

## CHAPTER 87

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**LABOR AND INDUSTRY**


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**HOUSE BILL 05-1105**

BY REPRESENTATIVE(S) McGihon, Borodkin, Boyd, Carroll M., Cerbo, Coleman, Frangas, Garcia, Green, Hodge, Lindstrom, Madden, Marshall, Merrifield, Paccione, Plant, and Todd;  
also SENATOR(S) Veiga, Bacon, Fitz-Gerald, Groff, Grossman, Hanna, Shaffer, Takis, Tochtrop, Tupa, Williams, and Windels.

**AN ACT**

**CONCERNING ACCESS TO UNEMPLOYMENT BENEFITS BY PERSONS WHO HAVE QUIT A JOB DUE TO DOMESTIC ABUSE.**

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

**SECTION 1.** 8-73-107 (1) (g), Colorado Revised Statutes, is amended to read:

**8-73-107. Eligibility conditions - penalty.** (1) Any unemployed individual shall be eligible to receive benefits with respect to any week only if the division finds that:

(g) (I) He OR SHE is actively seeking work. In determining whether the claimant is actively seeking work, the division, taking notice of the customary methods of obtaining work in the claimant's usual occupation, or any occupation for which he OR SHE is reasonably qualified, and the current condition of the labor market, shall consider, but shall not be limited to a consideration of, whether, during said week, the claimant followed a course of action ~~which~~ THAT was reasonably designed to result in his OR HER prompt reemployment in suitable work.

(II) THIS PARAGRAPH (g) SHALL NOT APPLY TO A PERSON DETERMINED ELIGIBLE TO RECEIVE BENEFITS PURSUANT TO SECTION 8-73-108 (4) (r) (I) FOR THE FIRST FIFTEEN BUSINESS DAYS AFTER A CLAIM FOR BENEFITS IS FILED IF COMPLIANCE WITH THIS PARAGRAPH (g) WOULD:

(A) MAKE IT MORE DIFFICULT FOR THE PERSON TO ESCAPE DOMESTIC ABUSE; OR

(B) UNFAIRLY PENALIZE A PERSON WHO IS OR HAS BEEN A VICTIM OF DOMESTIC ABUSE OR IS AT FURTHER RISK OF DOMESTIC ABUSE.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 2.** 8-73-108 (4) (r) (I), Colorado Revised Statutes, is amended to read:

**8-73-108. Benefit awards.** (4) **Full award.** An individual separated from a job shall be given a full award of benefits if any of the following reasons and pertinent conditions related thereto are determined by the division to have existed. The determination of whether or not the separation from employment shall result in a full award of benefits shall be the responsibility of the division. The following reasons shall be considered, along with any other factors that may be pertinent to such determination:

(r) (I) Quitting a job because of domestic abuse may be reason for a determination for a full award only if THE DIVISION CERTIFIES AND NOTIFIES THE EMPLOYER AND THE HEARING OFFICER THAT NO PRIOR AWARD UNDER THE PROVISIONS OF THIS PARAGRAPH (r) HAS BEEN MADE TO THE WORKER WITHIN THE PRECEDING THREE YEARS AND IF:

(A) The division has been provided a copy of a police report, criminal charges, protection order, medical records, or any other corroborative evidence documenting the domestic abuse; OR

(B) The worker provides written substantiation that the worker is receiving assistance or counseling from a recognized counseling entity for domestic abuse. ~~and~~

~~(C) The division certifies and notifies the employer and the hearing officer that no prior award under the provisions of this paragraph (r) has been made to the worker within the preceding three years.~~

**SECTION 3. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 10, 2005, if adjournment sine die is on May 11, 2005); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to unemployment benefits claims filed on or after the applicable effective date of this act.

Approved: April 20, 2005