

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

April 19, 2024  
Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

HB24-1260 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend the Business Affairs and Labor Committee Report, dated March  
2 20, 2024, page 1, after line 19 insert:

3 "Page 3 of the printed bill, after line 20 insert:

4 "(a) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND  
5 EMPLOYMENT."

6 Reletter succeeding paragraphs accordingly."

7 Page 2 of the report, line 7, strike ""(2)" and substitute ""(2) (a)".

8 Page 2 of the report, line 14, strike "EMPLOYER." and substitute  
9 "EMPLOYER.

10 (b) WITH REGARD TO EMPLOYEES OF THE STATE OF COLORADO,  
11 THE PROHIBITIONS IN SUBSECTION (2)(a) OF THIS SECTION APPLY ONLY TO  
12 MEETINGS AND COMMUNICATIONS RELATING TO THE DECISION OF A STATE  
13 EMPLOYEE TO JOIN OR SUPPORT A FRATERNAL OR LABOR  
14 ORGANIZATION."."

15 Page 2 of the report, after line 23 insert:

16 "Page 5 of the bill, strike lines 12 through 15 and substitute:

17 "(4) (a) AN AGGRIEVED PERSON MAY SEEK RELIEF FOR A  
18 VIOLATION OF THIS SECTION BY:

19 (I) FILING A COMPLAINT WITH THE DEPARTMENT; OR

20 (II) FILING AN ACTION IN A DISTRICT COURT OF COMPETENT

1 JURISDICTION TO ENFORCE THIS SECTION.

2 (b) AN AGGRIEVED PERSON SEEKING RELIEF FOR A VIOLATION OF  
3 THIS SECTION SHALL:

4 (I) EXHAUST ALL AVAILABLE ADMINISTRATIVE REMEDIES BEFORE  
5 FILING AN ACTION IN DISTRICT COURT; AND

6 (II) FILE A COMPLAINT WITH THE DEPARTMENT AGAINST AN  
7 EMPLOYER WITHIN ONE YEAR AFTER AN ALLEGED VIOLATION OF THIS  
8 SECTION.

9 (c) ON OR BEFORE THE DATE THE DEPARTMENT MAKES A  
10 COMPLAINT FORM PUBLICLY AVAILABLE, AN AGGRIEVED PERSON MAY FILE  
11 A COMPLAINT FOR A VIOLATION OF THIS SECTION WITH THE DEPARTMENT  
12 IN ANY FORM, INCLUDING BY UNITED STATES MAIL OR ELECTRONIC MAIL.

13 (d) AFTER THE DATE THE DEPARTMENT MAKES A COMPLAINT FORM  
14 PUBLICLY AVAILABLE, AN AGGRIEVED PERSON SHALL FILE A COMPLAINT  
15 ONLY BY COMPLETING THE REQUIRED FORM.

16 (e) AFTER RECEIVING A COMPLAINT, THE DEPARTMENT SHALL:

17 (I) INVESTIGATE THE COMPLAINT FILED AGAINST THE EMPLOYER  
18 FOR AN ALLEGED VIOLATION OF THIS ARTICLE 2; OR

19 (II) AUTHORIZE AN AGGRIEVED PERSON TO PROCEED WITH AN  
20 ACTION IN DISTRICT COURT.

21 (f) (I) ON AND WITHIN SIXTY DAYS AFTER THE DATE A COMPLAINT  
22 IS FILED AND BEFORE THE DEPARTMENT ISSUES A WRITTEN  
23 DETERMINATION, AN AGGRIEVED PERSON MAY REQUEST AND THE  
24 DEPARTMENT SHALL GRANT SUCH AGGRIEVED PERSON WRITTEN  
25 AUTHORIZATION TO PROCEED WITH AN ACTION IN DISTRICT COURT.

26 (II) AT THE TIME THAT THE AGGRIEVED PERSON FILES AN ACTION  
27 IN DISTRICT COURT, THE AGGRIEVED PERSON SHALL PROVIDE WRITTEN  
28 NOTICE OF THE FILING TO THE DEPARTMENT AND THE DEPARTMENT SHALL  
29 TERMINATE ITS INVESTIGATION.

30 (III) AN AGGRIEVED PERSON WHO RECEIVES WRITTEN  
31 AUTHORIZATION PURSUANT TO THIS SUBSECTION (4) IS DEEMED TO HAVE  
32 EXHAUSTED ADMINISTRATIVE REMEDIES.

33 (g) IF, AFTER CONDUCTING AN INVESTIGATION, THE DEPARTMENT:

34 (I) DOES NOT FIND A VIOLATION, THE DEPARTMENT SHALL PROVIDE  
35 THE BASIS FOR ITS DETERMINATION IN WRITING AND AUTHORIZE THE  
36 AGGRIEVED PERSON TO PROCEED WITH AN ACTION IN A DISTRICT COURT OF  
37 COMPETENT JURISDICTION. THE AGGRIEVED PERSON IS DEEMED TO HAVE  
38 EXHAUSTED ALL ADMINISTRATIVE REMEDIES AFTER THE DETERMINATION  
39 AND AUTHORIZATION IS ISSUED.

40 (II) FINDS ONE OR MORE VIOLATIONS, THE DEPARTMENT SHALL  
41 PROVIDE THE BASIS FOR THE DETERMINATION IN WRITING AND MAY  
42 AWARD THE SAME AFFIRMATIVE RELIEF AS A DISTRICT COURT PURSUANT  
43 TO SUBSECTION (4)(j) OF THIS SECTION.

1 (h) (I) THE DETERMINATION OF THE DEPARTMENT IS A FINAL  
2 AGENCY ACTION PURSUANT TO SECTION 24-4-106, AND, AFTER THE  
3 DETERMINATION, SECTION 8-4-113 (2) APPLIES.

4 (II) THE DETERMINATION OF THE DEPARTMENT MAY BE APPEALED  
5 ONLY BY COMMENCING AN ACTION FOR JUDICIAL REVIEW IN THE DISTRICT  
6 COURT OF COMPETENT JURISDICTION WITHIN THIRTY-FIVE CALENDAR DAYS  
7 AFTER THE DATE OF MAILING OF THE DETERMINATION BY THE  
8 DEPARTMENT. JUDICIAL REVIEW IS LIMITED TO APPEAL BRIEFS AND THE  
9 RECORD DESIGNATED ON APPEAL.

10 (i) AN AGGRIEVED INDIVIDUAL MAY, WITHIN ONE HUNDRED  
11 EIGHTY DAYS AFTER EXHAUSTING ALL AVAILABLE ADMINISTRATIVE  
12 REMEDIES, COMMENCE AN ACTION IN DISTRICT COURT OF COMPETENT  
13 JURISDICTION AGAINST AN EMPLOYER FOR A VIOLATION OF THIS SECTION."

14 Renumber succeeding paragraph accordingly."

15 Page 2 of the report, line 24, strike "8," and substitute "8".

16 Page 2 of the report, line 25, strike ""(c)" and substitute ""(5)".

17 Page 2 of the report, after line 30 insert:

18 "Renumber succeeding subsections accordingly."

19 Page 3 of the report, after line 2 insert:

20 "Page 6 of the bill, line 23, strike "OF LABOR AND EMPLOYMENT".

21 Page 7 of the bill, after line 2 insert:

22 **"SECTION 3. Appropriation.** (1) For the 2024-25 state fiscal  
23 year, \$278,564 is appropriated to the department of labor and employment  
24 for use by the division of labor standards and statistics. This appropriation  
25 is from the general fund and is based on an assumption that the division  
26 will require an additional 2.8 FTE. To implement this act, the division  
27 may use this appropriation for program costs related to labor standards."

28 Renumber succeeding section accordingly.

29 Page 1 of the bill, line 102, strike "SPEECH." and substitute "SPEECH,  
30 AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."."

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