

STATE OF COLORADO

DEPARTMENT OF REGULATORY AGENCIES
Division of Civil Rights

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Bill Ritter Jr.
Governor

PROPOSED STATEMENT OF BASIS AND PURPOSE

The Colorado Civil Rights Commission's current rules are found at 3 CCR 708-1. The purpose of the Rulemaking proposed for August 31, 2007, is for the general clarification for the public concerning the addition of "religion" and "sexual orientation" to the protected classes in § 24-34-402, C.R.S., (2007) and efficient management of the Colorado Civil Rights Division and Commission.

The Notice of Rulemaking was filed and issued on July 20, 2007, for publication in the Colorado Register on August 10, 2007. The proposed rules and the proposed statement of basis and purpose have been available for review at the Colorado Civil Rights Division office and on the Division's web site since August 10, 2007. The Commission took testimony at a public rulemaking hearing on August 31, 2007, and conducted deliberation on the proposed amendments and proposed new rules at its meeting on August 31, 2007. The rules were accepted through formal public hearing and approved by the Attorney General.

The following rules were adopted:

1. Commission Rule 50.1, amending the definition of "creed" to include "religion" and adding clarifying language.
2. Commission Rule 50.2, adding the term "religion" to the Statement of Purpose.
3. Commission Rule 50.4, creating a new rule to state under what conditions a religious entity may give preference in employment.
4. Commission Rule 81.1, creating a new rule providing a Statement of Purpose for "sexual orientation" discrimination rules.
5. Commission Rule 81.2, creating a new rule reiterating the statutory definition of "sexual orientation" and adding a definition for "transgender status" one of the terms in the statutory definition of "sexual orientation".

7. Commission Rule 81.5, creating a new rule prohibiting pre-employment inquiries related to sexual orientation.
8. Commission Rule 81.7, creating a new rule prohibiting discriminatory wages based on sexual orientation.
9. Commission Rule 81.10, creating a new rule prohibiting classification of help wanted advertisements based on sexual orientation, unless sexual orientation is a bona fide occupational qualification for the particular job involved.
10. Commission Rule 81.12, creating a new rule to clarify under what conditions an employer may enforce a gender-specific dress code.
11. Commission Rule 85.0, amending the rule to add the terms "sexual orientation" and "religion".

The specific authority of the Colorado Civil Rights Commission to promulgate these rules is found at the Colorado Civil Rights Act, section 24-34-305(1)(a), C.R.S., sections 24-34-401 and 24-34-402, C.R.S. (2007) and section 24-4-103, C.R.S.

The amendments adopted shall become effective November 1, 2007.

Dated this 31 day of
August, 2007



Delio Tamayo, Chair
Colorado Civil Rights Commission