

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 19, 2016
Date

Committee on Judiciary.

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

HB16-1432 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 8, after the period insert "The general
- 2 assembly recognizes that this act does not cover public employees
- 3 because they have access to their personnel files under the "Colorado
- 4 Open Records Act", part 2 of article 72 of title 24, Colorado Revised
- 5 Statutes."

- 6 Page 2, line 11, strike "**definition.**" and substitute "**definition -**
- 7 **exemptions.**".

- 8 Page 2, line 13, strike "EMPLOYEE OR FORMER EMPLOYEE," and substitute
- 9 "EMPLOYEE," and strike the second "OR".

- 10 Page 2, line 14, strike "FORMER EMPLOYEE".

- 11 Page 2, line 16, strike "EMPLOYEE OR" and substitute "EMPLOYEE."

- 12 Page 2, line 17, strike "FORMER EMPLOYEE." and substitute "A FORMER
- 13 EMPLOYEE MAY MAKE ONE INSPECTION OF HIS OR HER PERSONNEL FILE
- 14 AFTER TERMINATION OF EMPLOYMENT."

- 15 Page 2, after line 23 insert:

- 16 "(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES:
2 (a) "EMPLOYEE" DOES NOT INCLUDE A PERSON EMPLOYED BY AN
3 ENTITY SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF
4 ARTICLE 72 OF TITLE 24, C.R.S.
5 (b) "EMPLOYER" DOES NOT INCLUDE ANY ENTITY SUBJECT TO THE
6 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24,
7 C.R.S."

8 Renumber succeeding C.R.S. subsections accordingly.

9 Page 3, line 14, strike "ACCUSATION" and substitute "ACCUSATION, AS
10 DETERMINED BY THE EMPLOYER,".

11 Page 3, strike lines 17 through 19 and substitute:

12 "(4) NOTHING IN THIS SECTION:
13 (a) CREATES OR AUTHORIZES A PRIVATE CAUSE OF ACTION BY A
14 PERSON AGGRIEVED BY A VIOLATION OF THIS SECTION;
15 (b) REQUIRES AN EMPLOYER TO CREATE, MAINTAIN, OR RETAIN A
16 PERSONNEL FILE ON AN EMPLOYEE OR FORMER EMPLOYEE; OR
17 (c) REQUIRES AN EMPLOYER TO RETAIN ANY DOCUMENTS THAT
18 ARE OR WERE CONTAINED IN AN EMPLOYEE'S OR FORMER EMPLOYEE'S
19 PERSONNEL FILE FOR ANY SPECIFIED PERIOD OF TIME.
20 (5) THIS SECTION DOES NOT APPLY TO A FINANCIAL INSTITUTION
21 CHARTERED AND SUPERVISED UNDER STATE OR FEDERAL LAW, INCLUDING
22 WITHOUT LIMITATION:
23 (a) A BANK;
24 (b) A TRUST COMPANY;
25 (c) A SAVINGS INSTITUTION; AND
26 (d) A CREDIT UNION."

27 Page 1, line 101, after "OF" insert "PRIVATE SECTOR".

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