



Colorado Civil Rights Commission
Colorado Civil Rights Division

2016 Annual Report

Fiscal Year 2015-2016

Hon. John W. Hickenlooper, Governor

Joe Neguse, Executive Director, Department of
Regulatory Agencies

Aubrey Elenis, Director, Colorado Civil Rights Division



COLORADO
Department of
Regulatory Agencies

Table of Contents

3	Letter from the Director
4	Letter from the Commission
5	List of Commission Members
6	Overview of the CCRC and the CCRD
8	Enforcement/Case Processing
9	Protected Classes in the State of Colorado
10	Charges Filed by Major Protected Class/Allegations/County/Region
15	Investigations and Findings
17	Employment Cases
18	Housing Cases
19	Public Accommodation Cases
20	Alternative Dispute Resolution
20	Outreach and Education
22	Budget
23	History of Civil Rights in Colorado

Letter from the Director

Aubrey Elenis, Esq.



Dear Coloradans:

In June 2016, I joined the Colorado Department of Regulatory Agencies as Director of the Colorado Civil Rights Division. The Colorado Civil Rights Division is charged with enforcing the State of Colorado's anti-discrimination laws in the areas of employment, housing and public accommodations. The Colorado Civil Rights Division promotes and protects civil rights throughout the State, and works to eliminate and prevent discrimination through investigation, education, mediation and enforcement.

Prior to my appointment as Director, I worked as an attorney at Gordon & Rees, LLP, where I counseled and defended clients against claims of employment discrimination, retaliation, wrongful termination, harassment, breach of contract, and other labor and employment disputes. Prior to joining Gordon & Rees, I worked at the Colorado Civil Rights Division as an Investigator, and later, as the Division's Alternative Dispute Resolution & Outreach Supervisor. During my time at the Division, I conducted numerous investigations into high-profile allegations of housing and employment discrimination, while also supervising and facilitating mediations and conciliations for the Division and providing Equal Employment training sessions throughout the State. Because Civil rights work is a lifelong passion of mine, I am deeply honored to return to the Colorado Civil Rights Division to serve as its Director.

As 2016, comes to a close, I am pleased to present the Colorado Civil Rights Division's Annual Report for Fiscal Year 2015-2016.

Regards,

A handwritten signature in blue ink that reads "Aubrey Elenis".

Aubrey Elenis, Director

Letter from the Commission

Dear Coloradans:

On behalf of the Commission, I am pleased to present this annual report outlining the work and accomplishments of the Commission and the Civil Rights Division. In this report for Fiscal Year 2015-16, you will find highlights and statistics regarding the cases investigated, types of allegations filed, and case outcomes.

The Colorado Civil Rights Commission is a 7 member volunteer board appointed by the Governor and confirmed by the Colorado state Senate who take the equality of all people in our state very seriously and have committed ourselves to this important effort. The Commission strives to have representation from all areas of the state, major political parties, and represent business, local government, and the community at large. We come from diverse backgrounds and hope to represent many points of view in ensuring the civil rights of the people living in Colorado. We travel from across the state to attend meetings and spend many hours reviewing case evidence in order to fully understand and fairly assess the cases and appeals brought before us.

The Commission holds meetings throughout the state of Colorado. In Fiscal Year 2015-16, Commission meetings and forums were held in Denver, Grand Junction, Longmont, La Junta, and Montbello. Visiting communities throughout the state to learn about civil rights related issues and concerns unique to each city, town, and region is an important part of the Commission's work.

Colorado is a leader in anti-discrimination statutes. The Commission is proud of our political leaders in taking these bold steps to ensure rights for all. Whether it is sexual orientation, age discrimination, sexual harassment, or charges based on race, national origin, creed, sex, or disability, the Commission has vigorously defended the rights of all people. In employment, housing, and public accommodation areas we have seen success in some very high-profile cases this year and are pleased with what has been accomplished.

We are privileged to serve on the Commission and committed to enforcing the state's anti-discrimination laws in the areas of employment, housing, and places of public accommodation with support from the Colorado Civil Rights Division, the Department of Regulatory Agencies, and the Attorney General's office. Thank you for the opportunity to engage in this important work.

Respectfully,



Heidi Jeanne Hess, Chair

Colorado Civil Rights Commissioners



Marvin Adams



Anthony Aragon



Ulysses J. Chaney



Dr. Miquel "Michael"
Elias



Carol Fabrizio



Heidi Hess



Rita Lewis



Jessica Pocock



Diann Rice

CCRC & CCRD Overview

Civil Rights Commission

The **Colorado Civil Rights Commission** (Commission) -- is a seven-member, bipartisan panel appointed by the Governor of Colorado pursuant to the Colorado Anti-Discrimination Act.

It has members representing various political parties, the community at large, as well as businesses, and groups that have been historically discriminated against. The members come from all regions of the State of Colorado.

Functions of the Civil Rights Commission

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 regarding discrimination issues with 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.

Civil Rights Division

The **Colorado Civil Rights Division** (Division) is a neutral, fact-finding, administrative agency that provides civil rights education to the community, provides mediation and alternative dispute resolution services to resolve civil rights claims, and conducts investigations of charges of discrimination alleging violations of the Colorado Anti-Discrimination Act in the areas of employment, housing, and in places of public accommodation.

Civil Rights Division's Investigative Process

After a complaint is filed, an investigation is launched. The investigation involves the collection of documentary evidence, witness interviews, and any other evidence relevant to resolving the Charge.

Once the investigation is completed, 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 that discrimination occurred, the statute requires that the Division attempt to settle the matter through a mandatory mediation. If mediation is unsuccessful, the Commission determines whether to set the case for an adjudicatory administrative hearing.

Civil Rights Division's Mediation Process

In order to resolve matters at the earliest possible stage in a case, the Division offers an Alternative Dispute Resolution (mediation) program early in an investigation, which can identify viable options for the early constructive resolution of cases.

Civil Rights Division's Training/Legal Advice Offerings

Because the Division is a neutral agency, it cannot provide legal advice or provide an opinion on a claim that may be brought before the Division. However, the Division and Commission engage in outreach and education to inform Coloradans of issues in civil rights and discrimination law.

The Division offers training programs to businesses and housing providers to help them ensure that they comply with the Colorado Anti-Discrimination Act (CADA). The Division also partners with other organizations and through independent outreach efforts to better serve the communities of Colorado.

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 affecting pertinent civil rights laws, updates are made to the brochures, teaching programs, and the Division's website that reflect those changes.

How does the CCRD & CCRC Help Serve Coloradans?

The mission of the Division and Commission is to promote equal treatment of all people in Colorado and foster 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 areas 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 its 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 (“dual filing”), 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
FY13-14	689	140	76	905
FY14-15	766	112	85	963
FY15-16	737 <i>Of this number, 639 are dual filed</i>	154 <i>Of this number, 138 are dual filed</i>	98	989 <i>Of this number, 777 are dual filed</i>

Cases are filed with the Division by Complainants alleging discrimination based on a protected class. A “protected class” is a characteristic of a person which cannot be targeted for discrimination. The specific Colorado Anti-Discrimination law falls under Title 24 of the Colorado Revised Statutes. As shown on the next page, discrimination charges based on retaliation, disability, and sex continue to be the highest in Fiscal Year 2015-2016, followed by race, age and national origin. Retaliation is an adverse action taken against someone who has opposed discrimination or participated in the investigation of a discrimination complaint or has engaged in other protected activity, such as requesting a reasonable accommodation for a disability.

Protected Classes in Colorado

Housing - Employment - Public Accommodations (PA)

Age (employment only)	National Origin/Ancestry
Color	Race
Creed	Religion (employment and housing only)
Disability	Retaliation (for engaging in protected activity)
Familial status (housing only)	Sex
Marital status (housing and PA only)	Sexual Orientation/Transgender
Marriage to Co-worker (employment only)	

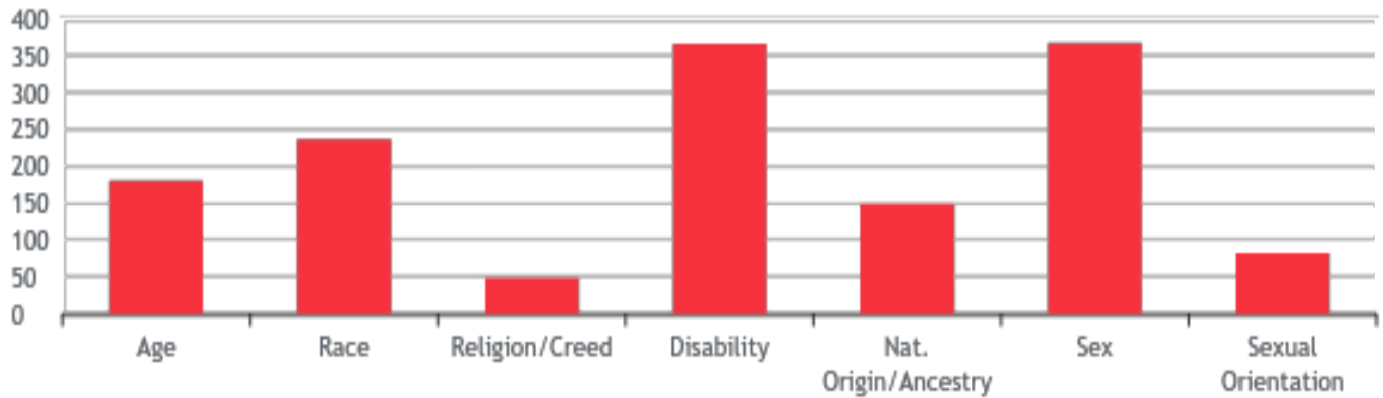
Basis of Charges Filed FY2014-2016

Basis*	FY13-14	FY14-15	FY15-16
Age	173	184	180
Color	110	109	110
Creed/Religion	65	44	49
Disability	338	353	366
Familial Status	0	9	15
Marital Status	5	6	7
Marriage to Co-worker	7	8	5
National Origin/Ancestry	180	166	149
Race	188	198	237
Retaliation	348	419	420
Sex	373	340	345
Sex: Pregnancy	25	37	27
Sexual Orientation	81	62	82
Other	36	16	24

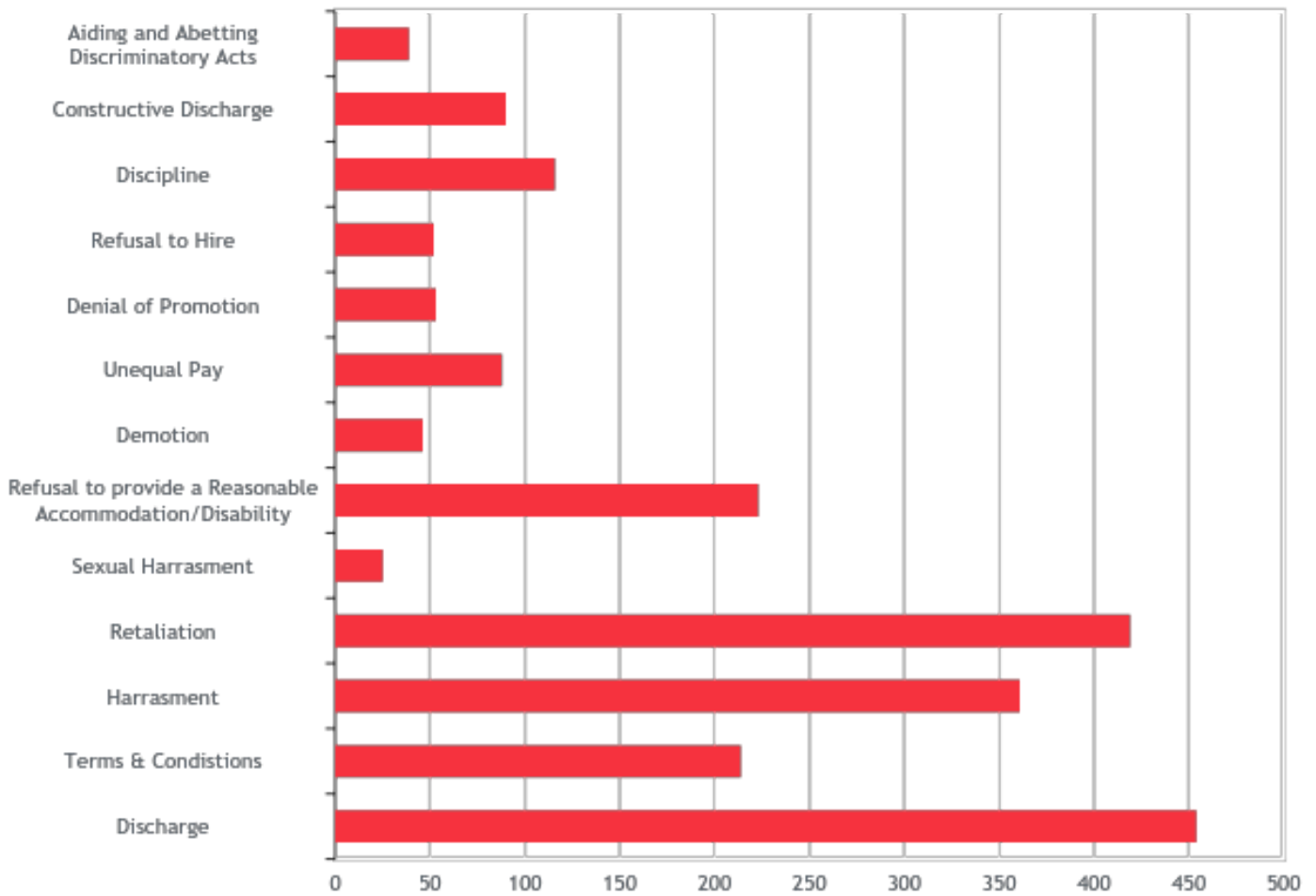
* May be more than one basis per case

Charges Filed by Major Protected Class

Number of Charges



Charges Filed by Type of Allegation

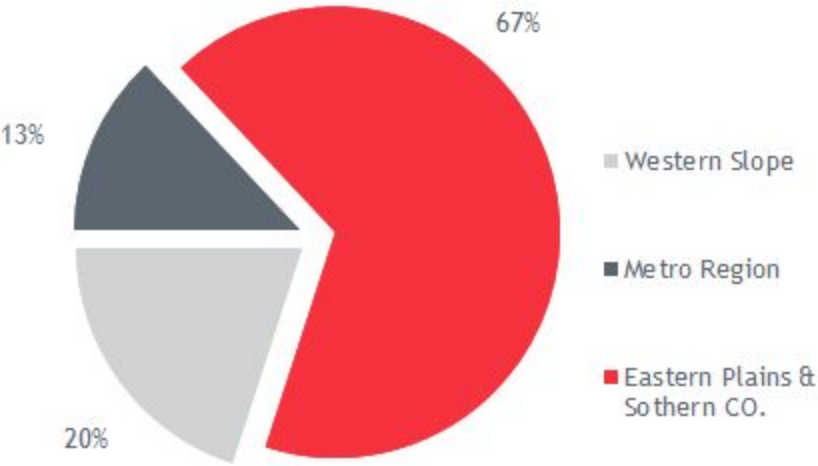


Charges by County FY15-16

County	Employment	Housing	Public Accommodations	Total
Adams	53	11	4	68
Alamosa	4	0	3	7
Arapahoe	113	29	13	155
Archuleta	0	0	0	0
Boulder	34	4	7	45
Broomfield	3	5	1	9
Chaffee	1	1	0	2
Clear Creek	0	1	0	1
Conejos	3	0	0	3
Custer	1	1	0	2
Delta	1	0	1	2
Denver	152	42	39	233
Douglas	29	4	4	37
Eagle	6	0	0	6
El Paso	72	16	5	93
Fremont	3	1	0	4
Garfield	11	1	0	11
Gilpin	1	0	0	1
Grand	6	0	0	6
Gunnison	1	0	0	1
Jefferson	65	16	11	92
Kit Carson	0	0	0	0
La Plata	2	1	0	3
Lake	1	0	0	1
Larimer	28	16	2	46
Las Animas	3	0	0	3
Logan	1	3	0	4
Mesa	18	6	2	26

Montezuma	2	0	0	2
Montrose	4	0	0	4
Morgan	4	0	0	4
Otero	1	1	0	2
Ouray	1	1	0	2
Park	1	1	0	2
Pitkin	2	0	0	2
Prowers	1	3	1	4
Pueblo	26	2	1	29
Rio Blanco	2	0	0	2
Rio Grande	2	2	0	4
Routt	1	0	0	1
Saguache	0	0	0	0
San Miguel	0	1	0	1
Summit	5	0	0	5
Teller	1	0	0	1
Washington	0	0	0	0
Weld	45	4	0	49
Yuma	1	0	0	1

Charges by Region*



Investigations & Findings

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 are interviewed, and documents and records are requested. The investigation under Colorado law provides a transparent process to allow the parties the opportunity to provide information and evidence that corroborates their allegations and which refutes the allegations of the opposing party.

After the investigation, the Division Director makes 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 then decides 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 Director in the past three years.

Findings of CCRD

Area of Jurisdiction	FY13-14		FY14-15		FY15-16	
	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause
Employment	17	292	18	449	16	271
Housing	1	116	3	93	15	81
Public Accommodation	2	32	1	55	2	55

Appeals

As explained, when the Director finds 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 new evidence presented that was not available during the investigation process. The following are the number of appeals filed with the Commission in the past three fiscal years.

Fiscal Year	Employment	Housing	Public Accommodation	Total
FY13-14	50	19	9	78
FY14-15	51	14	13	78
FY15-16	47	16	25	88

Cases Completed

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 that 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.

Fiscal Year	Employment	Housing	Public Accommodation	Total
FY13-14	547	139	48	734
FY14-15	644	122	67	833
FY15-16	563	118	62	743

Employment Cases

The Division receives a significant number of complaints each year involving alleged discrimination based on sex, including claims of discharge, sexual harassment, failure to hire claims and pregnancy based discrimination.

This year, the State of Colorado legislature passed HB 16-1438, The Pregnancy Workers Fairness Act, which requires employers to grant reasonable accommodations to employees and applicants that are pregnant or have a condition related to pregnancy or childbirth, so that they can perform the essential functions of the job, unless the accommodation would impose an undue hardship on the employer's business. Examples of reasonable accommodations that may be requested by the applicant or employee include frequent or longer break periods, limitations on lifting, job restructuring, light duty, if available; and modified work schedules. Factors considered when determining whether there is undue hardship to the employer include, but are not limited to the nature and cost of the accommodation requested, overall financial resources of the employer, overall size of the employer's business, and the effect of the accommodation on the employer's resources, and its effect on the operations of the employer.

The Act prohibits requiring an employee or applicant to accept an accommodation that the applicant or employee has not requested or an accommodation that is not necessary for the applicant or employees to perform the essential functions of the job. The Act is in effect as of August 10, 2016.

Significant Employment Cases

The Division found probable cause that the Complainant, a Certified Medical Assistant at a plastic surgery center, was sexually harassed by her supervisor, who was also the owner of the business. Although the Complainant regularly told her supervisor that his actions were unwanted, the harassment continued. The Division's investigation found that prior to hiring female employees; the Respondent owner told applicants that he uses "sexually vulgar and suggestive language" in the workplace, effectively conditioning employment on an employee's willingness to submit to sexual harassment. Interviews with both current and previous employees confirmed the Respondent owner's inappropriate sexual behavior. The Complainant resigned as she could no longer tolerate the harassment. Prior to the commencement of a hearing, the matter was resolved. Remedies included monetary compensation for the Complainant.

The Complainant was employed with the Respondent as a Purchaser. At her 90 day review, she was given an overall performance rating of "average." Approximately 3 months later, she informed her supervisor that she was pregnant. Soon after informing her supervisor that she was pregnant, the Complainant's hours were reduced from full-time to part-time. The Complainant was informed that her hours were being reduced due to "budget issues." About a week before she went on maternity leave, she received a call from someone inquiring about an available Purchaser position with the Respondent. The Complainant was the only Purchaser in the company. The Complainant asked her supervisor if she would have a job when she returned from maternity leave. Her supervisor informed her that she was being laid off due to budget issues. Five days after discharging the Complainant, the Respondent hired a non-pregnant employee as a Purchaser/Receptionist, performing the same duties as the Charging Party. The Division issued a Probable Cause determination.

Housing Cases

This fiscal year, as in recent years, more than half of all housing discrimination complaints filed with the Division included an allegation of discrimination based on a physical and/or mental disability. Under 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, also known as assistance animals, are not pets, but are considered aids for individuals with the disabilities by assisting them with impairments related to his or her particular disability. Housing providers cannot require residents with assistance animals to pay additional fees, such as a “pet deposit” or “pet rent,” however, if an assistance animal causes damage to the property, such as chewing on baseboards or soiling carpets, the housing provider can charge fees for damage, if the housing provider charges fees for property damage to other residents without disabilities.

The Colorado Anti-Discrimination Act (CADA) also states that it is illegal to discriminate against individuals based on religion whether it be refusing to rent or sell housing based on religious beliefs, different terms, conditions, and privileges, restrictive covenants based on religion, advertising housing based on religious preference or denying a mortgage loan based on religious beliefs.

Significant Housing Cases

The Complainant resides in condominium/townhome community that has a homeowners association and a property management company. During the fall, the Complainant inquired if residents in the community were interested in having a Hanukkah themed event. The Respondent HOA Board informed that it would not sponsor a Hanukkah event. A few weeks later, the Respondents asked if residents would assist with planning and throwing a holiday party in December. Residents were informed there was not enough interest in a Hanukkah event. One resident inquired if the December event would include Hanukkah themed crafts or decorations. The holiday event planned by the Respondents was titled, “Breakfast with Santa.” The notice of the event stated that Santa would be at the event as well as a photographer to take photos with Santa, in addition to food and crafts. The Complainant voiced concerns about the use of HOA funds for a Christmas event. A Hanukkah party hosted by the residents was held in mid-December. It was not sponsored by the HOA and no funds were provided by the HOA. The Division found probable cause that the HOA discriminated against the Complainant based on her religion (Judaism) as it refused to sponsor or fund other religious themed events, despite choosing to host and fund an event with a Christmas theme.

The Complainant, who has mental and physical disabilities, has a service animal that helps her with balance while walking, and with lifting more than 20 pounds, as well as irritability and insomnia. Prior to signing a lease with her housing provider, she informed her landlord that she has disabilities and has a service animal that assists her. The landlord agreed to rent to her, however, indicated that she would be charged a pet deposit of \$250, as others in the building who had animals also had to pay a pet deposit. The Complainant asked that the Respondent waive the pet deposit fee however, she refused to do so. The Division issued a probable cause determination. The parties entered into a settlement agreement. The Respondent agreed to participate in fair housing training to understand her rights and obligations under fair housing law. She agreed to develop and institute an anti-discrimination policy, and she agreed to pay financial remedies to the Complainant.

Public Accommodations

Colorado's laws also protect against discrimination in places of Public Accommodation, such as a library or a theatre. The law prohibits the denial 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 right 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 disability, including allegations that places of public accommodation are not wheelchair accessible, or refuse service based on the use of a service animal.

Significant Public Accommodation Cases

The Complainant's mother contacted the Respondent to reserve a vacation rental. The Complainant's mother informed the Respondent that the reservation would be for 2 adults and 3 children, including the Complainant, who uses a service dog to assist him with his disability (autism). The Respondent informed the Complainant's mother that "pets" were not allowed, but that a service animal would be permitted if a \$500 damage deposit was paid. The Division confirmed that the Respondent charged deposits for service animals. The Director determined that a policy that requires the upfront payment of a damage deposit for a service animal was counter to applicable law, and could have a negative impact on access to places of public accommodation for those with service animals. The Division was able to resolve the issues raised in the complaint through conciliation.

The Division found probable cause that the Complainant, an African American, was denied services from a heating and cooling services company based on the area of town that she resided. The Complainant resides in a zip code that the Respondent deemed a "no call" area due to the high number of African Americans and Hispanics residing in this neighborhood. Evidence obtained during the investigation revealed that a Respondent employee made racist derogatory statements about the area of town and confirmed that the Respondent does not provide service to this community. The Respondent asserted that this discriminatory policy was at the discretion of one employee, however, the Division's investigation revealed that the policy was implemented by the Respondent owner.

Alternative Dispute Resolution (ADR)

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 mediator acts as a neutral intermediary to assist the parties in reaching a compromise. As previously discussed, the ADR unit also conducts compulsory mediation as required by statute after probable cause is found in a case.

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
FY13-14	70	27	\$367,163	26	5	\$98,954	96	32	\$456,117
FY14-15	92	44	\$542,685	22	10	\$256,250	114	54	\$798,935
FY15-16	114	69	\$949,029	28	17	\$169,021	142	86	\$1,118,050

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. 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 resources expended, 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 88% of its formal mediations within 45 days of the date the request for mediation was made.

Outreach & 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 places of public accommodations in Colorado.

In addition to the monthly educational training in Anti-Discrimination in Employment and Fair Housing provided in the main office in Denver, outreach members of the staff travel around the state providing educational presentations to businesses and individuals. In Fiscal Year 2015-2016, in addition to its regular training classes offered in Denver, the Division conducted training and outreach events in Longmont, Greeley, La Junta, Colorado Springs, Grand Junction, Cañon City, Montbello, Fort Collins, Aurora, Pueblo, and Salida.

The Division partners with other organizations to provide outreach, and leverages valuable resources by working with various organizations including city councils, academic institutions, non-profit organizations, and other government agencies thereby 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 Events

Fiscal Year	Number of Trainings	No. of Trainings as Part of a Settlement	Number of Outreach Events	Total Trainings and Outreach
FY13-14	26	3	36	62
FY14-15	47	2	21	68
FY15-16	47	5	19	66

Budget

The Civil Rights Division is funded by the State of Colorado's General Fund. The Division's work is also supported by contractual agreements with the U.S. Department of Housing and Urban Development and the U.S. 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 2015-2016

Source	Amount	Full-Time Employees
State General Funds	\$1,756,904	21.4
Grant Funds	\$922,389	10
Total	\$2,679,293	31.4

History of Civil Rights in Colorado

1876

The Colorado Constitution was ratified after 100 Black men demanded and were given the right to vote.

1893

Colorado 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; 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 passed 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 (40-69 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 modifications" 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

The 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 state 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, and front pay. 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.

2016

The state legislature passed the *Pregnancy Workers Fairness Act of 2016*, which was signed by the Governor on June 1, 2016 and went into effect August 10, 2016. This Act requires employers to provide reasonable accommodations to pregnant workers and applicants, as well as conditions related to pregnancy, such as recovery from childbirth. If an employee/applicant requests an accommodation related to pregnancy/childbirth, the employer must engage in an interactive process with the employee/applicant and provide reasonable accommodations to perform the essential functions of the position unless the accommodation would pose an undue hardship on the employer's business.