

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0433.02 Kristen Forrestal x4217

HOUSE BILL 24-1260

HOUSE SPONSORSHIP

Duran and Hernandez, Bacon, Brown, deGruy Kennedy, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Mabrey, Martinez, Mauro, Ortiz, Parenti, Rutinel, Story, Titone, Vigil, Woodrow, Young

SENATE SPONSORSHIP

Danielson, Cutter, Gonzales, Hinrichsen, Kolker, Michaelson Jenet, Mullica

House Committees

Business Affairs & Labor
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION AGAINST DISCIPLINING AN EMPLOYEE**
102 **FOR REFUSING TO PARTICIPATE IN EMPLOYER SPEECH.**

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 prohibits an employer from requiring an employee to attend meetings, listen to speech, or view communications concerning religious or political matters.

The bill also prohibits an employer from threatening an employee, subjecting an employee to discipline, or discharging an employee on account of the employee's refusal to attend or participate in an

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.

employer-sponsored meeting where the employer communicates religious or political matters or opinions.

Certain employer communications are exempt from the prohibition, including communications required by law or that are necessary for an employee to perform the employee's job duties.

The bill creates a private right of action in district court for aggrieved persons who prevail in court seeking payment of front pay, lost wages and compensation, costs, and attorney fees.

Each employer is required to post a notice of the employee rights outlined in the bill at the employer's workplace.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Workers are the backbone of the state and Colorado
5 businesses;

6 (b) Political and religious coercion in the workplace is a growing
7 problem for workers in all industries, of all backgrounds, and across the
8 political spectrum;

9 (c) Meetings, such as captive audience meetings, that violate
10 worker protections should not be allowed;

11 (d) According to a study published by Harvard University, one in
12 four workers in the United States has been contacted by their employer
13 regarding a political matter, and of these workers, twenty percent received
14 messages that included a threat of retaliation;

15 (e) Captive audience meetings typically include threats of the
16 workplace shutting down or demotion for joining a union or not agreeing
17 with the employer, promises of bonuses or raises in exchange for not
18 joining the union, disparaging union organizers, and more;

19 (f) The requirement to attend captive audience meetings or engage
20 in related conversations comes in many forms, including the threat of

1 retaliation and discipline; ■

2 (g) All employees in Colorado should be protected from political
3 and religious coercion in the workplace and should be able to exercise
4 their rights to opt out of political or religious meetings without fear of
5 retaliation from an employer, as long as the meetings are not required by
6 law and are not essential to the employee's job performance; and

7 (h) While it is important to provide protections to employees, the
8 protections should not interfere with the ability of employers to provide
9 diversity, equity, and inclusion training to employees.

10 (2) The general assembly further declares that employees should
11 have the following rights and should be protected from retaliation,
12 including discipline or termination, if they choose to exercise these rights:

13 (a) The ability to refuse to attend or participate in an
14 employer-sponsored meeting where there is religious or political content;
15 and

16 (b) The ability to refuse to listen to speech or view
17 communications where religious or political matters are communicated.

18 (3) The general assembly further declares that the protections in
19 this act are not intended to:

20 (a) Interfere with an employer's right to free speech;

21 (b) Prohibit an employer's obligation to provide legally required
22 trainings, such as sexual harassment training, or employer-initiated
23 trainings related to diversity, equity, and inclusion;

24 (c) Extend to employees in schools or hospitals run by religious
25 institutions when discussing religious matters; or

26 (d) Prohibit an employee from performing any aspects of required
27 job duties.

1 **SECTION 2.** In Colorado Revised Statutes, **add** 8-2-132 as
2 follows:

3 **8-2-132. Employer - employee - responsibilities - political**
4 **matters - religious matters - prohibition against discipline or**
5 **discharge - exceptions - definitions.** (1) AS USED IN THIS SECTION,
6 UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "EMPLOYEE" MEANS A PERSON EMPLOYED BY AN EMPLOYER.

8 (b) "EMPLOYER" MEANS THE STATE OR ANY POLITICAL
9 SUBDIVISION, COMMISSION, DEPARTMENT, INSTITUTION, OR SCHOOL
10 DISTRICT OF THE STATE AND EVERY OTHER PERSON EMPLOYING AN
11 INDIVIDUAL IN THE STATE.

12 (c) "POLITICAL MATTERS" MEANS MATTERS RELATING TO
13 ELECTIONS FOR POLITICAL OFFICE, POLITICAL PARTIES, LEGISLATION,
14 REGULATIONS, AND THE DECISION TO JOIN OR SUPPORT ANY POLITICAL
15 PARTY OR POLITICAL, FRATERNAL, OR LABOR ORGANIZATION OR ANY
16 NONPROFIT ORGANIZATION ESTABLISHED FOR CHARITABLE OR COMMUNITY
17 WELFARE PURPOSES.

18 (d) "RELIGIOUS MATTERS" MEANS MATTERS RELATING TO
19 RELIGIOUS AFFILIATION AND PRACTICE AND THE DECISION TO JOIN OR
20 SUPPORT ANY RELIGIOUS ORGANIZATION OR A NONPROFIT ORGANIZATION
21 ESTABLISHED FOR CHARITABLE OR COMMUNITY WELFARE PURPOSES.

22 (2) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, AN
23 EMPLOYER SHALL NOT SUBJECT OR THREATEN TO SUBJECT AN EMPLOYEE
24 TO DISCIPLINE, DISCHARGE, OR AN ADVERSE EMPLOYMENT ACTION ON
25 ACCOUNT OF THE EMPLOYEE'S REFUSAL TO ATTEND OR PARTICIPATE IN AN
26 EMPLOYER-SPONSORED MEETING CONCERNING RELIGIOUS OR POLITICAL
27 MATTERS OR FOR DECLINING TO LISTEN TO SPEECH OR VIEW RELIGIOUS OR

1 POLITICAL COMMUNICATIONS FROM THE EMPLOYER OR THE AGENT,
2 REPRESENTATIVE, OR DESIGNEE OF THE EMPLOYER.

3 (3) THIS SECTION DOES NOT PROHIBIT:

4 (a) AN EMPLOYER, OR AN EMPLOYER'S AGENT, REPRESENTATIVE,
5 OR DESIGNEE, FROM COMMUNICATING TO THE EMPLOYER'S EMPLOYEES
6 REGARDING ANY INFORMATION THAT THE EMPLOYER IS REQUIRED BY
7 LAW, A COURT ORDER, OR AN AGREEMENT WITH A GOVERNMENTAL ENTITY
8 TO COMMUNICATE TO EMPLOYEES, BUT ONLY TO THE EXTENT OF THE
9 LEGAL REQUIREMENT;

10 (b) AN EMPLOYER, OR AN EMPLOYER'S AGENT, REPRESENTATIVE,
11 OR DESIGNEE, FROM COMMUNICATING TO THE EMPLOYER'S EMPLOYEES
12 ANY INFORMATION THAT IS NECESSARY FOR SUCH EMPLOYEES TO PERFORM
13 THEIR JOB DUTIES OR THAT IS REQUIRED TO PREVENT OR ADDRESS
14 UNLAWFUL DISCRIMINATION AND HARASSMENT BASED ON A PROTECTED
15 CLASS;

16 (c) AN INSTITUTION OF HIGHER EDUCATION, OR AN AGENT,
17 REPRESENTATIVE, OR DESIGNEE OF AN INSTITUTION OF HIGHER
18 EDUCATION, FROM MEETING WITH OR PARTICIPATING IN ANY
19 COMMUNICATIONS WITH THE INSTITUTION OF HIGHER EDUCATION'S
20 EMPLOYEES THAT ARE PART OF COURSEWORK, SYMPOSIA, OR AN
21 ACADEMIC PROGRAM AT THE INSTITUTION;

22 (d) A K-12 PUBLIC OR PRIVATE SCHOOL OR SCHOOL DISTRICT, OR
23 AN AGENT, REPRESENTATIVE, OR DESIGNEE OF A K-12 PUBLIC OR PRIVATE
24 SCHOOL OR SCHOOL DISTRICT, FROM MEETING WITH OR PARTICIPATING IN
25 ANY COMMUNICATIONS WITH THE K-12 PUBLIC OR PRIVATE SCHOOL'S OR
26 SCHOOL DISTRICT'S EMPLOYEES WHEN THE RELIGIOUS OR POLITICAL
27 MATTER IS RELATED TO COURSEWORK AT THE K-12 PUBLIC OR PRIVATE

1 SCHOOL; OR

2 (e) VOLUNTARY CONVERSATIONS BETWEEN EMPLOYEES OR
3 BETWEEN AN EMPLOYEE AND AN AGENT, REPRESENTATIVE, OR DESIGNEE
4 OF AN EMPLOYER, IF PARTICIPATION IN SUCH CONVERSATIONS IS NOT
5 REQUIRED.

6 (4) (a) WITHIN ONE YEAR AFTER AN ALLEGED VIOLATION OF
7 SUBSECTION (2) OF THIS SECTION, AN AGGRIEVED PERSON MAY FILE AN
8 ACTION IN A DISTRICT COURT OF COMPETENT JURISDICTION TO ENFORCE
9 COMPLIANCE WITH THIS SECTION.

10 (b) IF THE DISTRICT COURT FINDS THAT AN EMPLOYER HAS
11 VIOLATED THIS SECTION, THE COURT MAY ORDER AFFIRMATIVE RELIEF
12 THAT INCLUDES:

13 (I) THE REINSTATEMENT OF AN AGGRIEVED EMPLOYEE WHO WAS
14 SEPARATED FROM EMPLOYMENT TO THE EMPLOYEE'S FORMER POSITION OF
15 EMPLOYMENT;

16 (II) THE GREATER OF TEN THOUSAND DOLLARS AWARDED TO THE
17 AGGRIEVED EMPLOYEE OR ACTUAL DAMAGES RESULTING FROM THE
18 VIOLATION, INCLUDING BACK PAY AND BENEFITS TO A REINSTATED
19 EMPLOYEE OR FRONT PAY TO AN EMPLOYEE WHO DOES NOT SEEK
20 REINSTATEMENT;

21 (III) UP TO TEN THOUSAND DOLLARS IN ADDITIONAL PENALTIES IF
22 THE EMPLOYER HAS ENGAGED IN THE SAME OR SIMILAR VIOLATIONS OF
23 THIS SECTION IN THE SIX MONTHS PRIOR TO THE ALLEGED VIOLATION,
24 WHICH PRIOR VIOLATIONS AFFECTED THE SAME OR SIMILARLY SITUATED
25 EMPLOYEES;

26 (IV) EQUITABLE RELIEF DEEMED APPROPRIATE BY THE DISTRICT
27 COURT; AND

1 (V) COURT COSTS AND ATTORNEY FEES INCURRED BY THE
2 AGGRIEVED EMPLOYEE.

3 (c) FOR AN ALLEGED VIOLATION OF SUBSECTION (2)(a) OF THIS
4 SECTION AGAINST AN EMPLOYER, THE EMPLOYER HAS AN AFFIRMATIVE
5 DEFENSE TO THE ALLEGATION IF THE EMPLOYER ESTABLISHES THAT THE
6 EMPLOYER CONVEYED IN CLEAR AND CONSPICUOUS TERMS THAT THE
7 EMPLOYEE HAD THE OPTION TO LEAVE THE MEETING WHERE THE
8 VIOLATION ALLEGEDLY TOOK PLACE.

9 (5) THIS SECTION DOES NOT APPLY TO A RELIGIOUS CORPORATION,
10 ENTITY, ASSOCIATION, EDUCATIONAL INSTITUTION, NONPROFIT
11 FAITH-BASED HEALTH SYSTEM, NONPROFIT FAITH-BASED HEALTH
12 FACILITY, OR SOCIETY THAT IS EXEMPT FROM THE REQUIREMENTS OF TITLE
13 VII OF THE "CIVIL RIGHTS ACT OF 1964", 42 U.S.C. SEC. 2000e-1 (a), AS
14 AMENDED, WITH RESPECT TO SPEECH ON RELIGIOUS MATTERS TO
15 EMPLOYEES WHO PERFORM WORK CONNECTED WITH THE ACTIVITIES
16 UNDERTAKEN BY SUCH RELIGIOUS CORPORATION, ENTITY, ASSOCIATION,
17 EDUCATIONAL INSTITUTION, OR SOCIETY.

18 (6) NOTHING IN THIS SECTION IS INTENDED TO CIRCUMVENT ANY
19 EMPLOYER OBLIGATIONS UNDER PART 4 OF ARTICLE 34 OF TITLE 24; ■
20 TITLE VII OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", 42 U.S.C. SEC.
21 2000e ET SEQ.; AS AMENDED; OR ANY OTHER ANTIDISCRIMINATION LAW.

22 (7) AN EMPLOYER SHALL DISTRIBUTE A NOTICE PROVIDED BY THE
23 DEPARTMENT OF LABOR AND EMPLOYMENT TO EACH EMPLOYEE TO
24 INFORM THE EMPLOYEE OF THE EMPLOYEE'S RIGHTS PURSUANT TO THIS
25 SECTION. THE EMPLOYER SHALL DISTRIBUTE THE NOTICE IN THE SAME
26 MANNER THAT IT DISTRIBUTES OTHER LEGAL NOTICES, WHETHER BY
27 POSTING AT EMPLOYER WORK SITES OR DISTRIBUTING THROUGH THE

1 EMPLOYER'S E-MAIL SYSTEM OR OTHER REGULARLY USED
2 COMMUNICATION.

3 **SECTION 3. Safety clause.** The general assembly finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety or for appropriations for
6 the support and maintenance of the departments of the state and state
7 institutions.