

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

**REENGROSSED**

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

LLS NO. 21-0558.01 Christy Chase x2008

**SENATE BILL 21-176**

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**A BILL FOR AN ACT**

101      **CONCERNING PROTECTIONS FOR COLORADO WORKERS AGAINST**  
102                    **DISCRIMINATORY EMPLOYMENT PRACTICES, AND, IN**  
103                    **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**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>.)*

For purposes of addressing discriminatory or unfair employment practices pursuant to Colorado's anti-discrimination laws, the bill:

- Allows an employment discrimination claim to be brought in any court of competent jurisdiction in the county or district where the alleged discriminatory or unfair

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

SENATE  
3rd Reading Unamended  
May 27, 2021

SENATE  
Amended 2nd Reading  
May 26, 2021

employment practice occurred and allows an individual to file a civil action, without otherwise exhausting administrative proceedings and remedies, as long as the individual either files a charge with the Colorado civil rights commission (commission) or serves a written demand for the relief on the individual's employer and allows the employer 14 days to respond;

- Expands the definition of "employee" to include individuals in domestic service; individuals who perform a service for a price, including independent contractors, subcontractors, and their employees; and individuals who offer services or labor without pay;
- Adds new definitions of "caregiver", "care recipient", "child", "minor child", "harassment", "hostile work environment", and "independent contractor";
- Adds protections from discriminatory or unfair employment practices for individuals based on their "marital status" or "caregiver status";
- Specifies that it is a discriminatory or unfair employment practice for an employer to fail to initiate an investigation of a complaint or fail to take prompt remedial action if appropriate;
- Prohibits certain preemployment medical examinations, imposes limitations on inquiries and examinations about an employee's disability during employment, and specifies that violations of these prohibitions and limitations constitute discriminatory or unfair employment practices;
- Expands the time limit to file a charge with the commission from 6 months to 300 days after the alleged discriminatory or unfair employment practice occurred;
- Repeals the limits on remedies in cases involving age discrimination; and
- Limits the ability of an employer to require confidentiality of claims once a charge is filed with the commission.

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

2 **SECTION 1. Short title.** The short title of this act is the  
3 **"Protecting Opportunities and Workers' Rights (POWR) Act"**.

4 **SECTION 2.** In Colorado Revised Statutes, 24-34-303, **amend**  
5 **(1)(b)(II)(A)** as follows:

1           **24-34-303. Civil rights commission - membership.**

2           (1) (b) (II) In addition to the qualifications specified in subsection  
3           (1)(b)(I) of this section, the members of the commission must at all times  
4           include:

5           (A) At least four members who are members of groups of people  
6           who have been or who might be discriminated against because of  
7           disability, race, creed, color, sex, sexual orientation, national origin,  
8           ancestry, marital status, CAREGIVER STATUS, religion, or age; and

9           **SECTION 3.** In Colorado Revised Statutes, **repeal 24-34-304 as**  
10          follows:

11          **24-34-304. Division and commission subject to termination -**  
12          **repeal of part.** (1) The provisions of section 24-34-104, concerning the  
13          termination schedule for regulatory bodies of the state unless extended as  
14          provided in that section, are applicable to the division and the commission  
15          created by this part 3.

16          (2) This part 3 is repealed, effective September 1, 2027. Before its  
17          repeal, the functions of the division and commission are scheduled for  
18          review in accordance with section 24-34-104.

19          **SECTION 4.** In Colorado Revised Statutes, **24-34-306, amend**  
20          (1)(a), (2)(b) introductory portion, (2)(b)(I) introductory portion,  
21          (2)(b)(I)(B), (2)(b)(I)(C), (11), and (14) as follows:

22          **24-34-306. Charge - complaint - hearing - procedure -**  
23          **exhaustion of administrative remedies.** (1) (a) (I) Any person claiming  
24          to be aggrieved by a discriminatory or unfair practice as defined by parts  
25          4 to 7 of this article ARTICLE 34 may, by himself or herself or through his  
26          or her THE PERSON'S attorney-at-law, make, sign, and file with the division  
27          a verified written charge stating the name and address of the respondent

1 alleged to have committed the discriminatory or unfair practice, setting  
2 forth the particulars of the alleged discriminatory or unfair practice, and  
3 containing any other information required by the division.

4 (II) THE DIVISION SHALL INCLUDE ON ANY CHARGE FORM OR  
5 CHARGE INTAKE MECHANISM AN OPTION TO SELECT "HARASSMENT" AS A  
6 BASIS OR DESCRIPTION OF THE TYPE OF DISCRIMINATORY OR UNFAIR  
7 EMPLOYMENT PRACTICE THAT IS THE SUBJECT OF THE CHARGE.

8 (2) (b) The director or the director's designee, who shall MUST be  
9 an employee of the division, shall determine as promptly as possible  
10 whether probable cause exists for crediting the allegations of the charge  
11 and shall follow one of the following courses of action:

12 (I) If the director or the director's designee determines that  
13 probable cause does not exist, ~~he or she~~ THE DIRECTOR OR THE DIRECTOR'S  
14 DESIGNEE shall dismiss the charge and shall notify the person filing the  
15 charge and the respondent of the dismissal. In addition, in the notice, the  
16 director or the director's designee shall advise both parties:

17 (B) That, if the charging party wishes to file a civil action in a  
18 district court OF COMPETENT JURISDICTION IN A DISTRICT in this state OR,  
19 IF APPLICABLE IN CASES ALLEGING A VIOLATION OF PART 4 OF THIS  
20 ARTICLE 34, IN A COURT OF COMPETENT JURISDICTION IN A COUNTY IN THIS  
21 STATE based on the alleged discriminatory or unfair practice that was the  
22 subject of the charge filed with the commission, ~~he or she must do so~~ THE  
23 CHARGING PARTY MUST FILE THE ACTION: Within ninety days after the  
24 date the notice specified in this subparagraph (I) SUBSECTION (2)(b)(I) is  
25 mailed if ~~he or she~~ THE CHARGING PARTY does not file an appeal with the  
26 commission pursuant to sub-subparagraph (A) of this subparagraph (I)  
27 SUBSECTION (2)(b)(I)(A) OF THIS SECTION; or within ninety days after the

1 date the notice that the commission has dismissed the appeal specified in  
2 sub-subparagraph (A) of this subparagraph (F) SUBSECTION (2)(b)(I)(A)  
3 OF THIS SECTION is mailed;

4 (C) That, if the charging party does not file an action within the  
5 time limits specified in sub-subparagraph (B) of this subparagraph (F)  
6 SUBSECTION (2)(b)(I)(B) OF THIS SECTION, the action will be barred, and  
7 no district court shall have HAS jurisdiction to hear the action.

8 (11) If written notice that a formal hearing will be held is not  
9 served within two hundred seventy days after the filing of the charge, if  
10 the complainant has requested and received a notice of right to sue  
11 pursuant to subsection (15) of this section, or if the hearing is not  
12 commenced within the one-hundred-twenty-day period prescribed by  
13 subsection (4) of this section, the jurisdiction of the commission over the  
14 complaint shall cease CEASES, and the complainant may seek the relief  
15 authorized under this part 3 and parts 4 to 7 of this article ARTICLE 34  
16 against the respondent by filing a civil action in the district court for the  
17 A COURT OF COMPETENT JURISDICTION IN THE district OR, IF APPLICABLE  
18 IN COMPLAINTS ALLEGING A VIOLATION OF PART 4 OF THIS ARTICLE 34, IN  
19 THE COUNTY in which the alleged discriminatory or unfair practice  
20 occurred. Such THE action must be filed within ninety days of AFTER the  
21 date upon which the jurisdiction of the commission ceased, and if not so  
22 filed, it shall be IS barred and the district court shall have HAS no  
23 jurisdiction to hear such THE action. If any party requests the extension of  
24 any time period prescribed by this subsection (11), such THE extension  
25 may be granted for good cause by the commission, a commissioner, or the  
26 administrative law judge, as the case may be, but the total period of all  
27 such extensions to either the respondent or the complainant shall MUST

1 not exceed ninety days each, and, in the case of multiple parties, the total  
2 period of all extensions shall MUST not exceed one hundred eighty days.

3 (14) No A person may NOT file a civil action in a district court in  
4 this state based on an alleged discriminatory or unfair practice prohibited  
5 by parts 4 to 7 of this article PARTS 5 TO 7 OF THIS ARTICLE 34 OR, IN  
6 CASES ALLEGING A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE  
7 PROHIBITED BY PART 4 OF THIS ARTICLE 34, IN A COURT OF COMPETENT  
8 JURISDICTION IN THE DISTRICT OR COUNTY IN WHICH THE ALLEGED  
9 DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE OCCURRED without  
10 first exhausting the proceedings and remedies available to him THE  
11 PERSON under this part 3 unless he THE PERSON shows, in an action filed  
12 in the appropriate district court, by clear and convincing evidence, his THE  
13 PERSON'S ill health, which is of such a nature that pursuing administrative  
14 remedies would not provide timely and reasonable relief and would cause  
15 irreparable harm.

16 SECTION 5. In Colorado Revised Statutes, add 24-34-310 as  
17 follows:

18 24-34-310. Training and education programs for employers -  
19 division to develop. THE DIVISION SHALL DEVELOP SAMPLE TRAINING  
20 AND EDUCATION PROGRAMS REGARDING THE PREVENTION OF  
21 HARASSMENT AND DISCRIMINATION IN THE WORKPLACE, BYSTANDER  
22 INTERVENTION, AND WORKPLACE CIVILITY IN COMPLIANCE WITH PART 4 OF  
23 THIS ARTICLE 34. WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS  
24 SECTION, THE DIVISION SHALL DEVELOP THE TRAINING AND EDUCATION  
25 PROGRAMS AND MAKE THE PROGRAMS AVAILABLE TO EMPLOYERS, AT NO  
26 COST, ON THE DIVISION'S WEBSITE AND IN OTHER MANNERS THAT ENABLE  
27 EMPLOYERS TO ACCESS THE PROGRAMS.

1            **SECTION 6. In Colorado Revised Statutes, add 24-34-400.2 as**  
2 follows:

3            **24-34-400.2. Legislative declaration. (1) THE GENERAL**  
4 ASSEMBLY FINDS THAT:

5            (a) ALL COLORADANS SHOULD HAVE AN EQUAL OPPORTUNITY TO  
6 SUCCEED IN THE WORKPLACE AND ARE ENTITLED TO A WORKPLACE THAT  
7 IS FREE FROM DISCRIMINATION AND HARASSMENT BASED ON THEIR  
8 PROTECTED STATUS;

9            (b) WHEN EMPLOYEES HAVE A SAFE WORKPLACE THAT IS FREE  
10 FROM HARASSMENT AND DISCRIMINATION, THOSE EMPLOYEES ARE MORE  
11 PRODUCTIVE AND ARE MORE INCLINED TO REMAIN IN THEIR JOBS, AND  
12 EMPLOYERS BENEFIT FROM INCREASED EMPLOYEE PRODUCTIVITY AND  
13 RETENTION;

14            (c) WHILE MANY EMPLOYERS HAVE MADE GREAT STRIDES IN  
15 IMPROVING WORKPLACE ENVIRONMENTS BY MAKING THEM FREE FROM  
16 HARASSMENT AND DISCRIMINATION SINCE THE FIRST ITERATION OF THIS  
17 PART 4 WAS ENACTED IN 1951, MANY EMPLOYEES IN THIS STATE STILL  
18 EXPERIENCE HARASSMENT AND DISCRIMINATION IN THE WORKPLACE,  
19 RESULTING IN MENTAL, PHYSICAL, AND ECONOMIC HARM;

20            (d) WITH REGARD TO SEXUAL HARASSMENT IN THE WORKPLACE,  
21 RECENT STUDIES AND REPORTS, INCLUDING THE 2018 HISCOX WORKPLACE  
22 HARASSMENT STUDY AND A 2020 ISSUE BRIEF FROM THE CENTER FOR  
23 WOMEN AND WORK IN THE RUTGERS SCHOOL OF MANAGEMENT AND  
24 LABOR RELATIONS ENTITLED "ECONOMIC IMPACTS OF SEXUAL  
25 HARASSMENT: COMBATING SEXUAL HARASSMENT CAN FURTHER GENDER  
26 EQUALITY", HAVE SHOWN THAT:

27            (I) BASED ON DATA FROM A STUDY ON HARASSMENT IN THE

1 WORKPLACE CONDUCTED BY A SPECIAL TASK FORCE OF THE UNITED  
2 STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, UP TO  
3 EIGHTY-FIVE PERCENT OF ALL WOMEN HAVE EXPERIENCED SOME FORM OF  
4 SEXUAL HARASSMENT WHILE AT WORK, AND, IN ABOUT TWELVE PERCENT  
5 OF CASES, THE HARASSMENT OCCURRED ON A DAILY OR WEEKLY BASIS;

6 (II) UP TO THIRTY-ONE PERCENT OF PEOPLE SAY THAT NO ACTION  
7 WAS TAKEN ON THEIR CLAIM OF SEXUAL HARASSMENT, EVEN THOUGH  
8 INCIDENTS OCCURRED FREQUENTLY; AND

9 (III) FIFTY-THREE PERCENT OF EMPLOYEES WHO EXPERIENCED  
10 SEXUAL HARASSMENT WERE TOO AFRAID TO REPORT THE UNWELCOME  
11 BEHAVIOR;

12 (e) IT IS CRITICAL THAT EMPLOYERS ENGAGE IN PREVENTIVE AND  
13 CORRECTIVE ACTIONS TO ELIMINATE WORKPLACE DISCRIMINATION AND  
14 HARASSMENT AND ENSURE A SAFE WORKPLACE ENVIRONMENT FOR ALL  
15 THEIR EMPLOYEES; AND

16 (f) COURTS SHOULD APPLY THE LAW CONSISTENTLY TO ALL  
17 WORKPLACES.

18 (2) ADDITIONALLY, THE GENERAL ASSEMBLY:

19 (a) FINDS THAT THE "SEVERE OR PERVASIVE" STANDARD CREATED  
20 BY COURTS TO DETERMINE IF HARASSMENT AT WORK IS A DISCRIMINATORY  
21 OR UNFAIR EMPLOYMENT PRACTICE DOES NOT TAKE INTO ACCOUNT THE  
22 REALITIES OF THE WORKPLACE OR THE HARM THAT WORKPLACE  
23 HARASSMENT CAUSES; AND

24 (b) REJECTS THE "SEVERE OR PERVASIVE" STANDARD FOR PROOF  
25 OF WORKPLACE HARASSMENT IN FAVOR OF A STANDARD THAT PROHIBITS  
26 UNWELCOME HARASSMENT.

27 (3) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:



1           (a) IT IS THE PUBLIC POLICY OF THE STATE TO ENCOURAGE:  
2           (I) EMPLOYERS TO ADOPT EQUAL EMPLOYMENT OPPORTUNITY  
3           POLICIES TO PREVENT AND DISINCENTIVIZE ILLEGAL DISCRIMINATION AND  
4           HARASSMENT; AND  
5           (II) THE FREE REPORTING, DISCUSSION, AND EXPOSURE OF  
6           DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICES IN ORDER TO  
7           BETTER PROTECT EMPLOYEES AND DISCOURAGE DISCRIMINATORY OR  
8           UNFAIR EMPLOYMENT PRACTICES; AND  
9           (b) ATTEMPTS TO INTERFERE WITH EMPLOYEES' ABILITY TO  
10           COMMUNICATE ABOUT AND REPORT ALLEGED DISCRIMINATORY OR UNFAIR  
11           EMPLOYMENT PRACTICES ARE CONTRARY TO THE PUBLIC POLICY OF THE  
12           STATE.

13           **SECTION 7.** In Colorado Revised Statutes, 24-34-401, **amend**  
14           **(2); and add (1.3), (1.5), (1.7), (4.5), and (6.3) as follows:**

15           **24-34-401. Definitions.** As used in this part 4, unless otherwise  
16           defined in section 24-34-301 or unless the context otherwise requires:

17           (1.3) "CAREGIVER" MEANS AN INDIVIDUAL WHO PROVIDES DIRECT  
18           AND ONGOING CARE TO A MINOR CHILD OR CARE RECIPIENT.

19           (1.5) "CARE RECIPIENT" MEANS AN INDIVIDUAL WHO:

20           (a) (I) HAS A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH  
21           CONDITION;

22           (II) NEEDS TO OBTAIN A MEDICAL DIAGNOSIS, CARE, OR  
23           TREATMENT FOR A MENTAL OR PHYSICAL ILLNESS, INJURY, OR HEALTH  
24           CONDITION; OR

25           (III) NEEDS TO OBTAIN PREVENTIVE MEDICAL CARE;

26           (b) IS A FAMILY MEMBER, AS DEFINED IN SECTION 8-13.3-503 (11),  
27           OF THE CAREGIVER OR RESIDES IN THE CAREGIVER'S HOUSEHOLD; AND

1           (c) RELIES ON THE CAREGIVER FOR MEDICAL CARE OR TO MEET THE  
2 NEEDS OF DAILY LIVING.

3           (1.7) "CHILD" MEANS A BIOLOGICAL, ADOPTED, OR FOSTER CHILD;  
4 A STEPCCHILD; A LEGAL WARD; A CHILD OF A DOMESTIC PARTNER; OR A  
5 CHILD TO WHOM THE CAREGIVER STANDS IN LOCO PARENTIS.

6           (2) (a) "Employee" means any person employed by INDIVIDUAL  
7 PERFORMING LABOR OR SERVICES FOR an employer. except a person in the  
8 domestic service of any person.

9           (b) (I) FOR PURPOSES OF THIS PART 4 ONLY, AN INDIVIDUAL WHO  
10 PERFORMS SERVICES FOR PAY FOR ANOTHER IS DEEMED AN EMPLOYEE,  
11 IRRESPECTIVE OF WHETHER THE COMMON-LAW RELATIONSHIP OF MASTER  
12 AND SERVANT EXISTS, UNLESS IT IS PROVED BY A PREPONDERANCE OF THE  
13 EVIDENCE THAT THE INDIVIDUAL SATISFIES THE CONDITIONS SPECIFIED IN  
14 SECTION 8-4-101 (5) FOR A DETERMINATION THAT THE INDIVIDUAL IS NOT  
15 AN EMPLOYEE. A DETERMINATION THAT AN INDIVIDUAL IS NOT AN  
16 EMPLOYEE FOR PURPOSES OF THIS PART 4 DOES NOT AFFECT RIGHTS OR  
17 LIABILITIES UNDER ANY OTHER LAW OR AGREEMENT.

18           (II) EVERY WRITTEN, ELECTRONIC, OR ORAL CONTRACT OR  
19 AGREEMENT BETWEEN A PERSON FOR WHOM SERVICES ARE PERFORMED  
20 AND AN INDIVIDUAL PERFORMING THE SERVICES WHO IS NOT AN  
21 EMPLOYEE, AS DETERMINED PURSUANT TO SECTION 8-4-101 (5), SHALL  
22 IMPOSE A REQUIREMENT THAT THE PERSON FOR WHOM THE SERVICES ARE  
23 PERFORMED SHALL NOT ENGAGE IN ANY DISCRIMINATORY OR UNFAIR  
24 EMPLOYMENT PRACTICE SPECIFIED IN SECTION 24-34-402 (1) WITH  
25 RESPECT TO THE INDIVIDUAL PERFORMING THE SERVICES.

26           (4.5) (a) "HARASS" OR "HARASSMENT" MEANS TO SUBJECT AN  
27 INDIVIDUAL TO UNWELCOME VERBAL, WRITTEN, OR PHYSICAL CONDUCT,

1 WHERE THE FOLLOWING FACTORS ARE MET:

2 (I) THE CONDUCT IS RELATED TO THE INDIVIDUAL'S MEMBERSHIP  
3 IN A PROTECTED CLASS BASED ON DISABILITY, RACE, CREED, COLOR, SEX,  
4 SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, MARITAL  
5 STATUS, CAREGIVER STATUS, RELIGION, AGE, NATIONAL ORIGIN, OR  
6 ANCESTRY; AND

7 (II) (A) SUBMISSION TO THE CONDUCT IS MADE EITHER EXPLICITLY  
8 OR IMPLICITLY A TERM OR CONDITION OF THE INDIVIDUAL'S EMPLOYMENT;

9 (B) SUBMISSION TO OR REJECTION OF THE CONDUCT IS USED AS A  
10 BASIS FOR EMPLOYMENT DECISIONS AFFECTING THE INDIVIDUAL; OR

11 (C) WHEN TAKEN AS A WHOLE, THE CONDUCT WOULD BE  
12 OFFENSIVE TO A REASONABLE PERSON IN THE SAME PROTECTED CLASS OR  
13 WHO SHARES THE SAME OR SIMILAR CHARACTERISTICS AS THE INDIVIDUAL  
14 SUBJECTED TO THE CONDUCT AND WAS OFFENSIVE TO THE INDIVIDUAL.

15 (b) WHETHER THE CONDUCT WOULD BE OFFENSIVE TO A  
16 REASONABLE PERSON IN THE SAME PROTECTED CLASS OR WHO SHARES THE  
17 SAME OR SIMILAR CHARACTERISTICS AS THE INDIVIDUAL SUBJECTED TO  
18 THE CONDUCT MUST BE DETERMINED BY A REVIEW OF THE TOTALITY OF  
19 THE CIRCUMSTANCES OF THE CONDUCT, INCLUDING:

20 (I) THE TYPE OF CONDUCT;

21 (II) THE NATURE OF THE CONDUCT; AND

22 (III) THE FREQUENCY OF THE CONDUCT, RECOGNIZING THAT A  
23 SINGLE ACT OF HARASSMENT MAY BE OFFENSIVE TO A REASONABLE  
24 PERSON IN THE TOTALITY OF THE CIRCUMSTANCES.

25 (c) WHETHER THE CONDUCT WAS OFFENSIVE TO THE INDIVIDUAL  
26 MUST BE DETERMINED BY A REVIEW OF THE TOTALITY OF THE  
27 CIRCUMSTANCES OF THE CONDUCT, INCLUDING:

1 (I) THE IDENTITY OF THE INDIVIDUAL ENGAGING IN THE CONDUCT;

2 AND

3 (II) WHETHER THE INDIVIDUAL WHO WAS SUBJECTED TO THE

4 CONDUCT FELT EXPLICIT OR IMPLICIT PRESSURE TO CONDONE, ENCOURAGE,

5 OR PARTICIPATE IN THE CONDUCT.

6 (6.3) "MINOR CHILD" MEANS A CHILD WHO IS UNDER EIGHTEEN

7 YEARS OF AGE.

8 **SECTION 8.** In Colorado Revised Statutes, 24-34-402, **amend**

9 **(1) introductory portion, (1)(a), (1)(b), (1)(c), (1)(d), and (1)(f); and add**

10 **(1)(j), (1.5), and (8) as follows:**

11 **24-34-402. Discriminatory or unfair employment practices.**

12 **(1) It shall be IS a discriminatory or unfair employment practice:**

13 **(a) (I) For an employer to refuse to hire, to discharge, to promote**

14 **or demote, to harass during the course of employment, or to discriminate**

15 **in matters of compensation, terms, conditions, or privileges of**

16 **employment against any person INDIVIDUAL otherwise qualified because**

17 **of disability, race, creed, color, sex, sexual orientation, MARITAL STATUS,**

18 **CAREGIVER STATUS, religion, age, national origin, or ancestry; but, with**

19 **regard to a disability, it is not a discriminatory or an unfair employment**

20 **practice for an employer to act as provided in this paragraph (a)**

21 **SUBSECTION (1)(a) if there is no reasonable accommodation that the**

22 **employer can make with regard to the disability, the disability actually**

23 **disqualifies the person INDIVIDUAL from the job, and the disability has a**

24 **significant impact on the job. For purposes of this paragraph (a), "harass"**

25 **means to create a hostile work environment based upon an individual's**

26 **race, national origin, sex, sexual orientation, disability, age, or religion.**

27 **Notwithstanding the provisions of this paragraph (a), harassment is not**

1 an illegal act unless a complaint is filed with the appropriate authority at  
2 the complainant's workplace and such authority fails to initiate a  
3 reasonable investigation of a complaint and take prompt remedial action  
4 if appropriate.

5 (II) FOR A HARASSMENT CLAIM UNDER THIS SUBSECTION (1)(a):

6 (A) THE LEGAL STANDARD FOR HARASSMENT DOES NOT VARY BY  
7 TYPE OF WORKPLACE. IT IS IRRELEVANT THAT A PARTICULAR OCCUPATION  
8 MAY HAVE BEEN CHARACTERIZED BY A GREATER FREQUENCY OF  
9 DISCRIMINATORY COMMENTS OR CONDUCT IN THE PAST.

10 (B) THE CONDUCT DOES NOT NEED TO BE SEVERE OR PERVASIVE TO  
11 CONSTITUTE A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE  
12 UNDER THIS SUBSECTION (1)(a).

13 (C) IT SHALL BE AN AFFIRMATIVE DEFENSE IF AN EMPLOYER  
14 DEMONSTRATES THAT WHEN THE EMPLOYER KNEW OR SHOULD HAVE  
15 KNOWN OF THE HARASSMENT, THE EMPLOYER TOOK PROMPT,  
16 REASONABLE, AND, IF WARRANTED, REMEDIAL ACTION TO END THE  
17 HARASSMENT, DETER FUTURE HARASSERS, AND PROTECT EMPLOYEES.

18 (b) For an employment agency to refuse to list and properly  
19 classify for employment or to REFUSE TO refer an individual for  
20 employment in a known available job for which such THE individual is  
21 otherwise qualified because of disability, race, creed, color, sex, sexual  
22 orientation, MARITAL STATUS, CAREGIVER STATUS, religion, age, national  
23 origin, or ancestry or for an employment agency to comply with a request  
24 from an employer for referral of applicants for employment if the request  
25 indicates either directly or indirectly that the employer discriminates in  
26 employment on account of disability, race, creed, color, sex, sexual  
27 orientation, MARITAL STATUS, CAREGIVER STATUS, religion, age, national

1 origin, or ancestry; but, with regard to a disability, it is not a  
2 discriminatory or an unfair employment practice for an employment  
3 agency to refuse to list and properly classify for employment or to refuse  
4 to refer an individual for employment in a known available job for which  
5 such THE individual is otherwise qualified if there is no reasonable  
6 accommodation that the employer can make with regard to the disability,  
7 the disability actually disqualifies the applicant from the job, and the  
8 disability has a significant impact on the job;

9 (c) For a labor organization to exclude any individual otherwise  
10 qualified from full membership rights in such THE labor organization, or  
11 to expel any such individual from membership in such THE labor  
12 organization, or to otherwise discriminate against any of its members in  
13 the full enjoyment of work opportunity because of disability, race, creed,  
14 color, sex, sexual orientation, MARITAL STATUS, CAREGIVER STATUS,  
15 religion, age, national origin, or ancestry;

16 (d) For any employer, employment agency, or labor organization  
17 to print or circulate or cause to be printed or circulated any statement,  
18 advertisement, or publication, or to use any form of CONTRACT OR  
19 application for employment, WORK, or membership, or to make any  
20 inquiry in connection with A POTENTIAL CONTRACT OR prospective  
21 employment, WORK, or membership that expresses, either directly or  
22 indirectly, any limitation, specification, or discrimination as to disability,  
23 race, creed, color, sex, sexual orientation, MARITAL STATUS, CAREGIVER  
24 STATUS, religion, age, national origin, or ancestry or intent to make any  
25 such limitation, specification, or discrimination, unless based upon ON a  
26 bona fide occupational qualification or required by and given to an  
27 agency of government for security reasons;

1           (f) For any employer, labor organization, joint apprenticeship  
2 committee, or vocational school providing, coordinating, or controlling  
3 apprenticeship programs or providing, coordinating, or controlling  
4 on-the-job training programs or other instruction, training, or retraining  
5 programs:

6           (I) To deny to or withhold from any qualified ~~person~~ INDIVIDUAL,  
7 because of disability, race, creed, color, sex, sexual orientation, MARITAL  
8 STATUS, CAREGIVER STATUS, religion, age, national origin, or ancestry, the  
9 right to be admitted to or participate in an apprenticeship training  
10 program, an on-the-job training program, or any other occupational  
11 instruction, training, or retraining program; but, with regard to a  
12 disability, it is not a discriminatory or an unfair employment practice to  
13 deny or withhold the right to be admitted to or participate in any such  
14 program if there is no reasonable accommodation that can be made with  
15 regard to the disability, the disability actually disqualifies the applicant  
16 from the program, and the disability has a significant impact on  
17 participation in the program;

18           (II) To discriminate against any qualified ~~person~~ INDIVIDUAL in  
19 pursuit of such programs or to discriminate against ~~such a person~~ THE  
20 INDIVIDUAL in the terms, conditions, or privileges of such programs  
21 because of disability, race, creed, color, sex, sexual orientation, MARITAL  
22 STATUS, CAREGIVER STATUS, religion, age, national origin, or ancestry; OR

23           (III) To print or circulate or cause to be printed or circulated any  
24 statement, advertisement, or publication, or to use any form of application  
25 for such programs, or to make any inquiry in connection with such  
26 programs that expresses, directly or indirectly, any limitation,  
27 specification, or discrimination as to disability, race, creed, color, sex,

1 sexual orientation, MARITAL STATUS, CAREGIVER STATUS, religion, age,  
2 national origin, or ancestry or any intent to make any such limitation,  
3 specification, or discrimination, unless based on a bona fide occupational  
4 qualification;

5 (j) FOR AN EMPLOYER TO FAIL TO CONDUCT A REASONABLE  
6 INVESTIGATION OF, OR FAIL TO TAKE PROMPT, REASONABLE, AND, IF  
7 WARRANTED, REMEDIAL ACTION IN RESPONSE TO, A COMPLAINT OF  
8 HARASSMENT, DISCRIMINATION, RETALIATION, OR ANY COMBINATION OF  
9 HARASSMENT, DISCRIMINATION, OR RETALIATION. NOTHING IN THIS  
10 SUBSECTION (1)(j) REQUIRES AN INSTITUTION OF HIGHER EDUCATION, AS  
11 DEFINED IN SECTION 23-5-146 (1)(d), TO VIOLATE FEDERAL LAW OR  
12 REGULATION OR TO FOREGO ACCESS TO FEDERAL MONEY AVAILABLE TO  
13 THE INSTITUTION OR ITS STUDENTS.

14 (1.5) WHEN AN EMPLOYEE PROVES THAT A SUPERVISOR HAS  
15 UNLAWFULLY HARASSED THAT EMPLOYEE, THE EMPLOYER CAN AVOID  
16 LIABILITY ONLY IF IT ESTABLISHES THAT:

17 (a) THE EMPLOYER HAS ESTABLISHED A PROGRAM THAT IS  
18 REASONABLY DESIGNED TO PREVENT HARASSMENT, DETER FUTURE  
19 HARASSERS, AND PROTECT EMPLOYEES FROM HARASSMENT;

20 (b) THE EMPLOYER HAS COMMUNICATED THE EXISTENCE AND  
21 DETAILS OF THE PROGRAM SPECIFIED IN SUBSECTION (1.5)(a) OF THIS  
22 SECTION TO BOTH ITS SUPERVISORY AND NONSUPERVISORY EMPLOYEES;

23 (c) NO EMPLOYEE HAS SUBMITTED AN ADMISSIBLE CHARGE OF  
24 RETALIATION FOR A COMPLAINT OF ALLEGED UNLAWFUL HARASSMENT  
25 WITH THE DIVISION OR THE UNITED STATES EQUAL EMPLOYMENT  
26 OPPORTUNITY COMMISSION WITHIN THE PRIOR SIX YEARS; AND

27 (d) THE EMPLOYEE HAS UNREASONABLY FAILED TO TAKE



1 ADVANTAGE OF THE EMPLOYER'S PROGRAM SPECIFIED IN SUBSECTION  
2 (1.5)(a) OF THIS SECTION, AS ESTABLISHED BY THE TOTALITY OF THE  
3 CIRCUMSTANCES.

4 (8) THE CAREGIVER STATUS PROTECTIONS IN THIS SECTION DO NOT  
5 REQUIRE AN EMPLOYER TO MAKE SPECIAL ACCOMMODATIONS FOR AN  
6 EMPLOYEE WHO IS A CAREGIVER SO LONG AS THE EMPLOYER APPLIES ITS  
7 POLICIES RELATED TO LEAVE, SCHEDULING, ABSENTEEISM, WORK  
8 PERFORMANCE, AND BENEFITS IN A MANNER THAT IS NOT DISCRIMINATORY  
9 OR UNFAIR UNDER SUBSECTION (1) OF THIS SECTION.

10 **SECTION 9.** In Colorado Revised Statutes, **amend** 24-34-403 as  
11 follows:

12 **24-34-403. Time limits on filing of charges.** Any charge alleging  
13 a violation of this part 4 ~~shall~~ MUST be filed with the commission  
14 pursuant to section 24-34-306 within ~~six months~~ THREE HUNDRED DAYS  
15 after the alleged discriminatory or unfair employment practice occurred,  
16 and if IT IS not so filed, it ~~shall be~~ IS barred.

17 **SECTION 10.** In Colorado Revised Statutes, 24-34-405, **amend**  
18 (3)(a); and **repeal** (3)(g) as follows:

19 **24-34-405. Relief authorized - short title.** (3) (a) In addition to  
20 the relief available pursuant to subsection (2) of this section, ~~and except~~  
21 as provided in paragraph (g) of this subsection (3), in a civil action  
22 brought by a plaintiff under this part 4 against a defendant who is found  
23 to have engaged in an intentional discriminatory or unfair employment  
24 practice, the plaintiff may recover compensatory and punitive damages as  
25 specified in this subsection (3). The court shall not award a plaintiff  
26 compensatory or punitive damages when the defendant is found to have  
27 engaged in an employment practice that is unlawful solely because of its

1 disparate impact.

2 (g) In a civil action involving a claim of discrimination based on  
3 age, the plaintiff is entitled only to the relief authorized in subsection (2)  
4 of this section and in 29 U.S.C. sec. 626 (b) and 29 U.S.C. sec. 216 (b) if  
5 the court finds that the defendant engaged in a discriminatory or unfair  
6 employment practice based on age. If, in addition to alleging  
7 discrimination based on age, the plaintiff alleges discrimination based on  
8 any other factor specified in section 24-34-402 (1), this paragraph (g)  
9 does not preclude a plaintiff from recovering the relief authorized by this  
10 section for that discrimination claim.

11 **SECTION 11.** In Colorado Revised Statutes, **add 24-34-407 and**  
12 **24-34-408** as follows:

13 **24-34-407. Nondisclosure agreements - requirements for**  
14 **enforcement - prior charges against an employer - access. (1) (a) ON**  
15 **AND AFTER THE EFFECTIVE DATE OF THIS SECTION, A PROVISION IN AN**  
16 **AGREEMENT BETWEEN AN EMPLOYER AND AN EMPLOYEE THAT LIMITS THE**  
17 **ABILITY OF AN EMPLOYEE TO DISCLOSE OR DISCUSS, EITHER ORALLY OR IN**  
18 **WRITING, ALLEGED DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICES,**  
19 **WHICH PROVISION IS REFERRED TO IN THIS SECTION AS A "NONDISCLOSURE**  
20 **PROVISION", IS VOID UNLESS:**

21 **(I) THE NONDISCLOSURE PROVISION APPLIES EQUALLY TO ALL**  
22 **PARTIES TO THE AGREEMENT;**

23 **(II) AN ADDENDUM, SIGNED BY ALL PARTIES TO THE AGREEMENT**  
24 **AND ATTESTING TO COMPLIANCE WITH THIS SUBSECTION (1), IS ATTACHED**  
25 **TO THE AGREEMENT;**

26 **(III) THE NONDISCLOSURE PROVISION DOES NOT RESTRAIN THE**  
27 **EMPLOYEE FROM DISCLOSING THE UNDERLYING FACTS OF THE ALLEGED**

1 DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE:

2 (A) TO THE EMPLOYEE'S IMMEDIATE FAMILY, RELIGIOUS ADVISOR,  
3 MEDICAL OR MENTAL HEALTH PROVIDER, LEGAL COUNSEL, FINANCIAL  
4 ADVISOR, OR TAX PREPARER; OR

5 (B) AS REQUIRED BY LAW; AND

6 (IV) THE AGREEMENT INCLUDES A CONDITION THAT IF ANY PARTY  
7 TO THE AGREEMENT MAKES A MATERIAL MISREPRESENTATION ABOUT  
8 ANOTHER PARTY TO THE AGREEMENT, THE PARTY MAKING THE MATERIAL  
9 MISREPRESENTATION MAY NOT ENFORCE ANY NONDISCLOSURE PROVISION  
10 OR ASSOCIATED LIQUIDATED DAMAGES PROVISION IN THE AGREEMENT  
11 AGAINST ANY OTHER PARTY, BUT ALL REMAINING TERMS OF THE  
12 AGREEMENT REMAIN ENFORCEABLE.

13 (b) IN ANY CIVIL ACTION INVOLVING A CLAIM OF A  
14 DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE, A PLAINTIFF MAY  
15 PRESENT EVIDENCE THAT THE EMPLOYER AGAINST WHOM THE ACTION WAS  
16 FILED ENTERED INTO ONE OR MORE AGREEMENTS THAT INCLUDED A  
17 NONDISCLOSURE PROVISION INVOLVING THE CONDUCT OF THE SAME  
18 INDIVIDUAL OR INDIVIDUALS WHO ARE ALLEGED IN THE ACTION TO HAVE  
19 ENGAGED IN THE DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE. IF  
20 SUCH EVIDENCE IS PRESENTED, THE COURT SHALL INSTRUCT THE JURY TO  
21 CONSIDER THE EVIDENCE IN SUPPORT OF AN AWARD OF PUNITIVE  
22 DAMAGES.

23 (2) (a) UPON THE FILING OF A CHARGE OF A DISCRIMINATORY OR  
24 UNFAIR EMPLOYMENT PRACTICE PURSUANT TO SECTION 24-34-306(2), THE  
25 DIVISION SHALL PROVIDE TO THE CHARGING PARTY ANY OTHER CHARGES  
26 FILED WITH THE DIVISION AGAINST THE SAME RESPONDENT, INCLUDING  
27 THE RESPONDENT'S POSITION STATEMENT PROVIDED TO THE DIVISION IN

1 RESPONSE TO A PREVIOUS CHARGE.

2 (b) BEFORE PROVIDING PRIOR CHARGES TO A CHARGING PARTY  
3 PURSUANT TO THIS SECTION, THE DIVISION SHALL REDACT THE NAME OF  
4 THE CHARGING PARTY IN ANY PREVIOUS CHARGE AGAINST THE SAME  
5 RESPONDENT.

6 **24-34-408. Employer training requirements - records - notices**  
7 **to employees - rules - enforcement. (1) (a) (I) STARTING ONE YEAR**  
8 **AFTER THE EFFECTIVE DATE OF THIS SECTION, AN EMPLOYER WITH TWENTY**  
9 **OR MORE EMPLOYEES SHALL PROVIDE TRAINING AND EDUCATION TO ALL**  
10 **EMPLOYEES REGARDING HARASSMENT AND DISCRIMINATION PREVENTION,**  
11 **BYSTANDER INTERVENTION, AND CIVILITY IN THE WORKPLACE.**

12 (II) THE EMPLOYER SHALL PROVIDE THE TRAINING AND EDUCATION  
13 TO:

14 (A) NEW EMPLOYEES WITHIN ONE HUNDRED EIGHTY DAYS AFTER  
15 HIRE; AND

16 (B) TO ALL EMPLOYEES AT LEAST ANNUALLY.

17 (b) THE EMPLOYER SHALL INCLUDE AS PART OF THE TRAINING AND  
18 EDUCATION REQUIRED BY THIS SECTION THE NAMES OF AT LEAST TWO  
19 INDIVIDUALS OR POSITIONS WITHIN THE ORGANIZATION TO WHOM  
20 HARASSING OR DISCRIMINATORY CONDUCT SHOULD BE REPORTED.

21 (c) AN EMPLOYER MAY USE THE PROGRAMS PROVIDED BY THE  
22 DIVISION OR ANY OTHER TRAINING AND EDUCATION PROGRAMS THAT  
23 ADDRESS HARASSMENT AND DISCRIMINATION PREVENTION, BYSTANDER  
24 INTERVENTION, AND CIVILITY IN THE WORKPLACE.

25 (d) AN EMPLOYER SHALL MAINTAIN RECORDS, IN A FORM AND  
26 MANNER DETERMINED BY THE COMMISSION BY RULE, DEMONSTRATING  
27 COMPLIANCE WITH THIS SECTION. AN EMPLOYER SHALL MAINTAIN THE

1 RECORDS FOR AT LEAST THREE YEARS AND SHALL MAKE THE RECORDS  
2 AVAILABLE TO THE DIVISION UPON REQUEST.

3 (e) EMPLOYERS WITH FEWER THAN TWENTY EMPLOYEES ARE  
4 ENCOURAGED TO PROVIDE THE TRAINING AND EDUCATION SPECIFIED IN  
5 THIS SUBSECTION (1) TO THEIR EMPLOYEES.

6 (2) (a) ALL EMPLOYERS SHALL INFORM EMPLOYEES, AT THE TIME  
7 OF HIRE, AND INCLUDE AS PART OF ANY EMPLOYEE HANDBOOK, MANUAL,  
8 OR OTHER MATERIALS OUTLINING THE TERMS AND CONDITIONS OF THE  
9 EMPLOYMENT RELATIONSHIP, THE FOLLOWING:

10 (I) THAT EMPLOYEES SHOULD EXPECT A WORKPLACE THAT IS FREE  
11 FROM HARASSMENT AND DISCRIMINATION;

12 (II) THE NAME AND CONTACT INFORMATION FOR THE INDIVIDUALS  
13 OR POSITIONS WITHIN THE ORGANIZATION TO WHOM AN EMPLOYEE IS TO  
14 REPORT ANY HARASSING OR DISCRIMINATORY CONDUCT; AND

15 (III) THE CONTACT INFORMATION FOR THE DIVISION FOR PURPOSES  
16 OF FILING A CHARGE IF THE EMPLOYEE IS NOT COMFORTABLE REPORTING  
17 TO THE ORGANIZATION'S DESIGNATED INDIVIDUAL.

18 (b) EMPLOYERS SHALL INCLUDE THE INFORMATION SPECIFIED IN  
19 SUBSECTION (2)(a) OF THIS SECTION ON A WRITTEN NOTICE POSTED IN A  
20 CONSPICUOUS PLACE IN THE EMPLOYER'S PLACE OF BUSINESS IN AN AREA  
21 ACCESSIBLE TO EMPLOYEES.

22 (3) UPON FINDING THAT AN EMPLOYER HAS FAILED TO COMPLY  
23 WITH THE REQUIREMENTS OF THIS SECTION, THE DIRECTOR MAY ORDER  
24 THE EMPLOYER TO PAY A FINE OF NO LESS THAN FIVE HUNDRED DOLLARS  
25 AND NO MORE THAN TEN THOUSAND DOLLARS PER VIOLATION.

26 **SECTION 12. In Colorado Revised Statutes, 24-34-104, repeal**  
27 **(28)(a)(II) as follows:**

1           24-34-104. General assembly review of regulatory agencies  
2           and functions for repeal, continuation, or reestablishment - legislative  
3           declaration - repeal. (28) (a) The following agencies, functions, or both,  
4           are scheduled for repeal on September 1, 2027:

5           (II) The Colorado civil rights division, including the Colorado  
6           civil rights commission, created in part 3 of this article 34;

7           SECTION 13. Appropriation. (1) For the 2021-22 state fiscal  
8           year, \$539,292 is appropriated to the department of corrections for use by  
9           support services. This appropriation is from the general fund. To  
10           implement this act, the department may use this appropriation as follows:

11           (a) \$493,992 for personal services related to the personnel  
12           subprogram, which amount is based on an assumption that the department  
13           will require an additional 6.0 FTE;

14           (b) \$3,000 for operating expenses related to the personnel  
15           subprogram;

16           (c) \$37,200 for personnel start-up related to the personnel  
17           subprogram;

18           (d) \$2,700 for operating expenses related to the communications  
19           subprogram; and

20           (d) \$2,400 for operating expenses related to the information  
21           systems subprogram.

22           (2) For the 2021-22 state fiscal year, \$71,905 is appropriated to  
23           the department of education for use by management and administration.  
24           This appropriation is from the general fund and is based on an assumption  
25           that the department will require an additional 0.8 FTE. To implement this  
26           act, the department may use this appropriation for general department and  
27           program administration.

1           (3) For the 2021-22 state fiscal year, \$134,823 is appropriated to  
2 the office of the governor. This appropriation is from the general fund. To  
3 implement this act, the office may use this appropriation as follows:

4           (a) \$44,941 for use by the office of the governor for  
5 administration of governor's office and residence, which amount is based  
6 on an assumption that the office will require an additional 0.5 FTE; and

7           (b) \$89,882 for use by the office of information technology for  
8 central administration, which amount is based on an assumption that the  
9 office will require an additional 1.0 FTE.

10           (4) For the 2021-22 state fiscal year, \$22,471 is appropriated to  
11 the department of health care policy and financing for use by the  
12 executive director's office. This appropriation is from the general fund  
13 and is based on an assumption that the office will require an additional  
14 0.5 FTE. To implement this act, the office may use this appropriation for  
15 personal services.

16           (5) For the 2021-22 state fiscal year, the general assembly  
17 anticipates that the department of health care policy and financing will  
18 receive \$22,470 in federal funds for use by the executive director's office  
19 for personal services to implement this act. The appropriation in  
20 subsection (4) of this section is based on the assumption that the  
21 department will receive this amount of federal funds, which is subject to  
22 the "(I)" notation as defined in the annual general appropriation act for the  
23 same fiscal year.

24           (6) For the 2021-22 state fiscal year, \$449,410 is appropriated to  
25 the department of human services for use by the executive director's  
26 office. This appropriation is from the general fund and is based on an  
27 assumption that the office will require an additional 5.0 FTE. To

1 implement this act, the office may use this appropriation for personal  
2 services.

3 (7) For the 2021-22 state fiscal year, \$449,410 is appropriated to  
4 the judicial department. This appropriation is from the general fund. To  
5 implement this act, the office may use this appropriation as follows:

6 (a) \$334,728 for use by courts administration for general courts  
7 administration, which amount is based on an assumption that courts  
8 administration will require an additional 4.0 FTE;

9 (b) \$24,800 for use by courts administration for capital outlay  
10 related to central appropriations; and

11 (c) \$89,882 for use by the office of the state public defender for  
12 personal services, which amount is based on an assumption that the office  
13 will require an additional 1.0 FTE.

14 (8) For the 2021-22 state fiscal year, \$107,858 is appropriated to  
15 the department of labor and employment for use by the executive  
16 director's office. This appropriation is from the general fund and is based  
17 on an assumption that the office will require an additional 1.2 FTE. To  
18 implement this act, the office may use this appropriation for personal  
19 services.

20 (9) For the 2021-22 state fiscal year, \$401,180 is appropriated to  
21 the department of law. This appropriation consists of \$44,941 from the  
22 general fund and \$356,239 from reappropriated funds received from the  
23 department of personnel under subsection (11)(d) of this section and from  
24 the department of regulatory agencies under subsection (14)(d) of this  
25 section. To implement this act, the department may use this appropriation  
26 as follows:

27 (a) \$44,941 from the general fund for use by administration for



1 personal services, which amount is based on an assumption that the  
2 department will require an additional 0.5 FTE; and

3 (b) \$356,239 from reappropriated funds received from and to  
4 provide legal services for the department of personnel and the department  
5 of regulatory agencies under subsections (11)(d) and (14)(d) of this  
6 section, which amount is based on an assumption that the department will  
7 require an additional 2.0 FTE.

8 (10) For the 2021-22 state fiscal year, \$134,823 is appropriated to  
9 the department of natural resources for use by the executive director's  
10 office. This appropriation is from the general fund and is based on an  
11 assumption that the office will require an additional 1.5 FTE. To  
12 implement this act, the office may use this appropriation for personal  
13 services.

14 (11) For the 2021-22 state fiscal year, \$630,465 is appropriated to  
15 the department of personnel. This appropriation is from the general fund.  
16 To implement this act, the department may use this appropriation as  
17 follows:

18 (a) \$52,967 for use by risk management services for personal  
19 services, which amount is based on an assumption that the department  
20 will require an additional 0.9 FTE;

21 (b) \$7,550 for use by risk management services for operating  
22 expenses;

23 (c) \$58,460 for use by the state personnel board for personal  
24 services, which amount is based on an assumption that the board will  
25 require an additional 0.6 FTE; and

26 (d) \$511,488 for the purchase of legal services, which amount  
27 consists of \$340,288 for the purchase of legal services from the

1 department of law and \$171,200 for the purchase of legal services from  
2 outside council.

3 (12) For the 2021-22 state fiscal year, \$125,835 is appropriated to  
4 the department of public health and environment for use by  
5 administration and support. This appropriation is from the general fund  
6 and is based on an assumption that the department will require an  
7 additional 1.4 FTE. To implement this act, the department may use this  
8 appropriation for personal services related to administration.

9 (13) For the 2021-22 state fiscal year, \$161,788 is appropriated to  
10 the department of public safety for use by the executive director's office.  
11 This appropriation is from the general fund and is based on an assumption  
12 that the office will require an additional 1.8 FTE. To implement this act,  
13 the office may use this appropriation for personal services related to  
14 administration.

15 (14) For the 2021-22 state fiscal year, \$652,879 is appropriated to  
16 the department of regulatory agencies. This appropriation is from the  
17 general fund. To implement this act, the department may use this  
18 appropriation as follows:

19 (a) \$44,941 for use by the executive director's office for personal  
20 services, which amount is based on an assumption that the office will  
21 require an additional 0.5 FTE;

22 (b) \$491,487 for use by the civil rights division for personal  
23 services, which amount is based on an assumption that the division will  
24 require an additional 9.2 FTE;

25 (c) \$100,500 for use by the civil rights division for operating  
26 expenses; and

27 (d) \$15,951 for the purchase of legal services.

1           (15) For the 2021-22 state fiscal year, \$134,823 is appropriated to  
2 the department of revenue for use by the executive director's office. This  
3 appropriation is from the general fund and is based on an assumption that  
4 the office will require an additional 1.5 FTE. To implement this act, the  
5 office may use this appropriation for personal services related to  
6 administration and support.

7           (16) For the 2021-22 state fiscal year, \$269,646 is appropriated to  
8 the department of transportation. This appropriation is from the state  
9 highway fund created in section 43-1-219, C.R.S., and is based on an  
10 assumption that the department will require an additional 3.0 FTE. To  
11 implement this act, the department may use this appropriation for  
12 administration.

13           **SECTION 14. Act subject to petition - effective date -**  
14 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
15 the expiration of the ninety-day period after final adjournment of the  
16 general assembly; except that, if a referendum petition is filed pursuant  
17 to section 1 (3) of article V of the state constitution against this act or an  
18 item, section, or part of this act within such period, then the act, item,  
19 section, or part will not take effect unless approved by the people at the  
20 general election to be held in November 2022 and, in such case, will take  
21 effect on the date of the official declaration of the vote thereon by the  
22 governor.

23           (2) This act applies to employment practices occurring on or after  
24 the applicable effective date of this act.