purposes pursuant to section 28-3-104:

(a) Is entitled to the reemployment rights for members described in section 28-3-609, so long as ~~such member~~ THE EMPLOYEE otherwise meets the requirements of section 28-3-609; ~~and~~

(b) Retains ~~his or her~~ THE right to the employee benefits described in section 28-3-610; AND

(c) IS ENTITLED TO USE ANY PAID LEAVE AVAILABLE TO THE EMPLOYEE OR TO USE UNPAID LEAVE.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: March 10, 2023