

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0594.01 Kristen Forrestal x4217

HOUSE BILL 13-1123

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HOUSE SPONSORSHIP

Exum Sr.,

SENATE SPONSORSHIP

(None),

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House Committees

Business, Labor, Economic, & Workforce Development

Senate Committees

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A BILL FOR AN ACT

101      **CONCERNING THE RIGHT OF A PERSON TO WAIVE CONFIDENTIALITY**  
102           **REQUIREMENTS PROTECTING PERSONAL WORK INFORMATION**  
103           **OBTAINED BY THE DEPARTMENT OF LABOR AND EMPLOYMENT**  
104           **FOR UNEMPLOYMENT BENEFIT CLAIMS TO PERMIT THE**  
105           **DEPARTMENT TO FORWARD CERTAIN INFORMATION TO**  
106           **POTENTIAL EMPLOYERS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

The bill authorizes a person, including a veteran, to waive confidentially requirements applicable to the person's personal information, obtained by the division of employment and training in the department of labor and employment from the person's claim for unemployment benefits, to enable the division to make the information about the person available to potential employers. The division is directed to offer this waiver to applicants for unemployment benefits.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 determines that Colorado's government needs to do a better job of helping  
4 its approximately forty-nine thousand unemployed veterans find good  
5 employment opportunities.

6 (2) The general assembly hereby declares that allowing job  
7 applicants to waive the confidentiality of certain information will enable  
8 the division of unemployment insurance to make the information  
9 available to potential employers while allowing the veterans to control  
10 their privacy. Therefore, this legislation is needed to establish the waivers  
11 allowing veterans and other unemployed individuals to more easily  
12 contact potential employers.

13 **SECTION 2.** In Colorado Revised Statutes, 8-72-107, **amend** (1)  
14 as follows:

15 **8-72-107. Records and reports - fee - violation - penalty.**

16 (1) (a) Each employing unit shall keep AND RETAIN, FOR AT LEAST FIVE  
17 YEARS, true and accurate work records containing ~~such~~ information as the  
18 division ~~may prescribe. Such records shall be retained for a period of not~~  
19 ~~less than five years and~~ REQUIRES. THE EMPLOYING UNIT shall ~~be~~ MAKE  
20 THE RECORDS open to inspection and ~~be subject to being copied~~ COPYING  
21 by the division or its authorized representatives at any reasonable time  
22 and as often as ~~may be~~ necessary. The division or any referee may require

1 from ~~any~~ AN employing unit any sworn or unsworn reports ~~with respect~~  
2 ~~to~~ CONCERNING persons employed by it ~~which~~ THAT it or the referee  
3 deems necessary ~~for the effective administration of~~ TO ADMINISTER  
4 articles 70 to 82 of this title.

5 (b) EXCEPT TO THE EXTENT NECESSARY FOR THE PROPER  
6 PRESENTATION OF A CLAIM OR AS SPECIFIED IN PARAGRAPHS (c) AND (d)  
7 OF THIS SUBSECTION (1), information ~~thus obtained, or~~ REQUIRED BY  
8 PARAGRAPH (a) OF THIS SUBSECTION (1), INFORMATION obtained from ~~any~~  
9 AN individual ~~pursuant to the administration of~~ UNDER articles 70 to 82  
10 of this title, ~~except to the extent necessary for the proper presentation of~~  
11 ~~a claim, or~~ AND withholding tax or unemployment insurance account  
12 numbers, if ~~such~~ THE numbers are obtained from the department of  
13 revenue pursuant to section 39-21-113, C.R.S., ~~shall be held~~ ARE  
14 confidential and ~~shall not be published or be~~ ARE NOT open to public  
15 inspection (other than to public employees in the performance of their  
16 public duties, to an agent of a state or local child support enforcement  
17 agency pursuant to section 8-72-109 (9), or to an agent of the division  
18 designated as such in writing for the purpose of accomplishing certain of  
19 the division's functions) in any manner revealing the individual's or  
20 employing unit's identity. Any interested party or ~~such~~ THE party's  
21 authorized representative, in preparation for and prior to any hearing on  
22 a claim governed by articles 70 to 82 of this title, ~~shall be~~ IS entitled to  
23 examine and, upon the payment of a reasonable fee to the division, obtain  
24 a copy of any materials contained in ~~such~~ THE records to the extent  
25 necessary for proper presentation of the party's position at the hearing.

26 (c) ~~Notwithstanding said provisions of this subsection (1), any~~ AN  
27 applicant for work ~~shall be~~ IS entitled to examine and copy, or obtain a

1 copy from the division upon payment of the costs of duplication, any  
2 letters of reference or other similar documents pertaining to the applicant  
3 that ~~are in possession of the division~~ Any POSSESSES. AN employee, or  
4 member of the division, or ~~any~~ referee who violates ~~any provision of this~~  
5 article is guilty of a misdemeanor and, upon conviction thereof, shall be  
6 punished by a fine of not less than twenty dollars nor more than two  
7 hundred dollars, ~~or~~ by imprisonment in the county jail for not more than  
8 ninety days, or by both. ~~such fine and imprisonment.~~

9 (d) (I) AN APPLICANT, INCLUDING A VETERAN, MAY WAIVE THE  
10 CONFIDENTIALITY REQUIREMENT OF PARAGRAPH (b) OF THIS SUBSECTION  
11 (1) TO ALLOW THE DIVISION TO MAKE AVAILABLE ANY OF THE FOLLOWING  
12 INFORMATION ABOUT THE APPLICANT TO POTENTIAL EMPLOYERS:

- 13 (A) NAME;
- 14 (B) ADDRESS;
- 15 (C) TELEPHONE NUMBER; OR
- 16 (D) E-MAIL ADDRESS.

17 (II) THE DIVISION SHALL OFFER EACH APPLICANT THE  
18 OPPORTUNITY TO ACCEPT THE WAIVER FOR ANY OF THIS INFORMATION. IF  
19 THE APPLICANT WAIVES THE CONFIDENTIALLY REQUIREMENT FOR ANY OF  
20 THE INFORMATION, THE DEPARTMENT MAY MAKE AVAILABLE THE WAIVED  
21 INFORMATION TO BONA FIDE EMPLOYERS SEEKING EMPLOYEES.

22 **SECTION 3. Act subject to petition - effective date.** This act  
23 takes effect at 12:01 a.m. on the day following the expiration of the  
24 ninety-day period after final adjournment of the general assembly (August  
25 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
26 referendum petition is filed pursuant to section 1 (3) of article V of the  
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect  
2 unless approved by the people at the general election to be held in  
3 November 2014 and, in such case, will take effect on the date of the  
4 official declaration of the vote thereon by the governor.