

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 28, 2013
Date

Committee on Health, Insurance & Environment.

After consideration on the merits, the Committee recommends the following:

HB13-1222 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, line 12, strike "EMPLOYER." and substitute
2 "EMPLOYER AND WHO IS ELIGIBLE FOR FMLA LEAVE."

3 Page 3, strike lines 10 through 13 and substitute:

4 "(a) IS THE EMPLOYEE'S PARTNER IN A CIVIL UNION, AS DEFINED IN
5 SECTION 14-15-103 (5), C.R.S.;

6 (b) IS THE PARENT, CHILD, GRANDPARENT, GRANDCHILD, SIBLING,
7 FIRST COUSIN, AUNT, UNCLE, NIECE, OR NEPHEW OF THE EMPLOYEE OR OF
8 THE EMPLOYEE'S SPOUSE OR PARTNER IN A CIVIL UNION, AS DEFINED IN
9 SECTION 14-15-103 (5), C.R.S.;

10 (c) HAS ENTERED INTO A DESIGNATED BENEFICIARY AGREEMENT,
11 AS DEFINED IN SECTION 15-22-103 (2), C.R.S., WITH THE EMPLOYEE AND
12 RECORDED THE AGREEMENT IN ACCORDANCE WITH ARTICLE 22 OF TITLE
13 15, C.R.S.; OR

14 (d) IS THE EMPLOYEE'S DOMESTIC PARTNER AND:

15 (I) HAS REGISTERED THE DOMESTIC PARTNERSHIP WITH THE
16 MUNICIPALITY IN WHICH THE PERSON RESIDES OR WITH THE STATE, IF
17 APPLICABLE; OR

18 (II) IS RECOGNIZED BY THE EMPLOYER AS THE EMPLOYEE'S
19 DOMESTIC PARTNER.

20 (2) (a) FOR PURPOSES OF CONFIRMING AN EMPLOYEE'S
21 RELATIONSHIP TO A PERSON DESCRIBED IN SUBSECTION (1) OF THIS
22 SECTION FOR WHOM THE EMPLOYEE IS REQUESTING FMLA LEAVE, THE

1 EMPLOYER MAY REQUIRE THE EMPLOYEE TO PROVIDE REASONABLE
2 DOCUMENTATION OR A WRITTEN STATEMENT OF FAMILY RELATIONSHIP, IN
3 ACCORDANCE WITH THE FMLA.

4 (b) AN EMPLOYER MAY REQUIRE AN EMPLOYEE SEEKING FMLA
5 LEAVE FOR A PERSON DESCRIBED IN SUBSECTION (1) OF THIS SECTION TO
6 SUBMIT THE SAME CERTIFICATION AS THE EMPLOYER MAY REQUIRE UNDER
7 THE FMLA.

8 (3) FMLA LEAVE TAKEN BY AN EMPLOYEE PURSUANT TO THIS
9 SECTION RUNS CONCURRENTLY WITH LEAVE TAKEN UNDER THE FMLA,
10 AND THIS SECTION DOES NOT:

11 (a) INCREASE THE TOTAL AMOUNT OF LEAVE TO WHICH AN
12 EMPLOYEE IS ENTITLED DURING A TWELVE-MONTH PERIOD UNDER THE
13 FMLA, THIS SECTION, OR BOTH; AND

14 (b) PRECLUDE AN EMPLOYER FROM GRANTING AN EMPLOYEE AN
15 AMOUNT OF LEAVE THAT EXCEEDS THE TOTAL AMOUNT OF LEAVE TO
16 WHICH THE EMPLOYEE IS ENTITLED DURING A TWELVE-MONTH PERIOD
17 UNDER THE FMLA."

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