

CHAPTER 312

GOVERNMENT - STATE

HOUSE BILL 09-1315

BY REPRESENTATIVE(S) Todd, Kerr A., Labuda, Looper, Ryden, Schafer S.;
also SENATOR(S) Williams, Groff, Newell.

AN ACT

CONCERNING CLARIFYING RESTRICTIONS ON PUBLIC EMPLOYEE LEAVE FOR PURPOSES OF PUBLIC SERVICE.

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

SECTION 1. 24-32-2225 (2), Colorado Revised Statutes, is amended to read:

24-32-2225. Qualified volunteers - leave of absence - public employees.

(2) The leave allowed pursuant to subsection (1) of this section shall be allowed only if the qualified volunteer returns to his or her public position ~~as soon as practicable~~ THE NEXT SCHEDULED WORK DAY after being relieved from emergency volunteer service; EXCEPT THAT LEAVE SHALL BE ALLOWED PURSUANT TO SUBSECTION (1) OF THIS SECTION IF THE EMPLOYEE IS UNABLE TO RETURN TO WORK DUE TO INJURY OR CIRCUMSTANCES BEYOND THE EMPLOYEE'S CONTROL AND THE EMPLOYEE NOTIFIES THE EMPLOYER AS SOON AS PRACTICABLE, BUT PRIOR TO THE NEXT SCHEDULED WORK DAY.

SECTION 2. 24-50-104 (7) (d), Colorado Revised Statutes, is amended to read:

24-50-104. Job evaluation and compensation. (7) Leaves.

(d) An employee certified as a disaster service volunteer of the American red cross may be granted paid leave for specialized disaster relief services. Such leave shall not exceed five days for a local disaster or fifteen days for a national disaster in a twelve-month period. Such leave may not be accumulated. During this period of leave, an employee shall not be deemed to be an employee for purposes of the "Workers' Compensation Act of Colorado", as provided in articles 40 to 47 of title 8, C.R.S. THE LEAVE AUTHORIZED BY THIS PARAGRAPH (d) SHALL RUN CONCURRENT WITH AND SHALL NOT BE IN ADDITION TO ANY PAID LEAVE OF ABSENCE REQUIRED BY LAW FOR SERVICE BY A MEMBER IN A COLORADO CIVIL AIR PATROL MISSION AS PROVIDED

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

IN SECTION 28-1-104, C.R.S., OR FOR QUALIFIED VOLUNTEER SERVICE IN A DISASTER AS PROVIDED IN SECTION 24-32-2225.

SECTION 3. 28-1-104 (1) and (2), Colorado Revised Statutes, are amended to read:

28-1-104. Public employees - leave of absence. (1) Any member who is an officer or employee of the state or of any political subdivision, municipal corporation, or other public agency of the state and who is called to duty for a civil air patrol mission is entitled to a leave of absence from the member's office or employment for the time when the member is engaged in the civil air patrol mission without loss of pay, seniority, status, efficiency rating, vacation, sick leave, or other benefits. The leave without loss of pay that is allowed pursuant to this section shall not exceed a total of fifteen work days in ~~any calendar year~~ THE LEAVE YEAR ESTABLISHED BY THE EMPLOYER; except that such leave without loss of pay shall be allowed only if the required civil air patrol service is satisfactorily performed, which shall be presumed unless the contrary is established.

(2) The leave allowed pursuant to subsection (1) of this section shall be allowed only if the member returns to his or her public position ~~as soon as practicable~~ THE NEXT SCHEDULED WORK DAY after being relieved from service for the civil air patrol mission; EXCEPT THAT LEAVE SHALL BE ALLOWED PURSUANT TO SUBSECTION (1) OF THIS SECTION IF THE MEMBER IS UNABLE TO RETURN TO WORK DUE TO INJURY OR CIRCUMSTANCES BEYOND THE MEMBER'S CONTROL AND THE MEMBER NOTIFIES THE EMPLOYER AS SOON AS PRACTICABLE, BUT PRIOR TO THE NEXT SCHEDULED WORK DAY.

SECTION 4. 28-3-601 (1), Colorado Revised Statutes, is amended to read:

28-3-601. Public employees - annual military leave. (1) Subject to the conditions prescribed in sections 28-3-601 to 28-3-607, any officer or employee of the state or of any political subdivision, municipal corporation, or other public agency of the state who is a member of the National Guard or any other component of the military forces of the state organized or constituted under state or federal law or who is a member of the reserve forces of the United States, organized or constituted under federal law is entitled to leave of absence from his or her public office or employment without loss of pay, seniority, status, efficiency rating, vacation, sick leave, or other benefits for all the time when he or she is engaged with such organization or component in training or active service ordered or authorized by proper authority pursuant to law, whether for state or federal purposes, but not exceeding fifteen days in ~~any calendar year~~ THE LEAVE YEAR ESTABLISHED BY THE EMPLOYER. Such leave shall be allowed if the required military service is satisfactorily performed, which shall be presumed unless the contrary is established.

SECTION 5. Act subject to petition - effective date. 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 5, 2009, if adjournment sine die is on May 6, 2009); 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.

Approved: May 21, 2009