

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Luck

1 Amend printed bill, page 3, before line 10 insert:

2 "SECTION 2. In Colorado Revised Statutes, 24-34-306, **add** (16)
3 as follows:

4 **24-34-306. Charge - complaint - hearing - procedure -**
5 **exhaustion of administrative remedies.** (16) (a) WITH REGARD TO A
6 CHARGE ALLEGING A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE
7 UNDER PART 4 OF THIS ARTICLE 34, IF A RESPONDENT IS SERVED WITH A
8 WRITTEN NOTICE AND COMPLAINT PURSUANT TO SUBSECTION (4) OF THIS
9 SECTION, THE RESPONDENT MAY, IN LIEU OF FILING AN ANSWER BUT PRIOR
10 TO THE DATE OF THE HEARING, REQUEST THE DIVISION TO ISSUE A WRITTEN
11 NOTICE OF RIGHT TO SUE TO THE COMPLAINANT. THE RESPONDENT SHALL
12 MAKE THE REQUEST FOR NOTICE OF RIGHT TO SUE IN WRITING. THE
13 DIVISION SHALL PROMPTLY GRANT THE RESPONDENT'S REQUEST FOR
14 ISSUANCE OF NOTICE OF RIGHT TO SUE AND PROVIDE THE NOTICE IN
15 WRITING TO THE COMPLAINANT.

16 (b) A NOTICE OF RIGHT TO SUE CONSTITUTES FINAL AGENCY
17 ACTION AND EXHAUSTION OF ADMINISTRATIVE REMEDIES AND
18 PROCEEDINGS PURSUANT TO THIS PART 3. UPON ISSUANCE OF THE NOTICE
19 OF RIGHT TO SUE, THE COMPLAINANT MAY SEEK THE RELIEF AUTHORIZED
20 UNDER THIS PART 3 AND PART 4 OF THIS ARTICLE 34 AGAINST THE
21 RESPONDENT BY FILING A CIVIL ACTION IN THE DISTRICT COURT FOR THE
22 DISTRICT IN WHICH THE ALLEGED DISCRIMINATORY OR UNFAIR
23 EMPLOYMENT PRACTICE OCCURRED. THE COMPLAINANT MUST FILE A CIVIL
24 ACTION WITHIN NINETY DAYS AFTER THE DATE THE NOTICE OF RIGHT TO
25 SUE WAS ISSUED. IF THE COMPLAINANT FAILS TO FILE THE ACTION WITHIN
26 THE TIME SPECIFIED IN THIS SUBSECTION (16)(b), THE ACTION IS BARRED,
27 AND THE DISTRICT COURT DOES NOT HAVE JURISDICTION TO HEAR THE
28 ACTION.

29 (c) IF RELIEF IS SOUGHT IN DISTRICT COURT PURSUANT TO THIS
30 SUBSECTION (16) OR SUBSECTION (15) OF THIS SECTION, THE RESPONDENT
31 HAS A RIGHT TO TRIAL BY JURY."

32 Renumber succeeding sections accordingly.

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