

Colorado Civil Rights Commission Colorado Civil Rights Division

Annual Report 2013

(Fiscal Year 2012-2013)



John W. Hickenlooper, Governor
Barbara J. Kelley, Executive Director, DORA
Steven Chavez, Director, Colorado Civil Rights Division

www.dora.colorado.gov/crd



TABLE OF CONTENTS

GREETING.....	1
COMMISSION MEMBERS.....	2
EXECUTIVE SUMMARY.....	3
ENFORCEMENT-CASE PROCESSING.....	4
ENFORCEMENT-INVESTIGATIONS.....	7
EMPLOYMENT.....	9
HOUSING.....	10
PUBLIC ACCOMMODATIONS.....	11
ALTERNATIVE DISPUTE RESOLUTION.....	12
OUTREACH AND EDUCATION.....	13
BUDGET.....	14
ISSUES ON THE HORIZON	15
HISTORY OF CIVIL RIGHTS LAWS IN COLORADO	16

Colorado Civil Rights Commission



Dear Coloradoans,

It is a pleasure to once again report on the activities of the Colorado Civil Rights Commission (CCRC). It has been a busy time for us since our last report to you. We have held meetings with communities and individuals from around the state to hear your concerns and questions about civil rights issues. In addition, we have met monthly for our regular meetings to review appeals, finalize orders, and consider the many matters that come before the Commission.

It has been a dynamic time in Colorado regarding the evolving nature of civil rights from a regulatory perspective. The Commission continues to advocate for the civil rights of all people in Colorado pursuant to our statutory mandate in the areas of employment, housing and public accommodations. The passage of civil unions legislation was the most significant action taken by the Colorado General Assembly this year. In addition, legislation was passed which provides for more monetary damages for violation of state civil rights laws. As a result, Colorado continues to be a leader in our country in advancing the civil rights of everyone. In addition, the use of medical marijuana has brought forward important issues in cases involving individuals with disabilities and we are reminded that Colorado laws differ from federal statutes. Furthermore, both the CCRC and the Colorado Civil Rights Division (CCRD) have been asked to address challenging issues regarding the civil rights of transgender individuals.

This year many important cases came before the Commission. Each Commissioner takes her/his responsibilities very seriously in considering each case, making the best decisions possible for both those claiming discrimination and for the respondents in each situation.

The Division and Commission have also demonstrated our proactive roles in civil rights protection by issuing press releases regarding high profile cases, engaging in education and outreach events and through United States Housing and Urban Development (HUD) grant-funded public service announcements in the media regarding housing discrimination. We consider it a priority to actively advance our outreach and educational responsibilities.

There have been changes in Commission membership since the last Report. Commissioner Marvin Adams from Fountain, Colorado brings many years of experience working in education to the Commission. New commissioner Heidi Hess from Grand Junction brings with her experience in grassroots organization and communication, and new Commissioner Dulce Saenz from Denver brings experience in community outreach and education.

The Commissioners all extend a heartfelt invitation to the people of Colorado to come to meetings and contact any of us regarding your civil rights concerns. We are all proud to serve our state in working toward ensuring that everyone is treated equally and with dignity and respect in Colorado.

Thank you Colorado, for allowing us to serve you.

Respectfully,

THE COLORADO CIVIL RIGHTS COMMISSION

COLORADO CIVIL RIGHTS COMMISSION COLORADO CIVIL RIGHTS DIVISION

Civil Rights Commission

Term Expires

Marvin Adams , Rep. State or Local Government Entities, Colorado Springs	3/13/2016
Katina Banks , Chair, Rep. Business, Denver	3/13/2015
Heidi J. Hess , Rep. Small Business, Clifton	3/13/2017
Raju Jairam , Vice Chair, Rep. Small Business, Fort Collins	3/13/2015
Diann Rice , Vice Chair, Rep. Community at Large, Loveland	3/13/2016
Dulce Saenz , Rep. Community at Large, Denver	3/13/2017
A. Susie Velasquez , Rep. State or Local Government Entities, Greeley	3/13/2015

Civil Rights Division

Steven Chavez, Director

MAIN OFFICE

CIVIL RIGHTS DIVISION

1560 Broadway, Suite 1050

Denver, CO 80202

(303) 894-2997

(800) 262-4845 - toll free outside Denver

(303) 894-7830 - fax

dora_CCRD@state.co.us - email

Regional Offices

Grand Junction

222 South 6th Street, Suite 301

Grand Junction, CO 81501

(970) 248-7303

Pueblo

200 West B Street, Suite 234

Pueblo, CO 81003

(719) 542-1298

EXECUTIVE SUMMARY

The **Colorado Civil Rights Commission** (Commission) -- is a seven-member, bipartisan, panel appointed by the Governor of Colorado pursuant to the Colorado Civil Rights Act. The mission of the Commission is to review appeals of cases investigated and dismissed by the Civil Rights Division; reach out to various communities to provide awareness of civil rights issues and protections; conduct hearings involving illegal discriminatory practices; initiate investigations unilaterally regarding discrimination issues involving broad public policy implications; advise the Governor and General Assembly regarding policies and legislation that address discrimination; and, adopt and amend rules and regulations that provide standards and guidelines regarding the State statutes prohibiting discrimination.

The **Colorado Civil Rights Division** (Division) -- is a neutral, fact-finding, administrative agency which conducts investigations of complaints/charges of discrimination alleging violations of the Colorado Civil Rights Act in the areas of employment, housing and in places of public accommodation. After a complaint is filed and an investigation conducted, the Division Director issues a decision as to whether sufficient evidence exists to support the allegations of discrimination. If the decision is that no discrimination occurred, a complainant may appeal the decision to the Commission. If the Division finds evidence of discrimination, the statute requires that the Division attempt to settle the matter through a mandatory mediation before the Commission determines whether to take the case to and an adjudicatory administrative hearing.

In order to resolve matters at the earliest possible stage in a case, the Division also offers an Alternative Dispute Resolution (mediation) program early in an investigation, which can identify viable options for the early constructive resolution of cases. Some of the resolutions obtained during this reporting period have included back pay, reinstatement, promotion, transfer of job duties, or a structural modification for an individual with a disability.

Through its partnership with other organizations and through independent outreach efforts, the Division and Commission focus on outreach and education in the fight against discrimination. The Division is increasingly providing internet-based access to all educational materials and has reached thousands of individuals and numerous communities to provide awareness of the anti-discrimination laws in Colorado. As statutory revisions are made to the laws affecting the civil rights laws, updates are made to the brochures, teaching programs, and websites which reflect those changes.

The mission of the Division and Commission to promote equal treatment of all people in Colorado fosters a more open and receptive environment in which to conduct business, live, and work. We are dedicated to promoting fair and inclusive communities through the enforcement of the Civil Rights laws, mediation, education, and outreach.

ENFORCEMENT

CASE PROCESSING

The primary mission of the Colorado Civil Rights Division (CCRD) is to enforce the anti-discrimination laws in the area of employment, housing, and public accommodations under Title 24, Article 34, parts 3-7, of the Colorado Revised Statutes. The Division investigates matters that come to our attention from complainants in the public or which the Commission files with the Division on its own motion. The Division also works in conjunction with, and maintains work-share agreements with, its federal counterparts, the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD). To avoid duplication of effort and provide more efficient customer service to the public, the Division investigates matters that are filed with both EEOC and HUD, as well as cases that have jurisdiction exclusive to Colorado law. The staff of the Division strives to provide the best customer service to the public, as well as to all parties in a case, by the fairest and most transparent methods possible.

Charges Filed with CCRD				
Fiscal Year	Employment Charges Filed	Housing Charges Filed	Public Accommodations Charges Filed	Total Charges Filed
FY10-11	575	118	31	724
FY11-12	516	130	41	687
FY 12-13	601	149	58	808

Cases are filed with the Division by complainants alleging discrimination based on a protected class. A “protected class” is a group of people who are protected from discrimination based on the characteristics of that group. The specific Colorado Anti-Discrimination law falls under Title 24 of the Colorado Revised Statutes. As you will see in the chart on the next page, discrimination charges based on sex (gender), disability, and retaliation continue to be the highest in Fiscal Year 2012-2013, followed by age, race and national origin. Retaliation is an adverse action taken against someone who has opposed discrimination or participated in a discrimination proceeding.

Protected Classes in Colorado

Housing - Employment - Public Accommodations (PA)

Age (40 through 69) (employment only)
 Color
 Creed
 Disability
 Familial (family) status (housing only)
 Marital status (housing and PA only)
 Marriage to Co-worker (employment only)

National Origin/Ancestry
 Race
 Religion (employment and housing only)
 Retaliation (for engaging in a civil rights-protected activity)
 Sex
 Sexual Orientation, including transgender

Basis of Charges Filed			
<u>Basis</u> *	FY10-11	FY11-12	FY 12-13
Age (40-69)	185	148	163
Color	90	92	88
Creed/Religion	33	31	27
Disability	252	231	283
Familial Status	8	8	10
Marital Status	1	0	7
Marriage to Co-worker	3	5	2
National Origin/Ancestry	120	114	126
Race	180	131	144
Retaliation	285	267	334
Sex	230	209	301
Sex: Pregnancy	19	24	34
Sexual Orientation	49	50	66
Other	6	2	1

* May be more than one basis per case

Charges by County FY12-13

County	Employment	Housing	Public Accommodation	Total
Adams	51	17	3	71
Alamosa	2	0	0	2
Arapahoe	77	20	11	108
Archuleta	1	0	0	1
Baca	1	0	0	1
Bent	2	0	0	2
Boulder	23	7	2	32
Broomfield	5	2	2	9
Chaffee	1	0	1	2
Conejos	1	0	0	1
Costilla	3	1	0	4
Custer	1	0	0	1
Delta	2	0	0	2
Denver	96	52	12	160
Douglas	23	2	0	25
Eagle	6	2	0	8
El Paso	53	13	8	74
Elbert	1	1	0	2
Fremont	4	0	0	4
Garfield	5	1	0	6
Gilpin	2	0	0	2
Grand	1	0	0	1
Jefferson	58	11	5	74
La Plata	5	0	0	5
Lake	1	0	0	1
Larimer	23	12	3	38
Logan	2	1	0	3
Mesa	15	1	2	18
Moffat	1	0	0	1
Montezuma	5	0	1	6
Montrose	4	1	0	5
Morgan	4	0	0	4
Otero	3	1	0	4
Park	5	0	0	5
Phillips	1	0	0	1
Prowers	1	0	0	1
Pueblo	54	1	1	56
Rio Blanco	3	0	0	3
Routt	1	0	0	1
Saguache	1	0	0	1
Teller	2	0	0	2
Weld	27	2	1	30
Yuma	1	1	0	2

ENFORCEMENT

INVESTIGATIONS

When a formal complaint or charge is filed alleging discrimination, the Division’s investigative staff conducts a neutral investigation. Evidence is gathered from the parties in the case, witnesses, as well as from third parties and documentary evidence sources. The investigation under Colorado law provides a transparent process to allow the parties the opportunity to provide information, documentation, witnesses, and other evidence that directly corroborates their allegations and which refutes the allegations of the opposing party.

After the investigation, the Division Director or his designee will make a determination as to whether there is sufficient evidence to support a finding of “probable cause” that discrimination has occurred. If the Director finds probable cause, the parties are required to attempt to resolve the matter through a mandatory mediation process (also called “Conciliation”). If the Director finds that there is “no probable cause” to believe that discrimination has occurred, the complainant has the right to appeal that determination to the Commission. In employment cases, if the case is dismissed, the complainant may file a legal complaint in civil court; however, in housing cases, the complainant may file in civil court at any time without needing to exhaust administrative remedies prior to filing in court. If the Director finds probable cause in an employment case and the case is not settled in conciliation, the Commission will then decide whether the matter will be noticed for hearing before an Administrative Law Judge. In housing cases, if the Director finds probable cause and the case is not settled in conciliation, the statute requires that the case be set for hearing.

The below chart provides statistics concerning the number of “Probable Cause” and “No Probable Cause” determinations issued by the Division Director in the past three years.

Findings						
Area of Jurisdiction	FY10-11		FY11-12		FY12-13	
	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause
Employment	26	313	23	394	15	291
Housing	7	87	8	109	3	92
Public Accommodation	2	24	1	30	5	21

ENFORCEMENT

INVESTIGATIONS (cont.)

As explained, when the Director find no probable cause in a case, the complainant may appeal the decision to the Commission within ten days. The Commission will review the matter taking into consideration the argument and evidence that proves existing evidence was misinterpreted or the determination was based on erroneous information. The following are the number of appeals filed with the Commission in the past three fiscal years.

Appeals				
Fiscal Year	Employment	Housing	Public Accommodation	Total
FY10-11	29	25	7	61
FY11-12	64	34	9	107
FY12-13	45	21	8	74

Cases are closed under a number of circumstances, including: probable cause/no probable cause finding, successful mediation, closed after hearing, lack of jurisdiction, right to sue issued, and withdrawal or administrative closure. The Division strives to address as many cases as quickly as possible so the parties are served by the process and matters can be resolved. The following chart demonstrates the number of cases that the Division closed in the past three fiscal years.

Cases Completed				
Fiscal Year	Employment	Housing	Public Accommodation	Total
FY10-11	568	112	34	714
FY11-12	601	144	40	785
FY12-13	432	119	34	585

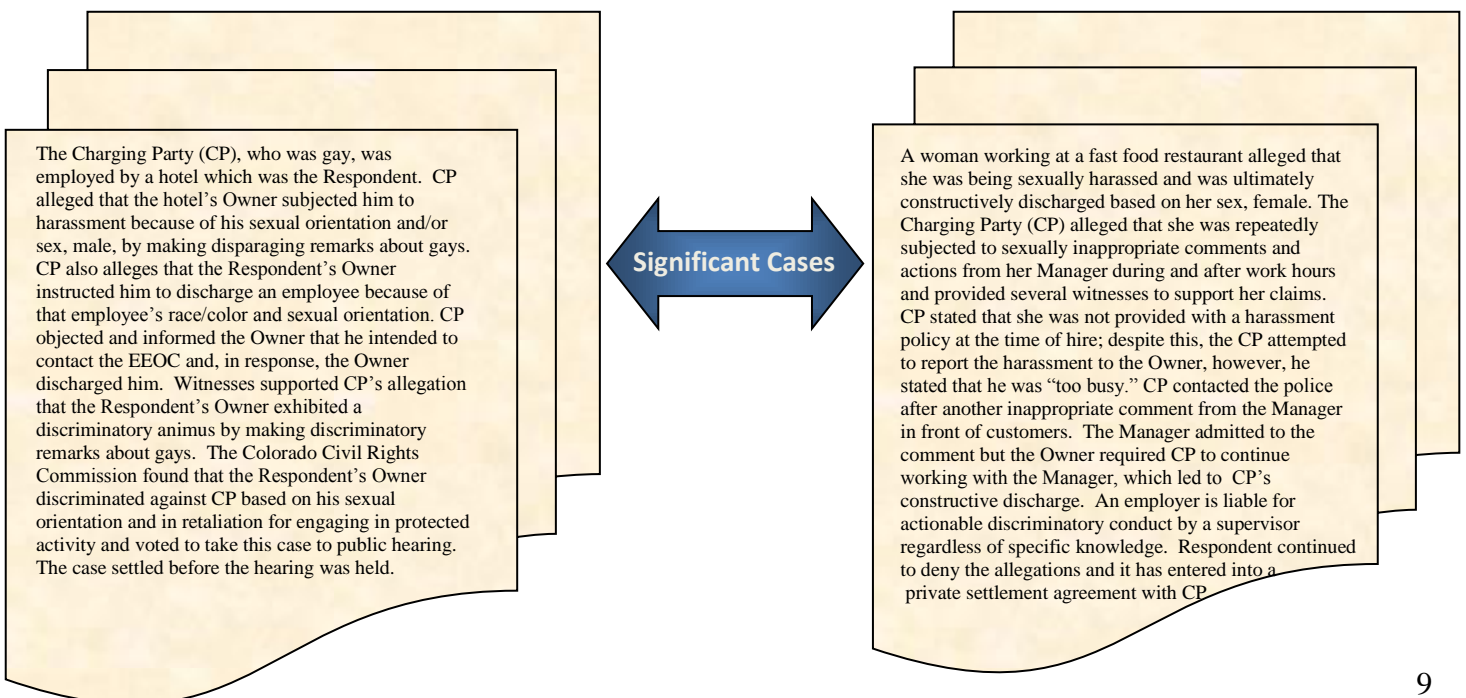
ENFORCEMENT

EMPLOYMENT

The Employment unit of the Division includes investigators in the Denver, Pueblo, and Grand Junction offices. The intent of the program is to focus resources where a majority of complaints originate, community involvement is essential, and issues have arisen in which the Commission and Division can have an effect in the outcome.

In the employment area, the Division receives numerous complaints involving alleged discrimination against individuals with mental or physical disabilities, including failure to accommodate. An employer is required to make reasonable accommodations to the known limitations of an otherwise qualified individual with a disability. However, the employer is not required to do so if an accommodation would cause “undue hardship”, a significant difficulty or expense, to the employer’s business. In many cases, the evidence does not substantiate a violation of the law, because the employee seeks an accommodation that is not reasonable. For example, it would not be reasonable to expect an employer to hire a personal assistant for an employee with a disability, who would perform the essential functions of the employee’s job. However, the provision of an auxiliary aid that would enable the employee the ability to perform the job would be reasonable. The Division carefully evaluates the specific facts of each disability-based charge to ensure that the needs of an employee are appropriately and fairly balanced with the requirements of the employer’s business.

Cases where complainants have alleged discrimination based on age are also a significant portion of the Division’s caseload. In the investigation, the Division is seeking evidence as to whether an employer made an employment decision based on the age of an employee. An employer must demonstrate that an age-based employment qualification is reasonably necessary to the essence of its business. For instance, a mandatory retirement age for employees in a safety-related job may be allowed.

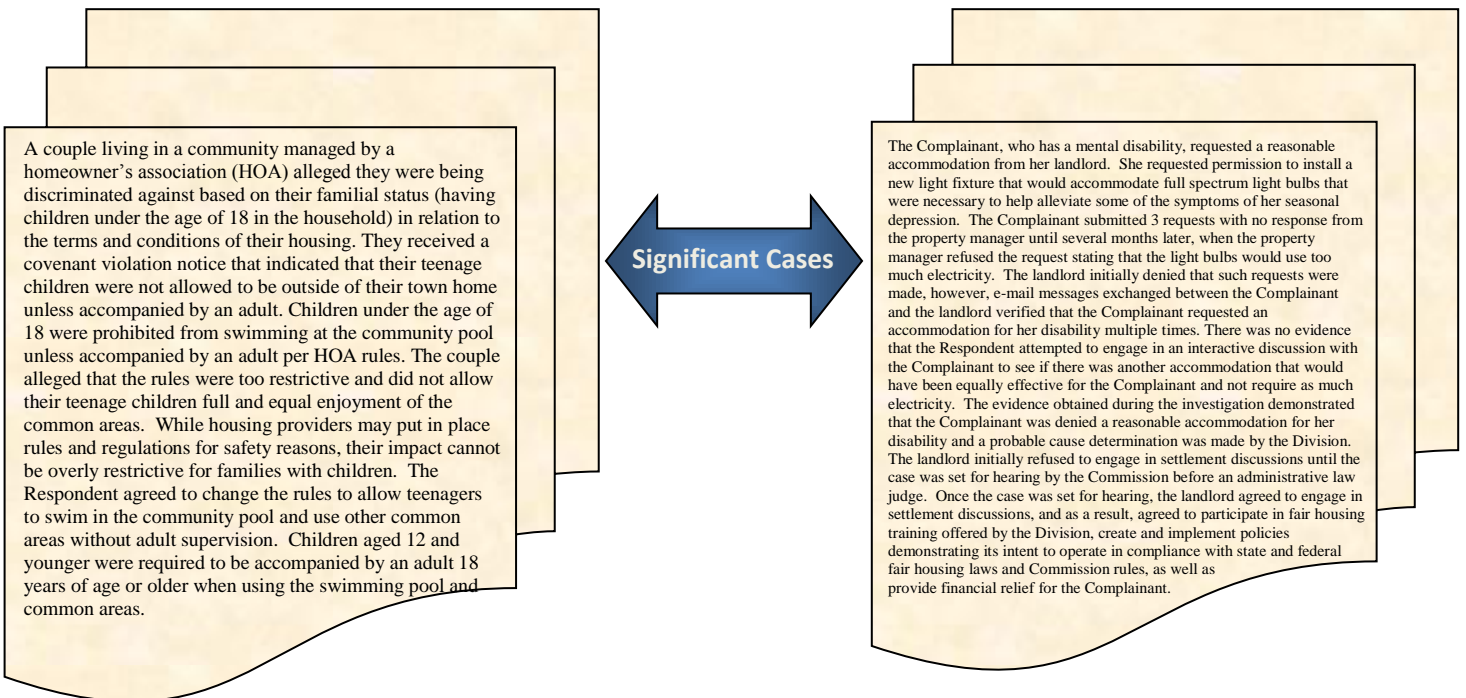


ENFORCEMENT

HOUSING

The types of cases the Division sees each year in the area of housing are varied, including issues from failure to rent to a family with children, to failure to provide designated handicap parking spaces. In this fiscal year, more than a third of all housing discrimination complaints filed with the Division included an allegation of discrimination based on a physical and/or mental disability. Under the Colorado civil rights laws, an individual with a disability may request a reasonable accommodation to have an assistance or companion animal reside with them in a housing unit, even if the housing provider has a “no pets” policy, because emotional support and service animals are not pets but are considered aids for individuals with the disabilities by assisting in the relief of symptoms related to particular disability. The provider may request information about the individual’s limitations and a letter from an appropriate health care professional indicating that the resident meets the definition of a person with a disability and that the accommodation to allow an assistance or companion animal is necessary.

Similar to employment cases, a large number of housing complaints filed with the Division include an allegation of discriminatory harm based on retaliation. Retaliation in housing is defined as being subject to adverse action because the individual has opposed unlawful discrimination. By way of example, opposing unlawful discrimination includes complaining of housing discrimination, acting as a witness in an investigation of discrimination, or requesting a reasonable accommodation for a disability. Under Colorado law it is illegal to take adverse action against someone because they have engaged in a protected civil rights related activity such as those mentioned above.



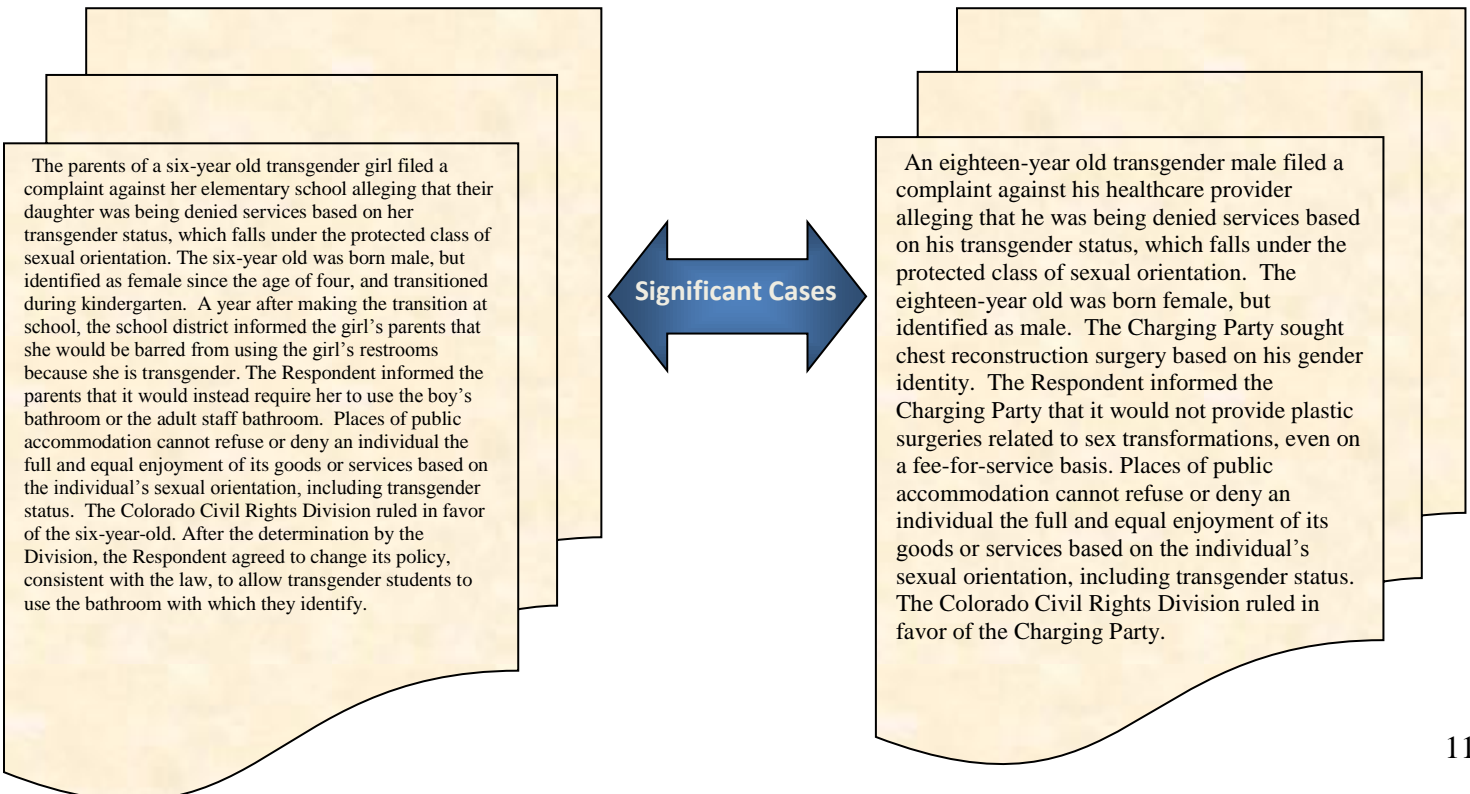
ENFORCEMENT

PUBLIC ACCOMMODATIONS

Colorado’s laws also protect against discrimination in places of Public Accommodation, such as in a library or at a theatre. The law prohibits the denying of full and equal enjoyment of goods, services, facilities, privileges, and advantages in a place of public accommodation to any person of a protected class. A “place of public accommodation” is any place of business engaged in sales to the public and any place offering services to the public. Other examples include: stores, restaurants, hotels, hospitals, parks, museums, sporting or recreational facilities, campsites, hospitals, and educational institutions (does not include churches, synagogues, mosques, or other places that are principally used for religious purposes).

NO place of public accommodation may post a sign which states or implies, “We reserve the rights to refuse service to anyone.”

Complaints filed with the Division in the area of Public Accommodations this year were primarily based on race and disability; however, there has been a consistent rise in the number of cases involving allegations of discrimination based on sexual orientation and transgender status. Although under Colorado law both are under the same protected class, sexual orientation and transgender status are not synonymous. Transgender status relates to a person whose gender identity or gender expression does not match the gender assigned to her/him at birth. To clarify, gender identity is a person’s innate sense one’s own gender. Gender expression is a person’s external appearance, characteristics, or behaviors typically associated with a specific gender. Because gender identity is based on what an individual feels internally, when addressing transgender individuals, businesses should be guided by a person’s description of gender, not necessarily outward appearance.



ALTERNATIVE DISPUTE RESOLUTION

In order to encourage parties in a case to consider potential resolutions of matters under investigation, the Division offers Alternative Dispute Resolution (ADR) as a time and cost savings alternative to investigation and litigation. This mediation program is provided at no cost to the parties. The process benefits the parties in that it allows open discussion and resolution of a matter at its lowest possible level. Prior to the initiation of an investigation, the Division provides the parties the opportunity to participate in voluntary mediation. This is a formal meeting held between the parties where a Division staff member acts as a neutral intermediary to assist the parties in reaching a compromise. As previously discussed, the ADR unit also conducts compulsory mediation (conciliation) as required by the statute after probable cause is found in a case.

The Division makes it a priority to provide parties with the opportunity to settle cases as often as possible. In many cases it has proven to be a beneficial resolution to a matter that might otherwise result in greater harm. The parties are able to be heard as well as feel empowered to address a situation or improve relationships. Below are some statistics that demonstrate the work and outcomes of the program.

Alternative Dispute Resolution									
Fiscal Year	Mediations			Conciliations			Total		
	Number of Mediations Held	Mediations Resulting in Settlements	Value of Mediated Settlements	Number of Conciliation Held	Conciliations Resulting in Settlements	Value of Conciliated Settlements	Total Held	Total Resulting in Settlements	Total Value
FY10-11	95	64	\$681,313	36	12	\$320,251	131	76	\$1,001,564
FY11-12	103	76	\$979,769	26	8	\$73,487	129	84	\$1,053,256
FY12-13	116	80	\$578,045	25	4	\$21,510	141	84	\$599,585

To improve customer service, reduce resources, and increase benefit to the parties in a case, the Division strives to decrease the time it takes to conduct mediations and conciliations. In this fiscal year, the Division was able to conduct 87% of its formal mediations within 45 days of the date the request was made.

OUTREACH AND EDUCATION

Public education is a key part of the Commission’s and Division’s mission. Through the outreach and education program, we can raise public awareness of civil rights issues and knowledge of the laws prohibiting discrimination in employment, housing and public accommodations in Colorado.

Division staff provides monthly educational training at the main office in Denver, and travels to various areas of the state to provide educational presentations to businesses and individuals. This year, in addition to its regular training classes offered in the Denver area, the Division conducted numerous trainings and outreach events. In Fiscal Year 2012-2013, in addition to its regular training classes offered in Denver, the Division conducted numerous trainings and outreach events in Elizabeth, Kiowa, Estes Park, Colorado Springs, Greeley, Loveland, Boulder, Montbello, Aurora, Arvada and Longmont.

The Division partners with other organizations to provide outreach, thereby leveraging valuable resources by working with various organizations including city councils, academic institutions, non-profit organizations, and other government agencies providing a greater ability to educate the public regarding anti-discrimination laws.

The Division also maintains a website at www.dora.colorado.gov/crd where the public can learn about the Division and Commission, enroll in upcoming trainings, obtain information about anti-discrimination laws and rules, and download forms to file a complaint of discrimination. As part of a Departmental project is year, the Division has been moving and redeveloping our website. Members of the public are always encouraged to let us know how the website is assisting them with their needs.

Training/Outreach				
Fiscal Year	Training/Outreach			Total
	Number of Trainings	No. of Trainings as Part of a Settlement	Number of Outreach Events	Total Trainings and Outreach
FY10-11	91	11	36	127
FY11-12	57	8	50	107
FY12-13	60	8	80	140

BUDGET

The Civil Rights Division is funded by the State of Colorado's General Fund. The Division work is supported by contractual agreements with the U.S. Department of Housing and Urban Development and the Equal Employment Opportunity Commission. Under the agreements, when Colorado and the federal government share jurisdiction, the Division conducts investigations on behalf of the federal government, avoiding duplicative effort and allowing for a more effective use of resources.

Budget - FY 2012-2013		
Source	Amount	Full-time Employees
State General Funds	\$1,867,101	21.4
Grant Funds	\$685,162	10.0
Total	\$2,552,262	31.4

ISSUES ON THE HORIZON

The passage of HB 1136 provides, beginning January 1, 2015, enhanced monetary remedies for violations of Colorado civil rights laws involving employment discrimination engaged in by employers with less than 15 employees. Historically, employees of small employers were only entitled to getting their jobs back with back pay or getting the promotion they were denied due to discrimination. They were not allowed attorneys' fees or monetary damages for damages suffered such as pain and suffering and emotional distress. These types of damages are known as compensatory damages. As a result, employees of large employers, more than 15 employees, sought redress in United States Federal District Court. Beginning January 1, 2015, employees regardless of the size of the employer's workforce, will be able to pursue their claims in state court where they may be awarded employee attorneys' fees incurred and compensatory damages. It is expected that more cases will be filed with the Colorado Civil Rights Division since litigants will have the opportunity to have their claims resolved more quickly than through administrative processes which exist at the federal level.

In addition, the Division will evaluate the effectiveness of its mediation practices to bring them in line with current standards.

The Division will implement a more aggressive education and outreach program designed to educate small employers regarding their responsibilities under the state's civil rights laws. This effort will be collaborative in nature with stakeholders, including non-profits that represent employer and employee interests. The Division's sole interests in carrying out the mandates of HB 1136 are to foster business development and business profitability along with creating work environments free from unlawful discrimination.

HISTORY OF CIVIL RIGHTS LAWS IN COLORADO

- 1876 Colorado Constitution was ratified after 100 Black men demanded and were given the right to vote.
- 1893 Colorado again expanded its laws and granted women the right to vote.
- 1895 The Colorado General Assembly passed the Public Accommodations Act prohibiting discrimination on the basis of race or color.
- 1917 Discriminatory advertising was added to the prohibitions contained in the 1895 Public Accommodations Act.
- 1951 The General Assembly passed the Colorado Anti-Discrimination Act creating the Fair Employment Practices Division, attached to the state's Industrial Commission, forerunner of the Colorado Department of Labor and Employment. The Division's mission was to:
- research and provide education regarding employment discrimination, and
 - conduct hearings regarding job discrimination cases involving public employers (state, county, city governments).
- However, the fledgling agency was given no compliance or enforcement powers.
- 1955 Lawmakers gave the agency independence when they renamed it the Colorado Anti-Discrimination Commission, detached it from the Industrial Commission, and gave it enforcement authority over public agencies.
- 1957 The General Assembly repealed an existing statute that prohibited interracial marriage and made the Commission a full-fledged agency when they:
- added private employers with six or more employees to its jurisdiction, and
 - charged the Commission with enforcing the 1895 Public Accommodations Act.
- 1959 Colorado passed the nation's first state fair housing law to cover both publicly assisted and privately financed housing and added it to the Commission's jurisdiction.
- 1965 The Colorado legislature renamed the agency the Colorado Civil Rights Commission.
- 1969 Sex was added as a protected status under Colorado's fair housing law.
- 1973 Marital status was added as a protected status under Colorado's fair housing law.
- 1977 Physical disability was added as a protected status under Colorado's anti-discrimination laws.
- 1979 The Colorado Civil Rights Commission survived its first Sunset Review and was placed under the Department of Regulatory Agencies. The legislature also consolidated all of the state's civil rights laws into a single set of statutes and imposed a time limit (180 days) on the agency's jurisdiction.
- 1986 The General Assembly amended the state's fair employment statutes to include age (40-70 years) as a protected status.
- 1989 A second Sunset Review left the Commission and the Division stronger when legislators amended the statutes as follows:
- granted the director subpoena power in the investigation of housing cases,
 - granted Commission power to award back pay in employment cases and actual costs to obtain comparable housing in housing cases,
 - added mental disability and marriage to a co-worker as protected classes in employment,
 - required complainants to exhaust administrative remedies before filing a civil action in employment cases,
 - made retaliation for testifying in a discrimination charge illegal, and
 - made mediation mandatory after a finding of probable cause.

- 1990 Legislators amended Colorado’s fair housing statutes to meet the federal requirement for “substantial equivalency,” as follows:
- prohibited discrimination based on familial status (families with children under age 18),
 - required builders of new multi-family dwellings to meet seven specific accessibility standards,
 - required landlords to make “reasonable accommodation” for persons with disabilities, including permitting disabled tenants to make structural changes at their own expense,
 - gave parties to housing discrimination cases the option of having their case decided in a civil action rather than a hearing before an administrative law judge,
 - gave courts or the Commission power to assess fines and award actual and compensatory damages in housing cases,
 - gave title companies, attorneys, and title insurance agents power to remove illegal covenants based on race or religion,
 - added mental disability as a protected status under Colorado’s fair housing law.
- In employment cases, the legislature prohibited any lawful off-premises activity as a condition of employment illegal, with sole recourse through civil suits (dubbed the “smoker’s rights” bill).
- 1991 The legislature gave the Director subpoena power in employment cases.
- 1992 Legislators fine-tuned the State’s fair housing law to meet certain federal equivalency requirements as follows:
- prohibited “blockbusting” and discriminating in the terms and conditions of real estate loans, and
 - excluded persons currently involved in illegal use of or addiction to a controlled substance from the definition of mental disability.
- 1993 The time limit for processing charges was extended from 180 days to 270 days, with the provision of a 180-day right-to-sue request.
- 1999 Colorado Civil Rights Division’s third legislative Sunset Review left the agency with two new statutory mandates:
- gave jurisdiction to the agency for workplace harassment cases without economic loss,
 - authorization to intervene in intergroup conflicts and offer voluntary dispute resolution services.
- 2000 The U.S. Courts of Appeals for the 10th Circuit in *Barzanji v. Sealy Mattress Co*, issued an opinion in a case that was initially filed with the Division, which placed additional limitations on the concept of “continuing violations” and reaffirmed that the date of notification of adverse employment action is the correct date of record for purposes of measuring jurisdictional filing deadlines.
- 2007 The legislature added sexual orientation, including transgender status, as a protected class in employment cases.
- 2008 The legislature added sexual orientation, including transgender status, as a protected class in housing and public accommodation cases, but exclude churches and other religious organizations from jurisdiction under the public accommodation statute.
- 2009 Colorado Civil Rights Division’s fourth legislative Sunset Review left the agency in place with three new statutory mandates:
- gave jurisdiction to the agency for claims involving terms and conditions of employment;
 - allowed the Civil Rights Commission to initiate complaints; and
 - extended the Division’s subpoena authority.

2013 The legislature passed the *Colorado Job Protection and Civil Rights Enforcement Act of 2013* which was signed by the Governor on May 6, 2013. Effective January 1, 2015, the *Act* expands the remedies a plaintiff may claim in a lawsuit in which intentional employment discrimination is proven to include attorneys' fees, compensatory and punitive damages, front pay and jury trials are permitted. Additionally, effective January 1, 2015 the *Act* permits age claims to be made by employees whose age is 40 years and over, with no ceiling as to the maximum age an individual may be in order to bring a claim of age discrimination.

Colorado Civil Rights Division

www.dora.colorado.gov/crd



MAIN OFFICE

Civil Rights Division
Department of Regulatory Agencies
1560 Broadway, Suite 1050
Denver, CO 80202
(303) 894-2997
(800) 262-4845-Toll Free
(303) 894-7830-Fax

REGIONAL OFFICES

Grand Junction
222 South 6th Street, Suite 301
Grand Junction, CO 81501
(970) 248-7303

Pueblo
200 West B Street, Suite 234
Pueblo, CO 81003
(719) 542-1298



Dora
Department of Regulatory Agencies



*Consumer protection
is our mission*