

Colorado Civil Rights Commission Colorado Civil Rights Division

Annual Report 2014

(Fiscal Year 2013-2014)



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www.dora.colorado.gov/crd

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Colorado Civil Rights Commission

Dear Fellow Coloradoans:

We are happy to bring you the Colorado Civil Rights Commission (CCRC) 2014 *Annual Report*. This letter summarizes the responsibilities and key work of CCRC through the fiscal year 2014 (July 2013—June 2014) and renews our invitation to each member of the public to attend our monthly meetings, held in Denver and around the State, so that you may hear about the current activities of CCRC and the Colorado Civil Rights Division (CCRD) and make comments as you may wish concerning the civil rights of members of your community.

CCRC is a seven-member bipartisan panel, the mission of which is to conduct hearings on the character, causes and extent of illegal discriminatory practices throughout the State; advise the Governor and General Assembly regarding policies and legislation which address illegal discrimination; review appeals of cases investigated and dismissed by CCRD; and, adopt and amend Rules and Regulations to be followed in the enforcement of the State's statutes prohibiting discrimination. (These statutes may be reviewed in Colorado Revised Statutes § 23-34 402, *et seq.*) CCRC advocates for the civil rights of all people in Colorado in the areas of employment, housing and public accommodations pursuant to statutory mandate.

Regarding certain areas of responsibility which are reflected in this *Annual Report*: This fiscal year saw an increase in the number of cases handled by CCRD. The largest percentage of increase was in matters of discrimination related to Retaliation, Sex, Disability and Sexual Orientation. Denver and the metropolitan areas surrounding saw the largest rise in Complaints filed. CCRC has held Public Forums in areas outside of Denver in which civil rights issues were discussed by members of the community. CCRC and CCRD actively participated in 2013 state and federal flood relief programs with regard to attending and participating in community meetings, individual meetings, informational piece preparation and by providing immediate availability to those who may wish assistance with regard to civil rights issues as applied to flood-impact.

In order to supply education to Coloradoans concerning the anti-discrimination laws and issues revolving around employment, housing and public accommodations, CCRD provides instructional seminars in Denver and around the state to public and private organizations and individual members of various communities. The topic of these seminars include Colorado employment and housing statutory discrimination, including an overview of the protected classes, discriminatory harassment, sexual harassment in the workplace and the rights and responsibilities of employers and employees, as well as rights and responsibilities of housing providers and residents. Importantly for the education of members of the employment community, each seminar includes discussion of the details of *The Colorado Jobs Protection and Civil Rights Enforcement Act of 2013 (Act)*, an important piece of Colorado legislation which affects those complaining of and those defending Charges of employment discrimination. This *Act*, which becomes effective January 2015, provides for expanded remedies allowed to successful litigants in anti-discrimination in employment cases. The *Act* also dictates that the age ceiling for those wishing to file employment civil rights violation Charges is removed. Prior to January 2015, an age claim for civil rights violation may be brought if the complainant was between the ages 40 and 70; after January 2015, a Charge may be brought if the person complaining of age discrimination is over 40.

There is much work and education to be performed in addressing discrimination in the workplace, in housing and in places of public accommodation – CCRC is dedicated to addressing discrimination in each of these areas. Thank you for your interest in the Colorado Civil Rights Commission and this *Annual Report*. Please do not hesitate to contact any member of the Colorado Civil Rights Commission regarding a civil rights concern that you may have. It is an honor and privilege to serve you.

Respectfully,

THE COLORADO CIVIL RIGHTS COMMISSION

<u>Civil Rights Commission</u>	<u>Term Expires</u>
Marvin Adams , Rep. State or Local Government Entities, Colorado Springs	3/13/2016
Katina Banks , Rep. Business, Denver	3/13/2015
Heidi J. Hess , Rep. Small Business, Clifton	3/13/2017
Raju Jairam , Rep. Small Business, Fort Collins	3/13/2015
Diann Rice , 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

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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 there is insufficient evidence to show that 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 to show that 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 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 by 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
FY11-12	516	130	41	687
FY 12-13	601	149	58	808
FY 13-14	689	140	76	905

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 2013-2014, 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

Charges by County FY13-14			
Basis of Charges Filed			
<u>Basis</u> *	FY11-12	FY12-13	FY 13-14
Age (40-69)	1485	163	173
Color	92	88	110
Creed/Religion	31	27	65
Disability	231	283	338
Familial Status	8	10	0
Marital Status	0	7	5
Marriage to Co-worker	5	2	7
National Origin/Ancestry	114	126	180
Race	131	144	188
Retaliation	267	334	348
Sex	209	301	373
Sex: Pregnancy	24	34	25
Sexual Orientation	50	66	81
Other	2	1	36

* May be more than one basis per case

County	Employment	Housing	Public Accommodation	Total
Adams	86	13	9	108
Alamosa	0	0	0	0
Arapahoe	101	20	4	125
Archuleta	2	0	0	2
Baca	0	0	0	0
Bent	0	0	0	0
Boulder	26	3	2	31
Broomfield	6	2	0	8
Chaffee	2	0	0	2
Conejos	2	0	0	2
Costilla	0	0	0	0
Custer	3	0	0	3
Delta	3	0	0	3
Denver	116	42	21	179
Douglas	20	3	8	31
Eagle	6	1	1	8
El Paso	58	8	3	69
Elbert	1	0	0	1
Fremont	2	0	0	2
Garfield	9	0	0	9
Gilpin	1	0	0	1
Grand	1	0	0	1
Jefferson	63	16	10	89
Kiowa	0	0	0	0
Kit Carson	1	0	0	1
La Plata	3	0	0	3
Lake	2	0	0	2
Larimer	20	20	0	40
Logan	4	1	0	5
Mesa	28	0	3	31
Moffat	1	0	0	1
Montezuma	3	2	1	6
Montrose	4	1	0	5
Morgan	0	0	0	0
Otero	7	0	0	7
Park	4	0	0	4
Phillips	1	0	0	1
Prowers	1	0	0	1
Pueblo	33	3	0	36
Rio Blanco	1	0	0	1
Routt	2	0	0	2
Saguache	1	0	0	1
Teller	2	0	0	2
Weld	31	5	3	39
Yuma	0	1	0	1

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	FY11-12		FY12-13		FY13-14	
	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause
Employment	23	394	15	291	17	292
Housing	8	109	3	92	1	116
Public Accommodation	1	30	5	21	2	32

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 that 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
FY11-12	64	34	9	107
FY12-13	45	21	8	74
FY13-14	50	19	9	78

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
FY11-12	601	144	40	785
FY12-13	432	119	34	585
FY13-14	547	139	48	734

Employment

During fiscal year 2013-2014, the Division received over 300 complaints in which discrimination based on sex was alleged as the basis for the complaint. The complaints included allegations of harassment, discharge, unequal terms and conditions of employment, and unequal compensation. A large number of claims alleged retaliation as a basis for discrimination. It is illegal for an employer to relate against an employee if he/she engages in a civil rights protected activity. Civil rights protected activity includes complaint of discrimination based on a protected class (including harassment), participating in the investigation of a civil rights complaint, and/or requesting a reasonable accommodation as a disability. The Division received over 200 charges of discrimination in which disability was the basis of the discrimination charge, and received over 170 charges in which age was identified as a basis for discrimination.

Example employment case: *The Division found probable cause that a complainant, a female from Mexico, was subjected to harassment and a hostile work environment while employed as a housekeeper at a resort timeshare property. The housekeeping manager targeted the complainant and other female immigrants from Mexico, sexually harassing them on an almost daily basis for over a year. When the complainant and another Mexican female employee complained to the owners about the treatment, the owners failed to take action against the manager. The two then reported the severe and pervasive sexual harassment to a local police department. One of them was later discharged when she refused to sign a document that prohibited her from discussing with her co-workers her criminal case against the manager. The manager was eventually convicted of sexual assault in the criminal case against him. The Division has since partnered with its federal counterpart, the Equal Employment Opportunity Commission, to pursue and address what is believed to be a systemic pattern of sexual harassment and discrimination against immigrant hotel workers in the mountain resort industry.*

Example employment case: *The Division found probable cause in a case where a complainant was discharged based on her disability, HCV/Hepatitis C. The complainant was a special education paraprofessional who demonstrated a history of working successfully with “special needs” children. After the parents of one child were made aware of the complainant’s disability, they demanded that the complainant be discharged. Instead of considering factors regarding whether the complainant posed a significant risk to the health or safety of others and whether the risk could be eliminated by a reasonable accommodation, the respondent discharged the complainant. Prior to the commencement of a hearing that was set by the Commission, the matter was resolved. The Respondent agreed to compensate the Charging Party for her losses and to provide CCRD-approved training for its staff.*

Housing

The types of cases the Division sees each year in the area of housing are varied, however, during fiscal year 2013-2014, the most cited basis of discrimination in housing was disability, followed by sex, race, and national origin. A majority of the cases filed with the Division during this fiscal year alleged unequal terms and conditions of housing based on membership in a protected class, and well as failure to rent, and failure to make a reasonable accommodation for a disability. Examples of claims of failure to accommodate a disability include, failure to provide a designated parking space e.g. a parking space close to a Complainant's housing unit due to a mobility impairment, failure to allow an assistance animal, and charging a pet deposit or pet fees for an assistance animal. Assistance animals may be trained to perform a specific task to help an individual with a disability, or may provide emotional support for individuals that have a need for the support based on his/her disability. Under fair housing laws, an assistance animal is not required to be trained to perform a specific task, as it would be in a place of public accommodation.

Example housing case: *A disabled resident was forced to choose between eviction and paying a discriminatory fee for her assistance animal. The Respondent in this case has been filed against in the past, and had attended Fair Housing Training pursuant to an Agreement with the Division in the prior case. Despite this history, the Respondent continued to discriminate against disabled individuals such as the Complainant by charging pet fees/pet rent to individuals who had verified assistance animals. This case was especially egregious given the numerous attempts made by the Division to educate this Respondent during the course of the investigation on Fair Housing Law as it applied to assistance animals in rental housing. The Division found Probable Cause and the case is currently being pursued by the Attorney General's office to obtain relief for the Complainant as well as show the Respondent that the Division will continue to ensure that the provisions of the Colorado Anti-Discrimination Act will be enforced until violators are in compliance.*

Example employment case: *A Complainant alleged discrimination in her housing based on her familial status. The Respondent in this case allegedly informed the Complainant that the owners of the apartment building "would prefer not to have [the Complainant's] daughter" residing on the premises as they "were not used to having kids" in the building. The Respondent then began enforcing rules that restricted the Complainant's daughter's activities around the subject property (i.e. prohibition on sidewalk chalk). The Complainant then received a Notice of Non-Renewal of her lease agreement, with an offer by the Respondent for rental of a different property at another location. The Complainant filed as she believed the Notice was issued to her because of her familial status, and not for any legitimate business reason. While this case was under investigation, the Respondent offered to engage in settlement discussions with the Complainant. These settlement discussions were successful and the parties entered into a No Fault Settlement Agreement with the Division. The terms of the Agreement included a monetary amount provided to the Complainant as well as an agreement by the Respondent to ensure that all staff will follow Fair Housing laws and it will post Anti-Discrimination posters in their leasing offices so that they are conspicuous to all residents.*

Public Accommodations

Colorado's laws also protect against discrimination in places of Public Accommodation, such as in a hotel or at a hospital. The law prohibits denying 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/or any place offering services to the public. Other examples include: stores, restaurants, hotels, hospitals, parks, museums, sporting or recreational facilities, campsites, libraries, 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 right to refuse service to anyone."

The Division has seen an increase in the number of public accommodation claims in which disability is alleged as the basis for discrimination. Several of these cases alleged that an individual with a disability was not allowed to have a service animal accompany him/her into a place of public accommodation. Under the Colorado Anti-Discrimination Act, a place of public accommodation is required to allow an individual with a disability a service animal, an animal that is trained to do work or perform a specific task to assist the person with the disability. Examples of tasks that service animals assist with are guiding an individual with a vision impairment, comforting a person diagnosed with an anxiety disorder during an anxiety attack, or forewarning an individual with epilepsy of an oncoming seizure. Service animals are working animals, and are not considered pets.

Example case: *A gay couple went to a cake shop to order a cake for their wedding reception. The Charging Party and his partner were told by the shop owner that he does not make wedding cakes for same sex marriages due to his religious beliefs. The Division found that the cake shop denied the Complainants full and equal enjoyment of services of a place of public accommodation based on their sexual orientation. The Division set the case for conciliation, however, attempts at conciliation were unsuccessful. The case was set for hearing by the Colorado Civil Rights Commission before an Administrative Law Judge, in which the Judge affirmed the Division's finding. The Respondent appealed the Administrative Law Judge's decision, which was heard by the Commission. The Commission affirmed the Administrative Law Judge's decision. The Respondent has appealed the Commission's finding to the Colorado Court of Appeals. The case is still pending.*

Example case: *A woman with a disability entered a liquor store with her service animal. The clerk on duty told the Complainant that dogs were not permitted in the store. The Complaint asserts that she informed the store clerk that the dog was her service dog. She adds that her dog was wearing a vest clearly indicating that it was a service dog. The Respondent agrees that it was aware that the Complainant's dog was a service dog, however, denied services to her as it does not permit dogs of any kind in its store. A service dog is trained to assist a person with a disability and a person with a disability has a right to be accompanied by a service dog in a place of public accommodation. The Division determined that the Respondent discriminated against the Complainant on the basis of her disability.*

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.

Alternative Dispute Resolution									
Fiscal Year	Mediations			Conciliations			Total		
	Number of Mediations Held	Mediations Resulting in Settlements	Value of Mediated Settlements	Number of Conciliations Held	Conciliations Resulting in Settlements	Value of Conciliated Settlements	Total Held	Total Resulting in Settlements	Total Value
FY11-12	103	76	\$979,769	26	8	\$73,487	129	84	\$1,053,256
FY12-13	116	80	\$578,045	25	5	\$21,510	141	84	\$599,585
FY13-14	70	27	\$367,163	26	5	\$98,954	96	32	\$456,117

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. Above are some statistics that demonstrate the work and outcomes of the program.

To improve customer service, reduce use of 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 89% 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 2013-2014, in addition to its regular training classes offered in Denver, the Division conducted numerous trainings and outreach events in Aurora, Greeley, Pueblo and other communities throughout the state.

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. 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
FY11-12	57	8	50	107
FY12-13	60	8	80	140
FY13-14	26	3	36	62

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 2013-2014		
Source	Amount	Full-Time Employees
State General Funds	\$1,936,319	21.4
Grant Funds	\$702,344	10
Total	\$2,638,663	31.4

Issues on the Horizon

Effective January 15, 2014, as a result of the passage of House Bill 1136 during the 2013 legislative session, increased financial remedies for violation of the Colorado Anti-Discrimination Act in relation to employment discrimination will be available. Compensatory damages for emotional distress and pain and suffering, as well as attorneys' fees were not available to individuals working for smaller companies or businesses in state court prior to this time. Individuals employed by larger employers (those with 15 or more employees) filed in United States Federal District Court. As of January 1, 2015, employees, regardless of the size of the employer's workforce, will be able to pursue compensatory damages and attorneys' fees in state court.

During the 2013-2014 fiscal year, the Division increased its education and outreach efforts in order to inform and educate small employers regarding their rights and responsibilities under the Colorado Anti-Discrimination Act. The Division has worked with stakeholder organizations that represent employer and employee interests. Outreach and education meetings have been held across the state, including communities such as Greeley, Grand Junction, Pueblo, Lamar, Denver, Aurora, La Junta, Fort Collins, and Cañon City. The Division will continue its education and outreach efforts throughout the 2014-2015 fiscal year to educate and inform employers and employees alike regarding this change in the statute.

It is anticipated that more employment discrimination cases will be filed with the Colorado Civil Rights Division as result of this change in the statute, as charging parties will have the opportunity to have their claims resolved more quickly at the state level than through administrative avenues available at the federal level. As a result, the Division has increased the capacity of its mediation program by engaging investigators in mediation training, so that more staff will be available to provide mediation services to interested parties. This will allow for more charges to be resolved at the beginning of the Division's administrative process, which will allow for claims to be resolved more quickly.

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 the 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.

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