

CHAPTER 135

LABOR AND INDUSTRY

HOUSE BILL 98-1365

BY REPRESENTATIVES Musgrave, K. Alexander, Allen, Dean, Epps, Hagedorn, Miller, Pankey, Paschall, Pfiffner, Sullivant, T. Williams, and Young;
also SENATORS B. Alexander, Ament, Arnold, Congrove, Norton, Powers, and Rizzuto.

AN ACT

CONCERNING THE DENIAL OF UNEMPLOYMENT COMPENSATION BENEFITS TO CERTAIN PERSONS WHO ARE ADDICTED TO DRUGS OR ALCOHOL.

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

SECTION 1. The introductory portion to 8-73-108 (4) and 8-73-108 (4) (b) (IV), Colorado Revised Statutes, are amended to read:

8-73-108. Benefit awards. (4) **Full award.** An individual separated from a job shall be given a full award of benefits if any of the following reasons and pertinent conditions related thereto are determined by the division to have existed. The determination of whether or not the separation from employment shall result in a full award of benefits shall be the responsibility of the division. The following reasons shall be considered, along with any other factors ~~which~~ THAT may be pertinent to such determination:

(b) (IV) The off-the-job or on-the-job use of not medically prescribed intoxicating beverages or controlled substances, as defined in section 12-22-303 (7), C.R.S., may be reason for a determination for a full award pursuant to this paragraph (b), but only if:

(A) The worker has declared to the division that he OR SHE is addicted to intoxicating beverages or controlled substances;

(B) The worker has substantiated the addiction by a competent written medical statement issued by a physician licensed to practice medicine pursuant to article 36 of title 12, C.R.S., or has substantiated the successful completion of, or ongoing participation in, a treatment program as described in sub-subparagraph (C) of this

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

subparagraph (IV) within four weeks of the claimant's admission. Such substantiation shall be in writing to the division and signed by an authorized representative of the approved treatment program.

(C) A worker who is not affiliated with an approved treatment program must present to the division within four weeks after the date of the medical statement referred to in sub-subparagraph (B) of this subparagraph (IV), substantiation of registration in a program of corrective action ~~which~~ THAT will commence within four weeks after the date of the medical statement and ~~which~~ THAT is provided by an approved private treatment facility or an approved public treatment facility as defined in section 25-1-302 (2) or (3), C.R.S., or by an alcoholics anonymous program. Such substantiation shall be in writing to the division and signed by an authorized representative of the approved treatment program.

(D) The division ~~substantiates~~ CERTIFIES and ~~so~~ notifies the employer AND THE HEARING OFFICER that no prior award under the provisions of this subparagraph (IV) has been made to the worker within the preceding ~~five~~ TEN years.

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

Approved: April 21, 1998