

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0137.01 Renee Leone x2695

SENATE BILL 26-087

SENATE SPONSORSHIP

Wallace,

HOUSE SPONSORSHIP

(None),

Senate Committees
State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZING LEGISLATIVE LEAVE FROM EMPLOYMENT**
102 **DURING A LEGISLATIVE SESSION FOR CERTAIN MEMBERS OF THE**
103 **GENERAL ASSEMBLY.**

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 authorizes legislative leave and job protection for qualified members of the general assembly (qualified members) who are engaged in employment outside of their duties related to the general assembly. More specifically, the bill states that:

- A qualified member can take a leave of absence from their

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.

outside employment during regular and special legislative sessions;

- A qualified member's outside employer has discretion to grant legislative leave as paid, unpaid, or partially paid;
- A qualified member's outside employer cannot terminate the qualified member's outside employment on the basis that the qualified member requests or takes legislative leave; and
- When a qualified member returns to their outside employment following legislative leave, the qualified member is entitled to be restored to the same or an equivalent employment position.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 2-2-328 as
3 follows:

4 **2-2-328. Legislative leave and job protection during legislative
5 session - exception - legislative intent - definitions.**

6 **(1) Legislative intent.**

7 **(a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:**

8 **(I) A REPRESENTATIVE DEMOCRACY FUNCTIONS BEST WHEN THE
9 MEMBERSHIP OF THE GENERAL ASSEMBLY REFLECTS THE ECONOMIC,
10 PROFESSIONAL, AND SOCIAL DIVERSITY OF THE PEOPLE IT SERVES;**

11 **(II) SERVICE IN THE GENERAL ASSEMBLY IS COMPENSATED AT A
12 LEVEL THAT DOES NOT, ON ITS OWN, PROVIDE A LIVABLE INCOME FOR
13 MANY RESIDENTS OF THE STATE;**

14 **(III) AS A RESULT OF LOW LEGISLATIVE COMPENSATION AND THE
15 DEMANDS OF LEGISLATIVE SERVICE, QUALIFIED INDIVIDUALS,
16 PARTICULARLY MEMBERS OF THE WORKING CLASS, CAREGIVERS, PUBLIC
17 SERVICE EMPLOYEES, AND THOSE IN NONTRADITIONAL OR HOURLY
18 PROFESSIONS, ARE OFTEN EFFECTIVELY EXCLUDED FROM SEEKING OR
19 HOLDING LEGISLATIVE OFFICE;**

1 (IV) THE ABILITY OF MEMBERS OF THE GENERAL ASSEMBLY TO
2 MAINTAIN OUTSIDE, NONLEGISLATIVE EMPLOYMENT IS ESSENTIAL TO
3 ENSURING THAT LEGISLATIVE SERVICE REMAINS ACCESSIBLE TO
4 INDIVIDUALS FROM DIVERSE ECONOMIC, SOCIAL, AND CULTURAL
5 BACKGROUNDS;

6 (V) DURING LEGISLATIVE SESSIONS, MEMBERS MAY FACE LOSS OF
7 EMPLOYMENT, INCOME, OR PROFESSIONAL STANDING DUE TO ABSENCES
8 REQUIRED FOR THE PERFORMANCE OF THEIR OFFICIAL LEGISLATIVE DUTIES;

9 (VI) PROTECTING MEMBERS OF THE GENERAL ASSEMBLY FROM
10 ADVERSE EMPLOYMENT ACTIONS BY NONLEGISLATIVE EMPLOYERS DURING
11 PERIODS OF LEGISLATIVE SESSION SERVES A COMPELLING PUBLIC INTEREST
12 BY REMOVING STRUCTURAL BARRIERS TO PUBLIC SERVICE; AND

13 (VII) SUCH PROTECTIONS PROMOTE BROADER PARTICIPATION IN
14 GOVERNMENT, REDUCE ECONOMIC BARRIERS TO CANDIDACY AND SERVICE,
15 AND STRENGTHEN PUBLIC CONFIDENCE IN THE LEGITIMACY AND
16 REPRESENTATIVENESS OF THE LEGISLATIVE PROCESS.

17 (b) IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY TO
18 SAFEGUARD THE RIGHT OF THE MEMBERS OF THE GENERAL ASSEMBLY TO
19 ENGAGE IN LAWFUL, NONLEGISLATIVE EMPLOYMENT WHILE SERVING IN
20 OFFICE AND TO PROTECT SUCH MEMBERS FROM DISCRIMINATION,
21 RETALIATION, OR TERMINATION BY OUTSIDE EMPLOYERS DUE TO
22 ATTENDANCE OR PARTICIPATION IN LEGISLATIVE SESSIONS.

23 **(2) Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
24 OTHERWISE REQUIRES:

25 (a) "AREA MEDIAN INCOME" MEANS THE MEDIAN INCOME OF THE
26 COUNTY IN WHICH A MEMBER LIVES WHEN THE GENERAL ASSEMBLY IS NOT
27 IN SESSION, IN RELATION TO HOUSEHOLD SIZE, AS ESTABLISHED ANNUALLY

1 BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
2 DEVELOPMENT.

3 (b) "LEGISLATIVE LEAVE" MEANS A LEAVE OF ABSENCE A
4 QUALIFIED MEMBER IS ENTITLED TO TAKE FROM THEIR OUTSIDE
5 EMPLOYMENT PURSUANT TO THIS SECTION.

6 (c) "MEMBER" MEANS A MEMBER OF THE GENERAL ASSEMBLY.

7 (d) "OUTSIDE EMPLOYER" MEANS THE EMPLOYER OF A MEMBER'S
8 OUTSIDE EMPLOYMENT.

9 (e) "OUTSIDE EMPLOYMENT" MEANS A JOB OR EMPLOYMENT THAT
10 IS NOT OF A TEMPORARY NATURE THAT A MEMBER IS ENGAGED IN OUTSIDE
11 OF THE MEMBER'S DUTIES RELATED TO THE GENERAL ASSEMBLY.

12 (f) (I) "QUALIFIED MEMBER" MEANS A MEMBER WHO QUALIFIES TO
13 TAKE LEGISLATIVE LEAVE.

14 (II) TO QUALIFY FOR LEGISLATIVE LEAVE, A MEMBER MUST NOT:

15 (A) DIRECTLY MANAGE MORE THAN TWENTY EMPLOYEES AS PART
16 OF THEIR REGULAR OUTSIDE EMPLOYMENT DUTIES; OR

17 (B) HAVE AN ANNUAL INDIVIDUAL OR HOUSEHOLD INCOME THAT
18 EXCEEDS ONE HUNDRED TWENTY PERCENT OF THE AREA MEDIAN INCOME.

19 (3) (a) BEGINNING ON JANUARY 1, 2027, A QUALIFIED MEMBER
20 WHO IS ENGAGED IN OUTSIDE EMPLOYMENT IS ENTITLED TO TAKE
21 LEGISLATIVE LEAVE FROM THEIR OUTSIDE EMPLOYMENT TO FULFILL THE
22 DUTIES OF A LEGISLATOR.

23 (b) LEGISLATIVE LEAVE:

24 (I) MUST ONLY LAST FOR THE DURATION THAT THE QUALIFIED
25 MEMBER IS PARTICIPATING IN EITHER A REGULAR OR EXTRAORDINARY
26 SESSION OF THE GENERAL ASSEMBLY; AND

27 (II) MAY BE PAID, UNPAID, OR PARTIALLY PAID AT THE DISCRETION

1 OF THE QUALIFIED MEMBER'S OUTSIDE EMPLOYER.

2 (4) A QUALIFIED MEMBER WHO PLANS TO TAKE LEGISLATIVE
3 LEAVE SHALL GIVE THEIR OUTSIDE EMPLOYER WRITTEN NOTICE OF THEIR
4 INTENT TO TAKE LEGISLATIVE LEAVE:

5 (a) NO LATER THAN THIRTY DAYS BEFORE THE BEGINNING OF A
6 REGULAR SESSION OF THE GENERAL ASSEMBLY; AND

7 (b) AS SOON AS PRACTICABLE BEFORE THE BEGINNING OF AN
8 EXTRAORDINARY SESSION OF THE GENERAL ASSEMBLY.

9 (5) (a) AN OUTSIDE EMPLOYER SHALL NOT TERMINATE A
10 QUALIFIED MEMBER'S OUTSIDE EMPLOYMENT ON THE BASIS THAT THE
11 QUALIFIED MEMBER REQUESTS OR TAKES LEGISLATIVE LEAVE.

12 (b) UPON RETURN TO THEIR OUTSIDE EMPLOYMENT FOLLOWING
13 LEGISLATIVE LEAVE, A QUALIFIED MEMBER IS ENTITLED TO BE RESTORED
14 TO THE SAME OR AN EQUIVALENT EMPLOYMENT POSITION WITH
15 EQUIVALENT BENEFITS, SENIORITY, PAY, AND OTHER TERMS AND
16 CONDITIONS OF EMPLOYMENT. NOTHING IN THIS SECTION ENTITLES THE
17 QUALIFIED MEMBER TO:

18 (I) THE ACCRUAL OF ANY SENIORITY OR OTHER OUTSIDE
19 EMPLOYMENT BENEFITS, INCLUDING SICK AND ANNUAL LEAVE, DURING
20 LEGISLATIVE LEAVE; OR

21 (II) ANY RIGHT, BENEFIT, OR POSITION OF EMPLOYMENT OTHER
22 THAN THAT WHICH THE QUALIFIED MEMBER WOULD HAVE BEEN ENTITLED
23 TO HAD THE MEMBER NOT TAKEN LEGISLATIVE LEAVE.

24 (6) THIS SECTION DOES NOT RELIEVE A QUALIFIED MEMBER WHO
25 TAKES LEGISLATIVE LEAVE PURSUANT TO THIS SECTION OF THE QUALIFIED
26 MEMBER'S CONSTITUTIONAL DUTY SET FORTH IN SECTION 2 OF ARTICLE XII
27 OF THE STATE CONSTITUTION.

5 **SECTION 2.** In Colorado Revised Statutes, 24-50-104, add
6 (7)(e) as follows:

7 **24-50-104. Job evaluation and compensation - state employee**
8 **reserve fund - created - study - report - definitions.**

9 (7) Leaves - definition.

10 (e) (I) A QUALIFIED MEMBER OF THE GENERAL ASSEMBLY IS
11 ENTITLED TO TAKE LEGISLATIVE LEAVE AS SPECIFIED IN SECTION 2-2-328.

12 (II) AS USED IN THIS SUBSECTION (7)(e), UNLESS THE CONTEXT
13 OTHERWISE REQUIRES, "QUALIFIED MEMBER" HAS THE MEANING SET
14 FORTH IN SECTION 2-2-328 (2)(f).