

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 23-0652.01 Conrad Imel x2313

HOUSE BILL 23-1045

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A BILL FOR AN ACT

101 **CONCERNING LEAVE FROM EMPLOYMENT FOR STATE MILITARY**
102 **SERVICE.**

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

The bill clarifies that a member of the Colorado National Guard or any other component of the military forces of the state who is an officer or employee of a public employer is entitled to a leave of absence from employment for training or active state military service for the equivalent of 3 weeks of work on the officer's or employee's regular work schedule each year. The officer or employee is entitled to use any paid leave

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

SENATE
3rd Reading Unamended
February 22, 2023

SENATE
Amended 2nd Reading
February 21, 2023

HOUSE
3rd Reading Unamended
January 31, 2023

**HOUSE
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available to the officer or employee or to use unpaid leave.

The bill clarifies that a member of the Colorado National Guard or the reserve forces of the United States who is an employee of a private employer is entitled to a leave of absence from employment in order to receive military training with the United States armed forces for the equivalent of 3 weeks of work on the employee's regular work schedule each year. The employee is entitled to use any paid leave available to the employee or to use unpaid leave for the employee's period of absence for military training.

The bill clarifies that a private employee is entitled to use any paid leave available to the employee or to use unpaid leave in order to engage in active service in the Colorado National Guard.

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

2 **SECTION 1.** In Colorado Revised Statutes, 28-3-601, **amend** (1)
3 as follows:

4 **28-3-601. Public employees - annual military leave.** (1) Subject
5 to the conditions prescribed in sections 28-3-601 to 28-3-607, any officer
6 or employee of the state or of any political subdivision, municipal
7 corporation, or other public agency of the state who is a member of the
8 National Guard or any other component of the military forces of the state
9 organized or constituted under state or federal law or who is a member of
10 the reserve forces of the United States, organized or constituted under
11 federal law, is entitled to leave of absence from ~~his or her~~ THE OFFICER'S
12 OR EMPLOYEE'S public office or employment without loss of pay,
13 seniority, status, efficiency rating, vacation, sick leave, or other benefits
14 for ~~all the time when he or she~~ THE ENTIRE TIME THE OFFICER OR
15 EMPLOYEE is engaged with such organization or component in training or
16 active service ordered or authorized by proper authority pursuant to law,
17 whether for state or federal purposes, but not exceeding ~~fifteen days~~ THE
18 EQUIVALENT OF THREE WEEKS OF WORK ON THE OFFICER'S OR EMPLOYEE'S
19 REGULAR WORK SCHEDULE in the leave year established by the employer.

1 ~~Such leave shall be allowed~~ THE EMPLOYER SHALL ALLOW THE LEAVE if
2 the required military service is satisfactorily performed, which ~~shall be~~ IS
3 presumed unless the contrary is established.

4 **SECTION 2.** In Colorado Revised Statutes, **amend** 28-3-602 as
5 follows:

6 **28-3-602. Public employees - extended military leave.** AN
7 OFFICER OR EMPLOYEE WHO IS TAKING A LEAVE OF ABSENCE DESCRIBED
8 IN SECTION 28-3-601 (1) IS ENTITLED TO USE ANY PAID LEAVE AVAILABLE
9 TO THE OFFICER OR EMPLOYEE OR TO USE UNPAID LEAVE. If ~~any such~~ AN
10 officer or employee USES PAID LEAVE AND is required by proper authority
11 to continue in ~~such~~ military service beyond the time for which THE
12 OFFICER OR EMPLOYEE HAS AVAILABLE PAID leave, ~~with pay is allowed,~~
13 ~~he or she~~ THE OFFICER OR EMPLOYEE is entitled to leave of absence from
14 ~~his or her~~ THE OFFICER'S OR EMPLOYEE'S public office or employment
15 without pay for all ~~such~~ additional service with right of reinstatement
16 thereafter upon the same conditions as provided in section 28-3-604 for
17 reinstatement after active service in time of war or other emergency.

18 **SECTION 3.** In Colorado Revised Statutes, **amend** 28-3-603 as
19 follows:

20 **28-3-603. Public employees - emergency military leave.** Subject
21 to the conditions prescribed in this section, any officer or employee of the
22 state or of any political subdivision, municipal corporation, or other
23 public agency of the state who engages in active military service in time
24 of war or other emergency declared by proper authority of the state or the
25 United States, for which leave is not otherwise allowed by law OR
26 PERMITTED BY THE OFFICER'S OR EMPLOYEE'S EMPLOYER, is entitled to
27 leave of absence from ~~his or her~~ THE OFFICER'S OR EMPLOYEE'S public

1 office or employment without pay during ~~such~~ THE service with right of
2 reinstatement as provided in section 28-3-604.

3 **SECTION 4.** In Colorado Revised Statutes, 28-3-604, **amend** (1)
4 introductory portion; and **repeal** (1)(b) as follows:

5 **28-3-604. Reinstatement.** (1) Except as otherwise provided in
6 sections 28-3-601 to 28-3-607, upon the completion of such service, ~~such~~
7 AN officer or employee ~~shall~~ MUST be reinstated in the public position
8 which ~~he or she~~ THAT THE OFFICER OR EMPLOYEE held at the time of entry
9 into such service or a public position of like seniority, status, and pay if
10 such A POSITION is available at the same salary which ~~he or she~~ THAT THE
11 OFFICER OR EMPLOYEE would have received if ~~he or she~~ THE OFFICER OR
12 EMPLOYEE had not taken ~~such~~ THE leave upon the following conditions:

13 (b) That ~~he or she~~ is not physically or mentally disabled from
14 performing the duties of such position;

15 **SECTION 5.** In Colorado Revised Statutes, **amend** 28-3-609 as
16 follows:

17 **28-3-609. Private employees - annual military leave.** Any
18 person who is a duly qualified member of the Colorado National Guard
19 or the reserve forces of the United States who, in order to receive military
20 training with the armed forces of the United States, not to exceed ~~fifteen~~
21 ~~days~~ THE EQUIVALENT OF THREE WEEKS OF WORK ON THE PERSON'S
22 REGULAR WORK SCHEDULE in any one calendar year, leaves a position
23 other than a temporary position in the employ of an employer, and who
24 gives evidence of the satisfactory completion of ~~such~~ THE training, and
25 who is still qualified to perform the duties of ~~such~~ THE PERSON'S position,
26 is entitled to be restored to ~~his or her~~ THE PERSON'S previous or a similar
27 position in the same status, pay, and seniority. ~~and such period of absence~~

1 ~~for military training shall be construed as an absence with leave and~~
2 ~~without pay.~~ THE PERSON IS ENTITLED TO USE ANY PAID LEAVE AVAILABLE
3 TO THE PERSON OR TO USE UNPAID LEAVE FOR THE PERSON'S PERIOD OF
4 ABSENCE FOR MILITARY TRAINING.

5 **SECTION 6.** In Colorado Revised Statutes, **amend** 28-3-610.5
6 as follows:

7 **28-3-610.5. Private employees - state service - reemployment**
8 **rights - benefits retained.** (1) A private employee who is a duly
9 qualified member of the Colorado National Guard who leaves or who is
10 absent from ~~his or her~~ THE EMPLOYEE'S employment, regardless of the
11 length of ~~such~~ THE absence, in order to engage in active service for state
12 purposes pursuant to section 28-3-104:

13 (a) Is entitled to the reemployment rights for members described
14 in section 28-3-609, so long as ~~such member~~ THE EMPLOYEE otherwise
15 meets the requirements of section 28-3-609; ~~and~~

16 (b) Retains ~~his or her~~ THE right to the employee benefits described
17 in section 28-3-610; AND

18 (c) IS ENTITLED TO USE ANY PAID LEAVE AVAILABLE TO THE
19 EMPLOYEE OR TO USE UNPAID LEAVE.

20 **SECTION 7. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety.