

## CHAPTER 167

---

**LABOR AND INDUSTRY**

---

SENATE BILL 06-195

BY SENATOR(S) Veiga;  
also REPRESENTATIVE(S) Coleman.**AN ACT****CONCERNING MODIFICATIONS TO THE "COLORADO EMPLOYMENT SECURITY ACT" TO CONFORM WITH THE REQUIREMENTS OF FEDERAL LAW.***Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 8-73-108 (4) (b) (IV) (D), the introductory portion to 8-73-108 (4) (r) (I), and 8-73-108 (4) (s) (I), 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 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:

~~(D) The division certifies and 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 ten years.~~

(r) (I) Quitting a job because of domestic abuse may be reason for a determination for a full award only ~~if 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 and if:~~

---

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

(s) (I) Quitting a job to relocate as a result of the individual's spouse's transfer for medical-related purposes in time of war or armed conflict to a new place of residence, either within or outside Colorado, from which it is impractical to commute to the place of employment, and upon arrival at the new place of residence, the individual is in all respects available for suitable work. ~~Such~~ THE spouse shall be a member of the United States armed forces who is on active duty as defined in 10 U.S.C. sec. 101 (d) (1), active guard and reserve duty as defined in 10 U.S.C. sec. 101 (d) (6), or active duty to pursue special work pursuant to title 10 or 32 of the United States Code. ~~Such individual shall submit with the application for unemployment benefits an affidavit stating that the individual has resided in Colorado for a period of at least two years. Such~~ THE individual shall also comply with paragraph (b) of this subsection (4).

**SECTION 2.** 8-76-104 (8), Colorado Revised Statutes, is amended to read:

**8-76-104. Transfer of experience - assignment of rates.** (8) A transfer of experience shall not occur when a work-site employer's account is made inactive as a result of entering into a contract with an employee leasing company, as defined in section 8-70-114 (2), or when a contract between a work-site employer and an employee leasing company is terminated UNLESS THERE IS SUBSTANTIAL COMMON OWNERSHIP, MANAGEMENT, AND CONTROL OF THE WORK-SITE EMPLOYER AND THE EMPLOYEE LEASING COMPANY. THE EXISTENCE OF AN EMPLOYEE LEASING ARRANGEMENT, WITHOUT OTHER EVIDENCE OF COMMON CONTROL, SHALL NOT CONSTITUTE SUBSTANTIAL COMMON OWNERSHIP, MANAGEMENT, AND CONTROL.

**SECTION 3. 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 24, 2006