

## CHAPTER 135

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**LABOR AND INDUSTRY**

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**HOUSE BILL 99-1061**

BY REPRESENTATIVES T. Williams, Dean, Larson, Lee, May, McElhany, McKay, Paschall, Spradley, and Young;  
also SENATORS Dennis and Tebedo.

**AN ACT**

CONCERNING REQUIREMENTS FOR THE PAYMENT OF UNEMPLOYMENT INSURANCE BENEFITS.

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

**SECTION 1.** 8-73-107 (1) (c) (I), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH to read:

**8-73-107. Eligibility conditions - penalty.** (1) Any unemployed individual shall be eligible to receive benefits with respect to any week only if the division finds that:

(c) (I) He is able to work and is available for all work deemed suitable pursuant to the provisions of section 8-73-108, and, with respect thereto:

(E) IF AN INDIVIDUAL LEFT EMPLOYMENT BECAUSE OF HEALTH-RELATED REASONS, THE DIVISION MAY REQUIRE A WRITTEN MEDICAL STATEMENT ISSUED BY A LICENSED PRACTICING PHYSICIAN ADDRESSING ANY MATTERS RELATED TO HEALTH.

**SECTION 2.** 8-73-107 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**8-73-107. Eligibility conditions - penalty.** (1) Any unemployed individual shall be eligible to receive benefits with respect to any week only if the division finds that:

(j) SUCH INDIVIDUAL IS NOT ABSENT FROM WORK DUE TO AN AUTHORIZED AND APPROVED VOLUNTARY LEAVE OF ABSENCE.

**SECTION 3.** 8-73-108 (4) (j) and (5) (e) (XXII), Colorado Revised Statutes, are amended, and the said 8-73-108 (4) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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

**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 that may be pertinent to such determination:

(j) Being physically or mentally unable to perform the work or unqualified to perform the work as a result of insufficient educational attainment or inadequate occupational or professional skills. IN CASES WHERE AN INDIVIDUAL QUILTS BECAUSE OF PHYSICAL OR MENTAL INABILITY TO PERFORM THE WORK BECAUSE OF DOMESTIC ABUSE, ANY AWARD OF BENEFITS WILL BE MADE IN ACCORDANCE WITH PARAGRAPH (r) OF THIS SUBSECTION (4).

(r) (I) QUITTING A JOB BECAUSE OF DOMESTIC ABUSE MAY BE REASON FOR A DETERMINATION FOR A FULL AWARD ONLY IF:

(A) THE DIVISION HAS BEEN PROVIDED A COPY OF A POLICE REPORT, CRIMINAL CHARGES, RESTRAINING ORDER, MEDICAL RECORDS, OR ANY OTHER CORROBORATIVE EVIDENCE DOCUMENTING THE DOMESTIC ABUSE;

(B) THE WORKER PROVIDES WRITTEN SUBSTANTIATION THAT THE WORKER IS RECEIVING ASSISTANCE OR COUNSELING FROM A RECOGNIZED COUNSELING ENTITY FOR DOMESTIC ABUSE; AND

(C) THE DIVISION CERTIFIES AND NOTIFIES THE EMPLOYER AND THE HEARING OFFICER THAT NO PRIOR AWARD UNDER THE PROVISIONS OF THIS PARAGRAPH (r) HAS BEEN MADE TO THE WORKER WITHIN THE PRECEDING THREE YEARS.

(II) IF THE WORKER DOES NOT MEET THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (r), THE WORKER SHALL BE HELD TO HAVE VOLUNTARILY TERMINATED EMPLOYMENT FOR THE PURPOSES OF DETERMINING BENEFITS PURSUANT TO SUBPARAGRAPH (XXII) OF PARAGRAPH (e) OF SUBSECTION (5) OF THIS SECTION.

(III) ANY BENEFITS AWARDED TO THE CLAIMANT UNDER THE PROVISIONS OF THIS PARAGRAPH (r) NORMALLY CHARGEABLE TO THE EMPLOYER SHALL BE CHARGED TO THE FUND.

(5) **Disqualification.** (e) Subject to the maximum reduction consistent with federal law, and insofar as consistent with interstate agreements, if a separation from employment occurs for any of the following reasons, the employer from whom such separation occurred shall not be charged for benefits which are attributable to such employment and, because any payment of benefits which are attributable to such employment out of the fund as defined in section 8-70-103 (13) shall be deemed to have an adverse effect on such employer's account in such fund, no payment of such benefits shall be made from such fund:

(XXII) Quitting under conditions involving personal reasons ~~which~~ THAT do not, under other provisions of this section, provide for an award of benefits, INCLUDING

COMPELLING PERSONAL REASONS;

**SECTION 4. Effective date.** This act shall take effect August 15, 1999, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 22, 1999