

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 24-0433.02 Kristen Forrestal x4217

HOUSE BILL 24-1260

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A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION AGAINST DISCIPLINING AN EMPLOYEE**
102 **FOR REFUSING TO PARTICIPATE IN EMPLOYER SPEECH, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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.

HOUSE
3rd Reading Unamended
April 29, 2024

HOUSE
Amended 2nd Reading
April 26, 2024

account of the employee's refusal to attend or participate in an 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

1 in related conversations comes in many forms, including the threat of
2 retaliation and discipline; █

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

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

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

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

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

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

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

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

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

27 (d) Prohibit an employee from performing any aspects of required

1 job duties.

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

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

8 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
9 EMPLOYMENT.

10 (b) "EMPLOYEE" MEANS A PERSON EMPLOYED BY AN EMPLOYER.

11 (c) "EMPLOYER" MEANS THE STATE OR ANY POLITICAL
12 SUBDIVISION, COMMISSION, DEPARTMENT, INSTITUTION, OR SCHOOL
13 DISTRICT OF THE STATE AND EVERY OTHER PERSON EMPLOYING AN
14 INDIVIDUAL IN THE STATE.

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

21 (e) "RELIGIOUS MATTERS" MEANS MATTERS RELATING TO
22 RELIGIOUS AFFILIATION AND PRACTICE AND THE DECISION TO JOIN OR
23 SUPPORT ANY RELIGIOUS ORGANIZATION OR A NONPROFIT ORGANIZATION
24 ESTABLISHED FOR CHARITABLE OR COMMUNITY WELFARE PURPOSES.

25 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION,
26 AN EMPLOYER SHALL NOT SUBJECT OR THREATEN TO SUBJECT AN
27 EMPLOYEE TO DISCIPLINE, DISCHARGE, OR AN ADVERSE EMPLOYMENT

1 ACTION ON ACCOUNT OF THE EMPLOYEE'S REFUSAL TO ATTEND OR
2 PARTICIPATE IN AN EMPLOYER-SPONSORED MEETING CONCERNING
3 RELIGIOUS OR POLITICAL MATTERS OR FOR DECLINING TO LISTEN TO
4 SPEECH OR VIEW RELIGIOUS OR POLITICAL COMMUNICATIONS FROM THE
5 EMPLOYER OR THE AGENT, REPRESENTATIVE, OR DESIGNEE OF THE
6 EMPLOYER.

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

11 (3) THIS SECTION DOES NOT PROHIBIT:

12 (a) AN EMPLOYER, OR AN EMPLOYER'S AGENT, REPRESENTATIVE,
13 OR DESIGNEE, FROM COMMUNICATING TO THE EMPLOYER'S EMPLOYEES
14 REGARDING ANY INFORMATION THAT THE EMPLOYER IS REQUIRED BY
15 LAW, A COURT ORDER, OR AN AGREEMENT WITH A GOVERNMENTAL ENTITY
16 TO COMMUNICATE TO EMPLOYEES, BUT ONLY TO THE EXTENT OF THE
17 LEGAL REQUIREMENT;

18 (b) AN EMPLOYER, OR AN EMPLOYER'S AGENT, REPRESENTATIVE,
19 OR DESIGNEE, FROM COMMUNICATING TO THE EMPLOYER'S EMPLOYEES OR
20 FROM REQUIRING AN EMPLOYEE TO LISTEN TO ANY INFORMATION OR
21 TRAINING THAT IS NECESSARY FOR SUCH EMPLOYEES TO PERFORM THEIR
22 JOB DUTIES OR THAT IS REQUIRED TO PREVENT OR ADDRESS UNLAWFUL
23 DISCRIMINATION AND HARASSMENT BASED ON A PROTECTED CLASS;

24 (c) AN EMPLOYER FROM REQUIRING THAT AN EMPLOYEE ATTEND
25 A MEETING OR EVENT, LISTEN TO SPEECH, OR VIEW COMMUNICATIONS
26 CONCERNING RELIGIOUS OR POLITICAL MATTERS AS NECESSARY FOR THE
27 EMPLOYEE TO PERFORM THEIR LAWFULLY REQUIRED JOB DUTIES;

1 (d) AN INSTITUTION OF HIGHER EDUCATION, OR AN AGENT,
2 REPRESENTATIVE, OR DESIGNEE OF AN INSTITUTION OF HIGHER
3 EDUCATION, FROM MEETING WITH OR PARTICIPATING IN ANY
4 COMMUNICATIONS WITH THE INSTITUTION OF HIGHER EDUCATION'S
5 EMPLOYEES THAT ARE PART OF COURSEWORK, SYMPOSIA, OR AN
6 ACADEMIC PROGRAM AT THE INSTITUTION;

7 (e) A K-12 PUBLIC OR PRIVATE SCHOOL OR SCHOOL DISTRICT, OR
8 AN AGENT, REPRESENTATIVE, OR DESIGNEE OF A K-12 PUBLIC OR PRIVATE
9 SCHOOL OR SCHOOL DISTRICT, FROM MEETING WITH OR PARTICIPATING IN
10 ANY COMMUNICATIONS WITH THE K-12 PUBLIC OR PRIVATE SCHOOL'S OR
11 SCHOOL DISTRICT'S EMPLOYEES WHEN THE RELIGIOUS OR POLITICAL
12 MATTER IS RELATED TO COURSEWORK AT THE K-12 PUBLIC OR PRIVATE
13 SCHOOL; OR

14 (f) VOLUNTARY CONVERSATIONS BETWEEN EMPLOYEES OR
15 BETWEEN AN EMPLOYEE AND AN AGENT, REPRESENTATIVE, OR DESIGNEE
16 OF AN EMPLOYER, IF PARTICIPATION IN SUCH CONVERSATIONS IS NOT
17 REQUIRED.

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

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

21 (II) FILING AN ACTION IN A DISTRICT COURT OF COMPETENT
22 JURISDICTION TO ENFORCE THIS SECTION.

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

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

27 (II) FILE A COMPLAINT WITH THE DEPARTMENT AGAINST AN

1 EMPLOYER WITHIN ONE YEAR AFTER AN ALLEGED VIOLATION OF THIS
2 SECTION.

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

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

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

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

13 (II) AUTHORIZE AN AGGRIEVED PERSON TO PROCEED WITH AN
14 ACTION IN DISTRICT COURT.

15 (f) (I) ON AND WITHIN SIXTY DAYS AFTER THE DATE A COMPLAINT
16 IS FILED AND BEFORE THE DEPARTMENT ISSUES A WRITTEN
17 DETERMINATION, AN AGGRIEVED PERSON MAY REQUEST AND THE
18 DEPARTMENT SHALL GRANT SUCH AGGRIEVED PERSON WRITTEN
19 AUTHORIZATION TO PROCEED WITH AN ACTION IN DISTRICT COURT.

20 (II) AT THE TIME THAT THE AGGRIEVED PERSON FILES AN ACTION
21 IN DISTRICT COURT, THE AGGRIEVED PERSON SHALL PROVIDE WRITTEN
22 NOTICE OF THE FILING TO THE DEPARTMENT AND THE DEPARTMENT SHALL
23 TERMINATE ITS INVESTIGATION.

24 (III) AN AGGRIEVED PERSON WHO RECEIVES WRITTEN
25 AUTHORIZATION PURSUANT TO THIS SUBSECTION (4) IS DEEMED TO HAVE
26 EXHAUSTED ADMINISTRATIVE REMEDIES.

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

1 (I) DOES NOT FIND A VIOLATION, THE DEPARTMENT SHALL PROVIDE
2 THE BASIS FOR ITS DETERMINATION IN WRITING AND AUTHORIZE THE
3 AGGRIEVED PERSON TO PROCEED WITH AN ACTION IN A DISTRICT COURT OF
4 COMPETENT JURISDICTION. THE AGGRIEVED PERSON IS DEEMED TO HAVE
5 EXHAUSTED ALL ADMINISTRATIVE REMEDIES AFTER THE DETERMINATION
6 AND AUTHORIZATION IS ISSUED.

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

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

14 (II) THE DETERMINATION OF THE DEPARTMENT MAY BE APPEALED
15 ONLY BY COMMENCING AN ACTION FOR JUDICIAL REVIEW IN THE DISTRICT
16 COURT OF COMPETENT JURISDICTION WITHIN THIRTY-FIVE CALENDAR DAYS
17 AFTER THE DATE OF MAILING OF THE DETERMINATION BY THE
18 DEPARTMENT. JUDICIAL REVIEW IS LIMITED TO APPEAL BRIEFS AND THE
19 RECORD DESIGNATED ON APPEAL.

20 (i) AN AGGRIEVED INDIVIDUAL MAY, WITHIN ONE HUNDRED
21 EIGHTY DAYS AFTER EXHAUSTING ALL AVAILABLE ADMINISTRATIVE
22 REMEDIES, COMMENCE AN ACTION IN DISTRICT COURT OF COMPETENT
23 JURISDICTION AGAINST AN EMPLOYER FOR A VIOLATION OF THIS SECTION.

24 (j) IF THE DISTRICT COURT FINDS THAT AN EMPLOYER HAS
25 VIOLATED THIS SECTION, THE COURT MAY ORDER AFFIRMATIVE RELIEF
26 THAT INCLUDES:

27 (I) THE REINSTATEMENT OF AN AGGRIEVED EMPLOYEE WHO WAS

1 SEPARATED FROM EMPLOYMENT TO THE EMPLOYEE'S FORMER POSITION OF
2 EMPLOYMENT;

3 (II) THE GREATER OF TEN THOUSAND DOLLARS AWARDED TO THE
4 AGGRIEVED EMPLOYEE OR ACTUAL DAMAGES RESULTING FROM THE
5 VIOLATION, INCLUDING BACK PAY AND BENEFITS TO A REINSTATED
6 EMPLOYEE OR FRONT PAY TO AN EMPLOYEE WHO DOES NOT SEEK
7 REINSTATEMENT;

8 (III) UP TO TEN THOUSAND DOLLARS IN ADDITIONAL PENALTIES IF
9 THE EMPLOYER HAS ENGAGED IN THE SAME OR SIMILAR VIOLATIONS OF
10 THIS SECTION IN THE SIX MONTHS PRIOR TO THE ALLEGED VIOLATION,
11 WHICH PRIOR VIOLATIONS AFFECTED THE SAME OR SIMILARLY SITUATED
12 EMPLOYEES;

13 (IV) EQUITABLE RELIEF DEEMED APPROPRIATE BY THE DISTRICT
14 COURT; AND

15 (V) COURT COSTS AND ATTORNEY FEES INCURRED BY THE
16 AGGRIEVED EMPLOYEE.

17 (5) FOR AN ALLEGED VIOLATION OF SUBSECTION (2) OF THIS
18 SECTION AGAINST AN EMPLOYER, THE EMPLOYER HAS AN AFFIRMATIVE
19 DEFENSE TO THE ALLEGATION IF THE EMPLOYER ESTABLISHES THAT THE
20 EMPLOYER CONVEYED IN CLEAR AND CONSPICUOUS TERMS THAT THE
21 EMPLOYEE HAD THE OPTION TO LEAVE THE MEETING WHERE THE
22 VIOLATION ALLEGEDLY TOOK PLACE.

23 (6) THIS SECTION DOES NOT APPLY TO A RELIGIOUS CORPORATION,
24 ENTITY, ASSOCIATION, EDUCATIONAL INSTITUTION, NONPROFIT
25 FAITH-BASED HEALTH SYSTEM, NONPROFIT FAITH-BASED HEALTH
26 FACILITY, OR SOCIETY THAT IS EXEMPT FROM THE REQUIREMENTS OF TITLE
27 VII OF THE "CIVIL RIGHTS ACT OF 1964", 42 U.S.C. SEC. 2000e-1 (a), AS

1 AMENDED, WITH RESPECT TO SPEECH ON RELIGIOUS MATTERS TO
2 EMPLOYEES WHO PERFORM WORK CONNECTED WITH THE ACTIVITIES
3 UNDERTAKEN BY SUCH RELIGIOUS CORPORATION, ENTITY, ASSOCIATION,
4 EDUCATIONAL INSTITUTION, **NONPROFIT FAITH-BASED HEALTH SYSTEM,**
5 **NONPROFIT FAITH-BASED HEALTH FACILITY,** OR SOCIETY.

6 (7) NOTHING IN THIS SECTION IS INTENDED TO CIRCUMVENT ANY
7 EMPLOYER OBLIGATIONS UNDER PART 4 OF ARTICLE 34 OF TITLE 24; **█**
8 TITLE VII OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", 42 U.S.C. SEC.
9 2000e ET SEQ.; AS AMENDED; OR ANY OTHER ANTIDISCRIMINATION LAW.

10 (8) AN EMPLOYER SHALL DISTRIBUTE A NOTICE PROVIDED BY THE
11 DEPARTMENT **█** TO EACH EMPLOYEE TO INFORM THE EMPLOYEE OF THE
12 EMPLOYEE'S RIGHTS PURSUANT TO THIS SECTION. THE EMPLOYER SHALL
13 DISTRIBUTE THE NOTICE IN THE SAME MANNER THAT IT DISTRIBUTES
14 OTHER LEGAL NOTICES, WHETHER BY POSTING AT EMPLOYER WORK SITES
15 OR DISTRIBUTING THROUGH THE EMPLOYER'S E-MAIL SYSTEM OR OTHER
16 REGULARLY USED COMMUNICATION.

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

23 **SECTION 4. Safety clause.** The general assembly finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety or for appropriations for
26 the support and maintenance of the departments of the state and state
27 institutions.