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HOUSE BILL 25-1333

BY REPRESENTATIVE(S) McCluskie and Duran, Bacon, Bird, Boesenecker, Brown, Clifford, Froelich, Jackson, Joseph, Lindsay, Lindstedt, McCormick, Paschal, Ricks, Rutinel, Sirota, Stewart K., Titone, Willford;

also SENATOR(S) Coleman and Rodriguez, Cutter, Danielson, Exum, Jodeh, Kipp, Marchman, Michaelson Jenet, Roberts, Sullivan, Wallace, Winter F..

CONCERNING THE CREATION OF THE LEGISLATIVE HUMAN RESOURCES DIVISION TO PROVIDE HUMAN RESOURCE SERVICES TO THE LEGISLATIVE BRANCH.

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

SECTION 1. In Colorado Revised Statutes, **amend** 2-3-511 as follows:

2-3-511. Legislative human resources division - creation - duties - records - definitions. (1) The ~~office of legislative workplace relations~~ LEGISLATIVE HUMAN RESOURCES DIVISION is created in the office of legislative legal services. The head of the ~~office~~ DIVISION is the director of the ~~office of legislative workplace relations~~ LEGISLATIVE HUMAN

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

RESOURCES DIVISION. The director of the office of legislative legal services shall appoint the director of the ~~office of legislative workplace relations~~ LEGISLATIVE HUMAN RESOURCES DIVISION and, IN ACCORDANCE WITH SECTION 2-3-503 (1), may appoint such additional staff as may be necessary for the efficient operation of the office, ~~in accordance with section 2-3-503~~ (1) DIVISION.

(2) The ~~office of legislative workplace relations~~ LEGISLATIVE HUMAN RESOURCES DIVISION shall provide HUMAN RESOURCE services to the general assembly, its members and employees, ~~and the legislative staff agencies, related to employee relations; training; compliance; workplace culture~~ AND, TO THE EXTENT THEY ARE COVERED BY ANY POLICIES ADMINISTERED BY THE DIVISION, THIRD PARTIES, including the investigation of complaints under the workplace expectations policy ~~and workplace harassment, including the investigation of complaints~~ OR under the workplace harassment policy.

(2.5) In accordance with section 24-34-408 (2), the ~~office of legislative workplace relations~~ LEGISLATIVE HUMAN RESOURCES DIVISION is the designated repository of all written or oral complaints of discriminatory or unfair employment practices for each employer in the legislative department. The ~~office~~ DIVISION shall preserve any written or oral complaints of discrimination or unfair employment practices as specified in section 24-34-408 (2), and such records shall be treated as specified in section 24-34-408 (2) for purposes of the "Colorado Open Records Act", part 2 of article 72 of title 24.

(3) (a) Except as otherwise provided in subsection (3)(b) or (3.5) of this section, records created and maintained by the ~~office of legislative workplace relations~~ LEGISLATIVE HUMAN RESOURCES DIVISION that are related to a workplace harassment complaint or investigation under the workplace harassment policy, a complaint under the workplace expectations policy, or an inquiry or request concerning workplace harassment or conduct, whether or not the complaint, investigation, inquiry, or request leads to a formal or informal complaint or resolution process, are not public records as defined in section 24-72-202 (6) and shall not be made available for public inspection.

(b) Notwithstanding section 24-72-204 (3)(a)(X):

(I) The director of the ~~office of legislative workplace relations~~ LEGISLATIVE HUMAN RESOURCES DIVISION shall publish and make available to the public an annual statistical report showing the total number of complaints received under the workplace harassment policy and the workplace expectations policy and their resolution. The director shall ensure that the report does not contain information that would disclose the identity of a complainant, respondent, or witness.

(II) Records of the expenditure of public money on complaints, investigations, or other functions of the ~~office of legislative workplace relations~~ LEGISLATIVE HUMAN RESOURCES DIVISION are public records subject to inspection in accordance with part 2 of article 72 of title 24, except to the extent that they contain information that would disclose the details of, or the identity of an individual involved in, a complaint, investigation, inquiry, or request concerning workplace harassment or conduct.

(3.5) (a) Records created and maintained by the ~~office of legislative workplace relations~~ LEGISLATIVE HUMAN RESOURCES DIVISION that are related to a sexual harassment complaint or investigation or an inquiry or request concerning sexual harassment are public records as defined in section 24-72-202 (6) and shall be made available for public inspection in accordance with section 24-72-204 (9) if:

(I) The complaint, investigation, inquiry, or request is regarding a member of the general assembly;

(II) The complaint, investigation, inquiry, or request leads to a formal or informal complaint or resolution process; and

(III) The complaint or resolution process concludes that the member of the general assembly is culpable for any act of sexual harassment.

(b) (I) Regardless of whether a request for records is made pursuant to the "Colorado Open Records Act", part 2 of article 72 of title 24, and except as provided in subsection (3.5)(b)(II) of this section, if, after an investigation in accordance with the workplace harassment policy, a workplace harassment committee of the senate or house of representatives determines that the facts found in the investigation establish that it is more likely than not that a member of the general assembly violated the policy,

the director of the ~~office of legislative workplace relations~~ LEGISLATIVE HUMAN RESOURCES DIVISION shall make available to the public the executive summary of the report of the investigation and the name of the member. The director shall ensure that the executive summary does not contain information that would disclose the identity of the complainant or any witness.

(II) A workplace harassment committee of the senate or house of representatives may decide by a two-thirds vote not to release the executive summary as required by subsection (3.5)(b)(I) of this section. The committee shall meet in executive session to determine whether to release the executive summary or any portion of the executive summary and shall take into consideration the severity of the conduct alleged, any patterns of harassing behavior by the member, and the public's interest in being informed of the conduct of elected officials. Notwithstanding this subsection (3.5)(b)(II), if a request for records is made pursuant to the "Colorado Open Records Act", part 2 of article 72 of title 24, for an executive summary of an investigation of an act of sexual harassment for which a member of the general assembly is found culpable, the executive summary is a public record as defined in section 24-72-202 (6) and shall be made available for inspection in accordance with section 24-72-204 (9), even if the committee voted not to release the executive summary.

(4) The ~~office of legislative workplace relations~~ LEGISLATIVE HUMAN RESOURCES DIVISION shall be provided with suitable office space in the state capitol or in a nearby building. The office space must be situated so as to provide confidentiality and convenient access for individuals covered by the workplace harassment policy and the workplace expectations policy SEEKING HUMAN RESOURCE SERVICES FROM THE DIVISION.

(5) As used in this section, unless the context otherwise requires:

(a) "Workplace expectations policy" means the workplace expectations policy adopted by the executive committee of the legislative council pursuant to the joint rules.

(b) "Workplace harassment policy" means the workplace harassment policy adopted by the executive committee of the legislative council pursuant to the joint rules.

SECTION 2. In Colorado Revised Statutes, 24-72-204, **amend** (3)(a)(X.5) as follows:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal - definitions - repeal. (3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that the custodian shall make any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, available to the person in interest in accordance with this subsection (3):

(X.5) Records created, maintained, or provided to a custodian by the ~~office of legislative workplace relations~~ LEGISLATIVE HUMAN RESOURCES DIVISION created in section 2-3-511 that are related to a workplace harassment complaint or investigation, a complaint under the workplace expectations policy, or an inquiry or request concerning workplace harassment or conduct, whether or not the records are part of a formal or informal complaint or resolution process;

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO