

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 20-1044.01 Richard Sweetman x4333

SENATE BILL 20-170

SENATE SPONSORSHIP

Danielson, Bridges, Donovan, Fenberg, Fields, Garcia, Ginal, Hansen, Lee, Moreno, Pettersen, Rodriguez, Story, Todd, Winter, Zenzinger

HOUSE SPONSORSHIP

Jackson and Duran,

Senate Committees

Finance
Appropriations

House Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING EMPLOYMENT SECURITY, AND, IN CONNECTION**
102 **THEREWITH, AMENDING THE DEFINITION OF "IMMEDIATE**
103 **FAMILY", REMOVING A REQUIREMENT THAT A CLAIMANT**
104 **SUFFERING FROM DOMESTIC VIOLENCE PROVIDE WRITTEN**
105 **DOCUMENTATION OF THE DOMESTIC VIOLENCE IN ORDER TO**
106 **ESTABLISH THE CLAIMANT'S ELIGIBILITY FOR BENEFITS, AND**
107 **LIMITING THE MEANING OF CERTAIN INSTANCES OF THE TERM**
108 **"REMUNERATION" TO DESCRIBE A SEVERANCE ALLOWANCE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
2nd Reading Unamended
June 10, 2020

SENATE
3rd Reading Unamended
June 5, 2020

SENATE
Amended 2nd Reading
June 4, 2020

<http://leg.colorado.gov>.)

For the purposes of establishing a worker's eligibility for benefits under the "Colorado Employment Security Act" (Act), the bill relocates the definition of "immediate family" and amends the definition to include:

- ! A sibling of the worker who is under 18 years of age and for whom the worker stands in loco parentis; and
- ! A sibling of the worker who is incapable of self-care due to a mental or physical disability or a long-term illness.

Under current law, a worker who separates from a job because of domestic violence may be eligible for benefits under the Act if the worker reasonably believes that the worker's continued employment would jeopardize the safety of the worker or any member of the worker's immediate family and the worker provides the division of unemployment insurance either:

- ! An active or recently issued protective order or other order documenting the domestic violence or a police record documenting recent domestic violence; or
- ! A statement substantiating recent domestic violence from a qualified professional from whom the worker has sought assistance for the domestic violence, such as a counselor, shelter worker, member of the clergy, attorney, or health worker.

The bill eliminates the requirement that a worker provide either form of documentation in order to establish the worker's eligibility for benefits under the Act.

The bill substitutes the term "severance allowance" for "remuneration" in a provision that concerns remuneration received by an individual who has been separated from employment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-73-108, **amend**
3 (4)(r)(I) and (4)(v)(V) introductory portion; and **repeal** (4)(r)(V) and
4 (4)(v)(V)(C) as follows:

5 **8-73-108. Benefit awards - definitions. (4) Full award.** An
6 individual separated from a job must be given a full award of benefits if
7 the division determines that any of the following reasons and pertinent
8 related conditions exist. The determination of whether or not the

1 separation from employment must result in a full award of benefits is the
2 responsibility of the division. The following reasons must be considered,
3 along with any other factors that may be pertinent to such determination:

4 (r) (I) Separating from a job because of domestic violence may be
5 reason for a determination for a full award if THE WORKER REASONABLY
6 BELIEVES THAT THE WORKER'S CONTINUED EMPLOYMENT WOULD
7 JEOPARDIZE THE SAFETY OF THE WORKER OR ANY MEMBER OF THE
8 WORKER'S IMMEDIATE FAMILY.

9 ~~(A) The worker reasonably believes that his or her continued~~
10 ~~employment would jeopardize the safety of the worker or any member of~~
11 ~~the worker's immediate family and provides the division with~~
12 ~~substantiating documentation as described in sub-subparagraph (B) or (C)~~
13 ~~of this subparagraph (I); or~~

14 ~~(B) The worker provides the division with an active or recently~~
15 ~~issued protective order or other order documenting the domestic violence~~
16 ~~or a police record documenting recent domestic violence; or~~

17 ~~(C) The worker provides the division with a statement~~
18 ~~substantiating recent domestic violence from a qualified professional~~
19 ~~from whom the worker has sought assistance for the domestic violence,~~
20 ~~such as a counselor, shelter worker, member of the clergy, attorney, or~~
21 ~~health worker.~~

22 (V) As used in this paragraph (r), "immediate family" means the
23 worker's spouse, partner in a civil union, parent, or minor child under
24 eighteen years of age.

25 (v) (V) As used in this paragraph (v) SUBSECTION (4)(v):

26 (C) "Immediate family member" means the worker's spouse,
27 partner in a civil union, parent, or minor child under eighteen years of

1 age.

2 **SECTION 2.** In Colorado Revised Statutes, 8-73-110, **amend**
3 (1)(a) as follows:

4 **8-73-110. Other remuneration - severance pay - definitions.**

5 (1) (a) THE BENEFITS FOR an individual who is separated from
6 employment and ~~because of the separation,~~ receives ~~additional~~
7 ~~remuneration not otherwise referred to in this section and the~~
8 ~~remuneration is not wages shall have his or her benefits~~ A SEVERANCE
9 ALLOWANCE MUST BE postponed for a number of calendar weeks after
10 separation from employment that is equal to the total amount of the
11 additional remuneration SEVERANCE ALLOWANCE, divided by the
12 individual's usual weekly wage. The postponement required by this
13 subsection (1) shall begin BEGINS with the calendar week in which the
14 payment SEVERANCE ALLOWANCE was received. If the number of weeks
15 does not equal a whole number, the remainder shall be IS disregarded.
16 Notwithstanding section 8-73-107 (1)(f), any wages earned by an
17 individual in a calendar week during postponement ~~shall be~~ ARE
18 disregarded.

19 **SECTION 3.** In Colorado Revised Statutes, 8-70-103, **amend** the
20 introductory portion; and **add** (14.5) and (23.7) as follows:

21 **8-70-103. Definitions.** As used in articles 70 to 82 of this title
22 TITLE 8, unless the context otherwise requires:

23 (14.5) "IMMEDIATE FAMILY" MEANS AN INDIVIDUAL'S SPOUSE,
24 PARTNER IN A CIVIL UNION, PARENT, OR MINOR CHILD UNDER EIGHTEEN
25 YEARS OF AGE; A SIBLING OF THE INDIVIDUAL WHO IS UNDER EIGHTEEN
26 YEARS OF AGE AND FOR WHOM THE INDIVIDUAL STANDS IN LOCO
27 PARENTIS; OR A SIBLING OF THE INDIVIDUAL WHO IS INCAPABLE OF

1 SELF-CARE DUE TO A MENTAL OR PHYSICAL DISABILITY OR A LONG-TERM
2 ILLNESS.

3 (23.7) (a) "SEVERANCE ALLOWANCE" MEANS ANY PAYMENT THAT
4 IS:

5 (I) DESIGNATED BY AN EMPLOYER AS A SEVERANCE ALLOWANCE;

6 (II) PAID TO AN INDIVIDUAL BECAUSE THE INDIVIDUAL IS
7 SEPARATED FROM EMPLOYMENT; AND

8 (III) PAID TO COMPENSATE THE SEPARATED INDIVIDUAL FOR A
9 PERIOD OF TIME FOLLOWING THE SEPARATION DURING WHICH PERIOD THE
10 INDIVIDUAL DOES NOT WORK.

11 (b) NOTWITHSTANDING SUBSECTION (23.7)(a) OF THIS SECTION, A
12 PAYMENT MADE BY AN EMPLOYER TO AN INDIVIDUAL IS NOT A
13 "SEVERANCE ALLOWANCE" IF THE PURPOSE OF THE PAYMENT IS TO INDUCE
14 THE INDIVIDUAL TO WAIVE RIGHTS OR CLAIMS AGAINST THE EMPLOYER.

15 **SECTION 4. In Colorado Revised Statutes, 8-72-114, add**
16 **(3)(e)(IV) and (9) as follows:**

17 **8-72-114. Employee misclassification - investigations -**
18 **enforcement - advisory opinions - rules - employee misclassification**
19 **advisory opinion fund - statewide study - report - definitions -**
20 **legislative declaration. (3) (e) (IV) FINES RECEIVED BY THE DIVISION**
21 **PURSUANT TO SUBSECTION (3)(e)(III) OF THIS SECTION OR BY THE**
22 **DEPARTMENT OF LAW PURSUANT TO SUBSECTION (9) OF THIS SECTION**
23 **SHALL BE TRANSFERRED TO THE DEPARTMENT OF LABOR AND**
24 **EMPLOYMENT AND CREDITED TO THE UNEMPLOYMENT REVENUE FUND**
25 **CREATED IN SECTION 8-77-106.**

26 **(9) SUBJECT TO THE APPROVAL OF THE EXECUTIVE DIRECTOR, THE**
27 **DIRECTOR MAY ENTER INTO AN INTERAGENCY AGREEMENT WITH THE**

1 DEPARTMENT OF LAW FOR ASSISTANCE IN ENFORCING THIS SECTION. THE
2 DIRECTOR IS AUTHORIZED TO TRANSFER TO THE DEPARTMENT OF LAW
3 FROM THE UNEMPLOYMENT REVENUE FUND CREATED IN SECTION 8-77-106
4 SUCH MONEY AS IS NECESSARY TO PAY FOR REASONABLE COSTS
5 ASSOCIATED WITH ENFORCEMENT ACTIONS BY THE DEPARTMENT OF LAW.

6 **SECTION 5. Act subject to petition - effective date.** This act
7 takes effect January 1, 2021; except that, if a referendum petition is filed
8 pursuant to section 1 (3) of article V of the state constitution against this
9 act or an item, section, or part of this act within the ninety-day period
10 after final adjournment of the general assembly, then the act, item,
11 section, or part will not take effect unless approved by the people at the
12 general election to be held in November 2020 and, in such case, will take
13 effect January 1, 2021, or on the date of the official declaration of the
14 vote thereon by the governor, whichever is later.