

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

**INTRODUCED**

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.**

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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>.)*

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.

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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; and

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 guaranteed by the First Amendment to the United States  
5 Constitution, as long as exercising these rights does not substantially  
6 interfere with the employee's job performance.

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

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

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

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

17 **8-2-132. Employer - employee - responsibilities - political**  
18 **matters - religious matters - prohibition against discipline or**  
19 **discharge - exceptions - definitions.** (1) AS USED IN THIS SECTION,  
20 UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

22 (b) "EMPLOYER" MEANS THE STATE OR ANY POLITICAL  
23 SUBDIVISION, COMMISSION, DEPARTMENT, INSTITUTION, OR SCHOOL  
24 DISTRICT OF THE STATE AND EVERY OTHER PERSON EMPLOYING AN  
25 INDIVIDUAL IN THE STATE.

26 (c) "POLITICAL MATTERS" MEANS MATTERS RELATING TO  
27 ELECTIONS FOR POLITICAL OFFICE, POLITICAL PARTIES, LEGISLATION,

1 REGULATIONS, AND THE DECISION TO JOIN OR SUPPORT ANY POLITICAL  
2 PARTY OR POLITICAL, CIVIC, COMMUNITY, FRATERNAL, OR LABOR  
3 ORGANIZATION.

4 (2) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, AN  
5 EMPLOYER SHALL NOT:

6 (a) REQUIRE AN EMPLOYEE TO ATTEND MEETINGS, LISTEN TO  
7 SPEECH, OR VIEW COMMUNICATIONS THAT INCLUDE RELIGIOUS OR  
8 POLITICAL MATTERS; OR

9 (b) SUBJECT OR THREATEN TO SUBJECT AN EMPLOYEE TO  
10 DISCIPLINE OR DISCHARGE ON ACCOUNT OF THE EMPLOYEE'S REFUSAL TO  
11 LISTEN TO SPEECH OR VIEW RELIGIOUS OR POLITICAL COMMUNICATIONS  
12 FROM THE EMPLOYER.

13 (3) THIS SECTION DOES NOT PROHIBIT:

14 (a) AN EMPLOYER, OR AN EMPLOYER'S AGENT, REPRESENTATIVE,  
15 OR DESIGNEE, FROM COMMUNICATING TO THE EMPLOYER'S EMPLOYEES  
16 REGARDING ANY INFORMATION THAT THE EMPLOYER IS REQUIRED BY LAW  
17 TO COMMUNICATE, BUT ONLY TO THE EXTENT OF SUCH LEGAL  
18 REQUIREMENT;

19 (b) AN EMPLOYER, OR AN EMPLOYER'S AGENT, REPRESENTATIVE,  
20 OR DESIGNEE, FROM COMMUNICATING TO THE EMPLOYER'S EMPLOYEES  
21 ANY INFORMATION THAT IS NECESSARY FOR SUCH EMPLOYEES TO PERFORM  
22 THEIR JOB DUTIES;

23 (c) AN INSTITUTION OF HIGHER EDUCATION, OR AN AGENT,  
24 REPRESENTATIVE, OR DESIGNEE OF AN INSTITUTION OF HIGHER  
25 EDUCATION, FROM MEETING WITH OR PARTICIPATING IN ANY  
26 COMMUNICATIONS WITH THE INSTITUTION OF HIGHER EDUCATION'S  
27 EMPLOYEES THAT ARE PART OF COURSEWORK, SYMPOSIA, OR AN

1 ACADEMIC PROGRAM AT THE INSTITUTION;

2 (d) A K-12 PUBLIC OR PRIVATE SCHOOL OR SCHOOL DISTRICT, OR  
3 AN AGENT, REPRESENTATIVE, OR DESIGNEE OF A K-12 PUBLIC OR PRIVATE  
4 SCHOOL OR SCHOOL DISTRICT, FROM MEETING WITH OR PARTICIPATING IN  
5 ANY COMMUNICATIONS WITH THE K-12 PUBLIC OR PRIVATE SCHOOL'S OR  
6 SCHOOL DISTRICT'S EMPLOYEES WHEN THE RELIGIOUS OR POLITICAL  
7 MATERIAL IS RELATED TO COURSEWORK AT THE K-12 PUBLIC OR PRIVATE  
8 SCHOOL; OR

9 (e) CASUAL CONVERSATIONS BETWEEN EMPLOYEES OR BETWEEN  
10 AN EMPLOYEE AND AN AGENT, REPRESENTATIVE, OR DESIGNEE OF AN  
11 EMPLOYER, IF PARTICIPATION IN SUCH CONVERSATIONS IS NOT REQUIRED.

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

16 (b) IF THE DISTRICT COURT FINDS THAT AN EMPLOYER HAS  
17 VIOLATED THIS SECTION, THE COURT MAY ORDER AFFIRMATIVE RELIEF  
18 THAT INCLUDES:

19 (I) THE REINSTATEMENT OF AN AGGRIEVED EMPLOYEE WHO WAS  
20 SEPARATED FROM EMPLOYMENT TO THE EMPLOYEE'S FORMER POSITION OF  
21 EMPLOYMENT;

22 (II) THE GREATER OF TEN THOUSAND DOLLARS AWARDED TO THE  
23 AGGRIEVED EMPLOYEE OR ACTUAL DAMAGES RESULTING FROM THE  
24 VIOLATION, INCLUDING BACK PAY AND BENEFITS TO A REINSTATED  
25 EMPLOYEE OR FRONT PAY TO AN EMPLOYEE WHO DOES NOT SEEK  
26 REINSTATEMENT;

27 (III) UP TO TEN THOUSAND DOLLARS IN ADDITIONAL PENALTIES IF

1 THE EMPLOYER HAS ENGAGED IN THE SAME OR SIMILAR VIOLATIONS OF  
2 THIS SECTION IN THE SIX MONTHS PRIOR TO THE ALLEGED VIOLATION,  
3 WHICH PRIOR VIOLATIONS AFFECTED THE SAME OR SIMILARLY SITUATED  
4 EMPLOYEES;

5 (IV) EQUITABLE RELIEF DEEMED APPROPRIATE BY THE DISTRICT  
6 COURT; AND

7 (V) COURT COSTS AND ATTORNEY FEES INCURRED BY THE  
8 AGGRIEVED EMPLOYEE.

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

17 (6) NOTHING IN THIS SECTION IS INTENDED TO CIRCUMVENT ANY  
18 EMPLOYER OBLIGATIONS UNDER PART 4 OF ARTICLE 34 OF TITLE 24;  
19 SECTION 24-34-601; TITLE VII OF THE FEDERAL "CIVIL RIGHTS ACT OF  
20 1964", 42 U.S.C. SEC. 2000e ET SEQ.; AS AMENDED; OR ANY OTHER  
21 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.