

SUPPORT HB23-1296

Creation of a Task Force to Study the Rights of Persons with Disabilities

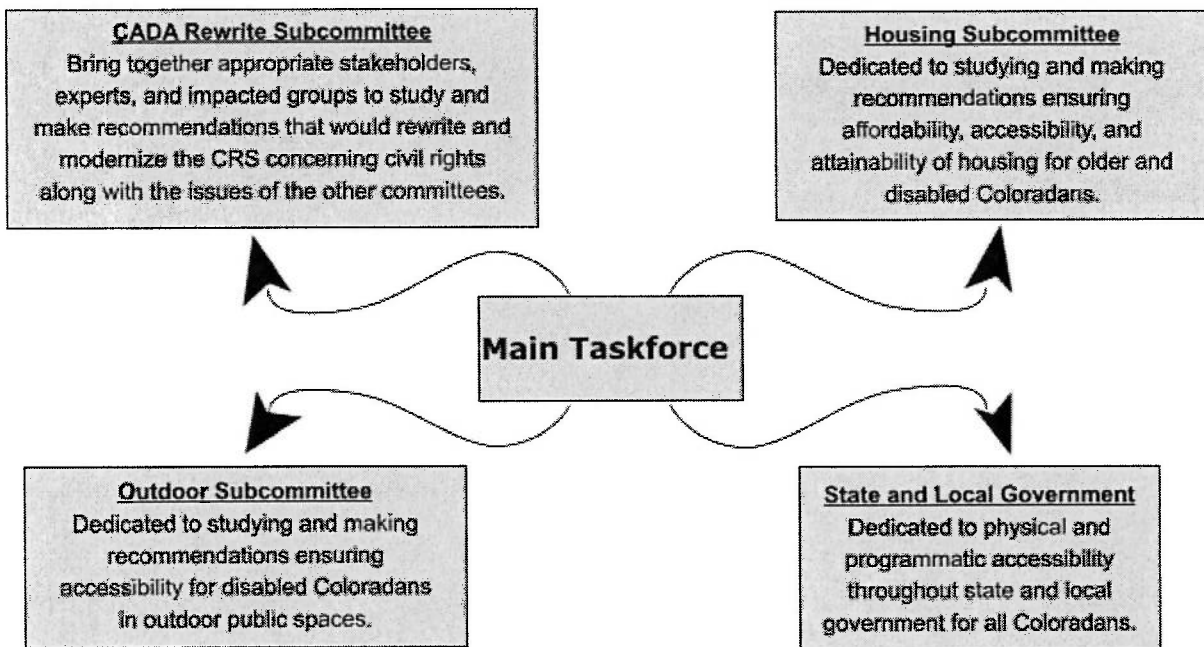
Sponsors: Rep. Ortiz and Rep. Herod

Background

20% of Coloradans live with a disability and Colorado is committed to protecting the civil rights of individuals with disabilities. Protection from discrimination and basic access to housing, employment, recreation, and government services are essential to the well-being of Coloradans with disabilities.

What the Bill Does:

- Creates a task force with 4 subcommittees to make recommendations to the Governor and the General Assembly on specific issues related to people with disabilities.



Why do we need this?

- Ensuring the basic civil rights of individuals with disabilities in these four areas of life. These committees are important for the sake of seeking basic access in places that should've already been in place.
- Representation matters and these subcommittees will be able to provide essential information on the best way forward to make Colorado more accessible FOR ALL.



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Lt. Gov. Dianne Primavera

April 24, 2023

House State Civic, Military, and Veterans Affairs Committee:

Chair Woodrow, Vice Chair Ortiz, and esteemed members of the House State Civic, Military, and Veterans Affairs Committee, I am writing to enthusiastically support HB23-1296 - Create Task Force Study Rights Persons Disabilities. I have spent most of my career working with the Colorado disability community. This bill is an opportunity to identify ways to substantially improve quality of life and opportunities for Coloradans with disabilities.

From an early age, I understood the value people with disabilities bring to our families, classrooms, workplaces, communities, and the rooms where decisions are made. Growing up, I spent time with my grandfather who became blind due to a workplace accident. This experience made me aware of some of the challenges people with low vision or blindness face. In high school, I volunteered at what is now known as the Wheatridge Regional Center, helping to provide care to people with intellectual and developmental disabilities. These early experiences led me to my first career in vocational rehabilitation. From the beginning of my career, to my time as a state legislator and Lieutenant Governor, I have been committed to working with the disability community.

Colorado has been a long-time leader in disability rights and access. However, periodic review and updates to laws, policies, practices, and procedures are necessary to ensure Colorado's disability community continues to have the most rights and access possible. Societal attitudes, technology, medical science that is enabling people to live longer--including those with disabilities--have all increased the number of people with disabilities living active lives in the community; however, barriers still exist, requiring improvements be made to allow for greater inclusion.

Health is a cornerstone of my work, but health care is not just the treatment people receive from doctors or in hospitals. Social influencers of health have real impacts on the well being of Coloradans, including, but not limited to access to housing, employment, reliable transportation, and the ability to exercise and recreate.

Everyone's wellness is impacted based on whether or not they are able to meet these essential needs, but people with disabilities are often faced with additional obstacles which can lead to poorer health outcomes and quality of life.

I am thrilled to see HB23-1296 come before you. This bill will establish a collaborative process to identify current barriers facing Coloradans with disabilities and provide recommendations to reduce or eliminate those barriers. Equitable access to housing, the Colorado outdoors, public office and employment, and government services at all levels are critical to people with disabilities living equally in the community.

The task force established in this bill, and its identified subcommittees, will bring disability advocates, business and other community partners, and state and local government representatives together to collaboratively assess and make recommendations to reduce the barriers facing Coloradans with disabilities. Please vote yes today on HB23-1296 so we, together, can continue to create a Colorado where everyone can thrive.

Sincerely,

A handwritten signature in cursive script, reading "Dianne Primavera". The signature is written in black ink and is positioned below the word "Sincerely,".

Dianne Primavera
Lieutenant Governor of Colorado

relating to their official duties or speech not involving matters of public concern. The law also recognizes the employer's interest in an efficient, disruption-free workplace. *Garcetti v. Ceballos*, 547 U.S. 410 (2006); *Churchill v. University of Colorado*, 293 P.3d 16 (Colo. App. 2010). The First Amendment also guarantees certain rights to freedom of association and to petition for a redress of grievances, and for organizations to advocate for their members.

- o Public employees may have due process rights in their employment protected by the Fifth and Fourteenth Amendments. Many local governments have established career services protections that guarantee those rights.

6. Federal and state laws already protect public employees both substantively and in asserting specific concerns relating to many aspects of employment. Some of these include:

- o Protection for reporting concerns about workplace violations of health or safety rules or other workplace threats to health and safety (CRS §§ 8-14.4-102)
- o Engaging in lawful, off-duty activities (CRS § 24-34-402.5)
- o Wage equality (CRS §§ 8-5-101 et seq.)
- o Transparency in pay and advancement opportunities (CRS §§ 8-5-201 et seq.)
- o Family and medical leave (29 USC 2601 et seq.; CRS § 8-13.3-203)
- o Paid sick leave (CRS §§ 8-13.3-401 et seq.)
- o Leave for domestic abuse, stalking, or sexual assault victims (CRS § 24-34-402.7)
- o Accommodations for nursing mothers (CRS § 8-13.5-103)
- o Protections against unlawful discrimination and retaliation for opposing unlawful practices in various federal laws and the Colorado Anti-Discrimination Act
- o Workers' compensation
- o Unemployment insurance

7. The bill would allow public employees to strike, which would have a detrimental impact on public services and conflict with existing laws. The concept of "protected, concerted activity" as used in SB23-111 may reasonably be construed to protect right to strike and other similar actions, which generally have been given special consideration or excluded from protected rights for all or certain sets of public employees based on the impacts these actions are likely to have on public safety and essential services. In contrast, please see the exclusion of these activities from other protected rights in CRS §§ 29-5-201, et seq. (Colorado Firefighter Safety Act) and 24-50-1101, et seq. (Colorado Partnership for Quality Jobs and Services Act).

8. SB23-111 is a blatant attempt to mandate collective bargaining on government employers even more broadly than prior years' legislation. SB23-111's concept of "protected, concerted activity" may be construed to protect the right to bargain collectively.

9. The unfettered and ambiguous discretion to CLDE both in rulemaking and enforcement unlawfully delegates legislative authority to an administrative agency and unlawfully involves the state in local government personnel matters. SB23-111 even prevents meaningful judicial review.

Please join us in opposing this overreaching, broad effort to usurp the authority of local governments to provide employee protections and maintain critical employment structures within their jurisdictions.



Executive Director
Colorado Counties, Inc.



Executive Director
Colorado Municipal League



Executive Director
Special District Association of Colorado