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Workforce and Skills Legislation at the Capitol

The following bills in the 2023 Colorado General Assembly focus on some issues related to skills training for adult Colorado workers. Copies of the full bills, fiscal notes and scheduled hearings are available at leg.colorado.gov/

SUPPORT- PRIORITY BILLS

Senate Bill 23-007

Adult Education

Senators Rachel Zenzinger (D) and Barbara Kirkmeyer(R) & Representatives Cathy Kipp (D) and Marc Catlin (R)

Current law requires adult education providers (providers) that participate in the department of education's (department) adult education and literacy grant program (program) to offer eligible adults basic education in literacy and numeracy. The bill adds "digital literacy" to the basic education offered to eligible adults.

The bill describes services that providers may offer to eligible adults. The bill amends the reporting requirements for providers of the program.

The bill allows community colleges, area technical colleges, and local district colleges (colleges) to develop minimum graduation requirements for a high school diploma based on the minimum high school graduation guidelines adopted by the state board of education. Colleges are authorized to award high school diplomas to students who successfully complete the colleges' minimum high school graduation requirements.

Fiscal Note: \$2 million/yr General Fund

Signed into Law

House Bill 23-1124

Funding for Services for Colorado Employment First Participants

Representative Mandy Lindsay (D) & Senator Rhonda Fields (D)

The bill requires the general assembly to annually appropriate \$1.5 million from the general fund to the department of human services for continued employment support and job retention services and to continue to support work-based learning opportunities for Colorado employment first participants.

Fiscal Note: \$1.5 million/ yr General fund, pulls down \$1.5 million in federal match

Died in House Appropriations

SUPPORT

Senate Bill 23-058

Job Application Fairness Act

Senator Jessie Danielson (D) and Sonya Jaquez Lewis (D) and Representatives Jenny Willford (D) and Mary Young (D)

Starting July 1, 2024, the bill prohibits employers from inquiring about a prospective employee's age, date of birth, and dates of attendance at or date of graduation from an educational institution on an employment application.

An employer may request an individual to verify compliance with age requirements imposed pursuant to or required by:

- A bona fide occupational qualification pertaining to public or occupational safety;
- A federal law or regulation; or
- A state or local law or regulation based on a bona fide occupational qualification.

The department of labor and employment (department) is charged with enforcing the requirements of the bill and may issue warnings and orders of compliance for violations and, for second or subsequent violations, impose civil penalties. A violation of the restrictions does not create a private cause of action. The department is directed to adopt rules regarding procedures for handling complaints against employers.

Fiscal Note: \$187,000 yr

Signed Into Law

Senate Bill 23-281

Limited Transferability of College Credits Notice

Senator Rachel Zenzinger (D) and Representative Barbara McLachlan (D)

The bill requires that private occupational schools provide a notice to students outlining that credits obtained at the school will not transfer to state institutions of higher education or to private or nonprofit colleges that have regional accreditation, and that students are advised to check whether an institution to which they transfer will accept credits or degrees from the private occupational school.

Fiscal Note: No appropriation Required

Signed into Law

OTHER WORKFORCE BILLS SIGNED INTO LAW

Senate Bill 23-003

Colorado Adult High School Program

Senators Janet Buckner (D) and Bob Gardner (R) and Representative Mike Weissman (D)

The bill creates the Colorado Adult High School Program in the Colorado Department of Education (CDE) for adults without a high school diploma to attend high school and earn a diploma, industry recognized certificates, or college credits, at no cost to the student. CDE must issue a request for proposals (RFP) to contract with a community-based nonprofit organization to operate the program by September 15, 2023, and must contract with an organization by November 1, 2023. The nonprofit organization may enroll up to 400 students annually and must:

- develop courses and award high school diplomas, certificates, and college credit;
- contribute funding for

operating and facility costs, and maintain a building for the program; • collaborate with community colleges, local district colleges, area technical colleges and career and technical education programs; • propose an academic accountability system, to be approved by CDE • create enrollment plans for students and a plan to authorize teachers to teach college courses; • create individualized education programs for students with disabilities; • offer transportation assistance; • operate a licensed, on-site child care center; and • report program data to CDE. CDE must report to the education committees of the General Assembly by November 30, 2025, and each year thereafter.

Fiscal Note: \$5 million one-time general fund

Senate Bill 23-051

Conforming Workforce Development Statutes

Senators Nick Hinrichsen (D) and Tom Sullivan (D) and Representative David Ortiz (D)

The bill codifies the current duties of the Office of Future of Work into law. The office must report policy recommendations to the Governor at least once a year, and may seek, accept, and expend gifts, grants, and donations. The General Assembly may appropriate money to the office. The bill also modifies statutes related to apprenticeships to conform with federal rules promulgated under the National Apprenticeship Act, including clarifying the duties of the state apprenticeship agency and two advisory councils

Fiscal Note: No fiscal impact

Senate Bill 23-096

In-State Tuition Classification Institution of Higher Ed

Senator Dylan Roberts (D) and Paul Lundeen (R) and Representatives Judy Amabile (D) and Matt Soper (R)

Current law limits the number of Colorado scholars that each institution counts in an academic year to 8% of the total number of in-state students. The bill increases that limit to 15%.

The bill permits a peace corps volunteer to be classified as an in-state student for tuition purposes if the student was certified by the director of the peace corps as having served satisfactorily as a peace corps volunteer. A peace corps volunteer who is classified as an in-state student must not be counted as a resident student for any purpose other than tuition classification.

The bill permits a nonresident student athlete to be classified as an in-state student for tuition purposes. A student athlete who is classified as an in-state student may be counted as a resident student for any purpose; except that such a student is not entitled to receive state financial aid.

Fiscal Note: None

Senate Bill 23-146

Colorado Apprenticeship Directory Information

Senator Jessie Danielson (D) & Representatives Sheila Lieder (D) and Regina English(D)

Under current law, registered apprenticeship programs are required to submit certain information to the Department of Labor and Employment (CDLE) for inclusion in the Colorado State Apprenticeship Directory. The bill clarifies the information that must be submitted to CDLE and included in the directory, requires that the directory include information on program standards, and clarifies definitions for the purposes of the directory. The bill also specifies how CDLE must promote public awareness of the directory, including providing technical

assistance on how to update program information and resources to promote apprenticeship openings to the public.

Fiscal Note: No appropriation needed

Senate Bill 23-157

Sunset Offender Reentry and Education Programs

Senators James Coleman (D) and Mark Baisley (R) and Representatives Mathew Martinez (D) and Said Sharbini (D)

The bill implements the recommendations of the department of regulatory agencies to (1) continue the offender reentry grant program and work and gain education and employment skills program (the programs); (2) direct the department of corrections to promulgate rules requiring incarcerated persons be informed of the programs; and (3) requires the department to track the long-term recidivism rates of persons who were formally incarcerated who participated in the programs.

Fiscal Note: No fiscal impact

Senate Bill 23-205

Universal High School Scholarship Program

Senators Jeff Bridges (D) and Paul Lundeen (R) and Representatives Mathew Martinez (D) and Don Wilson (R)

The bill establishes the universal high school scholarship program in the office of economic development to provide scholarships for the 2024-25 academic year to students who pursue an in-demand or high-priority postsecondary pathway, including degrees, certificates, and registered apprenticeships, with a provider on the eligible training provider lists disseminated by the department of labor and employment, a provider in the Colorado state apprenticeship resource directory, a public or private institution of higher education operating in Colorado, or an organization approved by the office. The office, or a vendor contracted by the office, administers the program. A student is eligible for the program if the student graduated from a Colorado high school or was awarded a high school equivalency credential during the 2023-24 academic year; completes the free application for federal student aid or the Colorado application for state financial aid; and did not receive a grant from the Colorado opportunity scholarship initiative. Scholarships are awarded in the following priority: To all eligible students who intend to enroll at a service provider to pursue an in-demand or high-priority postsecondary pathway, then to other eligible students who intend to enroll at a service provider. Each scholarship award is for up to \$1,500. Scholarship money is distributed to the service provider for use by the student for tuition, fees, and books. The bill requires the office to contract with vendors to provide postsecondary and career advising at schools identified by the office.

Fiscal Note: \$25 million in general fund

Senate Bill 23-226

Extending Transitional Jobs Program

Senators Jeff Bridges (D) & Barbara Kirkmeyer (R) & Representatives Emily Sirota (D) & Rod Bockenfeld (R)

The bill extends the operations of the Transitional Jobs Program in the Department of Human Services (CDHS) for five years, from June 30, 2024 to June 30, 2029. It specifies that transitional jobs may be offered until December 31, 2028, and the program will repeal July 1, 2030. The Transitional Job Program, known as ReHire Colorado, was created in 2013 and subsidizes wages of unemployed and underemployed adults to provide opportunities to learn and practice successful workplace behaviors that help in securing long-term unsubsidized

employment. Priority for program participation is given to individuals who are noncustodial parents, veterans, and/or displaced workers who are 50 years of age or older.

Fiscal Note: \$2.8 million yr

Senate Bill 23-302

Colorado Veterans' Service to Career Program

Senators Byron Pelton (R) & Nick Hinrichsen (D) & Representatives David Ortiz (D) & Anthony Hartsook (R)

Current law includes a Colorado veterans' service-to-career program (program), which authorizes nonprofit agencies to partner with work force centers selected by the department of labor and employment to provide veterans and other eligible participants with skills training, internships, work placements, mentorship opportunities, career and professional counseling, and support services. The program requires that if a program participant is eligible for federal funding that federal funding must be used first. The bill repeals that requirement. The bill requires work force center staff to vet potential program participants and leverage additional funding sources to deliver comprehensive services. The bill extends the repeal date for the program to January 1, 2029.

Fiscal note: No appropriation necessary

House Bill 23-1007

Higher Ed Crisis and Suicide Prevention

Representatives Marc Catlin (R) and Judy Amabile (D) and Senators Dylan Roberts (D) and Byron Pelton (R)

The bill requires public and private higher education institutions to print Colorado and national crisis and suicide prevention contact information on student identification cards. If an institution does not use student identification cards, the bill requires the school to distribute Colorado and national crisis and suicide prevention contact information to the student body each semester or trimester.

Fiscal Note: No fiscal impact

House Bill 23-1037

DOC Earned Time For College Program Completion

Representatives Mathew Martinez (D) and Rose Pugliese (R) and Senator Julie Gonzales (D)

The bill permits an inmate sentenced for a nonviolent felony offense to have earned time deducted from the inmate's sentence for each accredited degree or other credential awarded by an accredited institution of higher education to the inmate while the inmate is incarcerated, in the following amounts:

- One year of earned time for receiving an associate, baccalaureate, or graduate degree; and
- 6 months of earned time for receiving a certificate or other credential.

The bill requires the general assembly to annually appropriate the savings incurred during the prior state fiscal year as a result of the release of inmates from correctional facilities because of earned time granted for completion of a higher education degree or credential, as follows:

- 50% of the savings to the department of corrections to facilitate inmates enrolling in and completing accredited higher education programs; and

- 50% of the savings to the department of higher education for allocation to institutions of higher education that offer accredited programs in correctional facilities.

Fiscal Note: None. May decrease state expenditure

House Bill 23-1074

Study Workforce Transitions to Other Industries

Representatives Ruby Dickson (D) and Judy Amabile (D)

The bill requires the office of future of work (office) to contract with a third party to study workforce transitions in Colorado's economy. The workforce transitions study (study) must:

- Evaluate the skill transferability of workers in the oil and gas industry and in occupations in Colorado that are facing the most disruption due to automation;
- Explore training availability, skills needed, and transition strategies; and
- Provide recommendations for programs and policies to prepare the workforce for these transitions.

On or before December 1, 2024, the office is required to submit a report of the study's research and findings to the governor and to the business, labor, and technology committee of the senate and the business affairs and labor committee of the house of representatives.

Fiscal Note: \$171,144 for 2023-24; \$28,558 for 2024-2025

House Bill 23-1094

Extend Ag Workforce Development Program

Representatives Meghan Lukens (D) and Marc Catlin (R) and Senators Dylan Roberts (D) and Rod Pelton (R)

The bill makes the following changes to the agricultural workforce development program:

- Allows internships under the program to last for up to one year in duration; and
- Extends the repeal date of the program by 7 years to July 1, 2031.

Fiscal Note: \$72,558 / yr

House Bill 23-1198

Teacher Externship for STEM Disciplines

Representative Brianna Titone (D)

The bill requires the department of labor and employment to establish a teacher externship program to allow kindergarten through twelfth grade public school teachers to participate in experiential learning opportunities with employers, outside of the school environment, to gain knowledge and expand their curriculum in the science, technology, engineering, and mathematics disciplines and other disciplines that may be of value to a particular school district.

The department is required to work with the department of education to select appropriate employers to participate in the externship program. Employers may be eligible for a tax credit for participation in the externship program. A K-12 teacher who participates in the externship program may receive compensation from the

applicable school district or from the employer providing the externship and may apply for professional development credit and graduate school credits as part of the teacher license renewal requirements.

Fiscal Note: About \$150,000 /yr

House Bill 23-1246

Support In-Demand Career Workforce

Representative Julie McCluskie (D) and Rose Pugliese (R)

The bill directs the state board of community colleges and occupational education to administer the in-demand short-term credentials program in order to support the expansion of the number of available and qualified professionals who are able to meet Colorado's in-demand workforce needs.

The bill appropriates \$38.6 million from the general fund for this program. The board is required to allocate funds to community and technical colleges, area technical colleges, local district colleges, and Colorado Mesa university to provide assistance to students for eligible expenses that support their enrollment in eligible programs. If unexpended resources exist, the funds must be used to pay for a student's housing, transportation, or food expenses.

The bill requires the office of future work to provide grants to registered apprenticeship programs that provide training in the building and construction trade at no cost to apprentices. The bill appropriates \$1.4 million from the general fund for this grant program.

The bill appropriates \$5 million from the general fund to create 2 new short-term degree nursing programs at community or technical colleges.

Fiscal Note: \$45 million in general funds.

House Bill 23-1262

Colorado Re-Engaged Initiative Modifications

Representative Naquetta Ricks (D) and Brandi Bradley (R) and Senator Kevin Priola (D)

Under the Colorado Re-Engaged Initiative (CORE), a postsecondary student may receive an associate's degree if they earn at least 70 credit hours in a baccalaureate degree program but withdraw before completion. These students do not qualify for an associate's degree through CORE if they transferred to an institution directly from a state community college. The bill modifies this restriction to allow students who have earned less than 15 credit hours at the state community college and transfer to be eligible for an associate's degree through CORE.

Fiscal Note: No Appropriation Needed

KILLED:

House Bill 23-1114

First Generation Serving Higher Ed Institutions

Representatives Rick Taggart (R) and Serna Gonzales-Gutierrez (D))

The bill requires the department of higher education to:

- Identify and designate state institutions of higher education as first-generation-serving institutions if the resident first-generation undergraduate population represents 45% or more of the institution's overall resident student population;

- Post on the department's website the names of the state institutions that are so designated; and
- Notify the state institutions that receive the designation

Fiscal note: None.

Status: Lost; Dead-on House Floor

JOB QUALITY LEGISLATION

SIGNED INTO LAW

Senate Bill 23-105

Ensure Equal Pay for Equal Work

Senators Jessie Danielson(D) and Janet Buckner(D) and Representatives Serna Gonzales-Gutierrez and Jennifer Bacon (D)

Current law authorizes the director of the division of labor standards and statistics in the department of labor and employment to create and administer a process to accept and mediate complaints, to provide legal resources concerning alleged wage inequity, and to promulgate rules as necessary for this purpose. The bill changes these authorizations to requirements.

Additionally, the bill requires the director to:

- Investigate complaints or other leads concerning wage inequity;
- Upon finding of a violation, order compliance and relief; and
- Promulgate rules to enforce the bill.

The bill also requires an employer to:

- For each job opportunity or promotional opportunity where the employer is considering more than one candidate, follow specific guidelines for posting the opportunity;
- For all job opportunities and promotional opportunities, provide specific information to employees regarding the candidate selected for the opportunity; and
- For all objectively defined career progressions, disclose the requirements for career progression and the terms of compensation, benefits, status, duties, and access to further advancement.

Fiscal Note \$1,826,269/yr, general and cash funds.

Senate Bill 23-172

Protecting Opportunities & Worker Rights Act

Senators Faith Winter (D) & Julie Gonzales (D) and Representatives Mike Weissman (D) & Jennifer Bason (D)

The bill redefines harassment in Colorado's anti-discrimination laws as unwelcome conduct or communication related to an individual's membership in a protected class where submission to the conduct is a condition of the individual's employment, is used as a basis for employment decisions or interferes with the individual's work, or would objectively be offensive to a reasonable person in the same protected class.

The bill prohibits a non-disclosure agreement between an employer and an employee from limiting the ability of the employee to discuss or disclose any alleged discriminatory or unfair employment practice, unless certain

requirements are met. Any employer that includes a nondisclosure provision that violates the bill requirements is liable for actual damages and a fine of \$5,000 per violation.

Fiscal Note: \$1.5 million in 2023-24; \$2 million in 2024-2025

Senate Bill 23-261

Direct Care Workforce Stabilization Board

Senators Jessie Danielson (D) and Tony Exum (D)

The bill creates the direct care workforce stabilization board (board) in the department of labor and employment (department) to review the direct care industry, which is the industry of workers who provide home-based or community-based direct care to individuals who require assistance in accomplishing activities of daily living. The bill directs the board, at least once every 2 years, to review the direct care industry and develop recommendations for:

- Minimum employment standards for direct care workers based on information gathered through an investigation of the direct care industry market; and
- Improving state communications with direct care workers about their rights and the obligations of direct care employers.

Fiscal note: \$88,542 for 2023-24; \$92,303 for 2024-25

Senate Bill 23-292

Labor Requirements for Energy Sector Construction

Senators Chris Hansen (D) and Steve Fenberg (D) and Representatives Monica Duran (D) and Shannon Bird (D)

The bill creates a new category of public works projects defined as "energy sector public works projects", and requires these projects to comply with the requirements of the apprenticeship utilization law and the prevailing wage law for energy sector public works projects.

Fiscal Note: \$145,000 for 2023-24; \$114,166 for 2024-25

KILLED

Senate Bill 23-098

Gig Work Transparency

Senator Robert Rodriguez (D) and Representative Jennifer Bacon (D) and Stephanie Vigil (D)

Beginning January 1, 2024, this bill requires a delivery network company (DNC) or a transportation network company (TNC) to make disclosures to drivers and consumers regarding payments a consumer makes to a the DNC or TNC and the amount the company then pays to the driver. Companies are required to disclose certain information to the driver prior to acceptance of a drive or delivery, including the consumer's location and destination, among other information. Companies are prohibited from retaliation against any driver who declines to accept a task after receiving this information.

The Division of Labor Standards and Statistics (DLSS) in the Colorado Department of Labor and Employment (CDLE), in consultation with the Public Utilities Commission, must adopt rules establishing circumstances under which termination of a DNC or TNC driver is warranted.

Companies who terminate a driver must notify the DLSS within 10 days. A driver who has been terminated may seek administrative review of the action. When this review is requested, the DLSS must notify the company and driver and hold a hearing to determine if the driver should be rehired pursuant to rules promulgated by the DLSS. The DLSS must provide and maintain copies of driver termination records.

Fiscal Note: About \$700,000 / yr – mostly cash funds.

Killed in Senate Finance

House Bill 23-1118

Fair Workweek Employment Standards

Representatives Emily Sirota (D) & Serena Gonzales-Gutierrez (D) & Senators Julie Gonzales (D) & Faith Winter (D)

The bill imposes requirements for certain types of employers with regard to:

- The determination of employee work schedules;
- Employee requests for changes to work schedules; and
- Notices and posting of employee work schedules.

In addition to pay for hours worked by the employee, the bill requires certain types of employers to pay employees:

- Predictability pay when an employer makes certain changes to an employee's work schedule;
- Rest shortfall pay when an employee is required to work hours without a minimum period of rest after a prior shift;
- Retention pay when an employer provides work hours to a new employee without first offering the work hours to existing employees; and
- Minimum weekly pay in an amount that corresponds to 15% of the average weekly hours indicated on the employee's anticipated work plan, paid at the greater of the employee's regular rate of pay or the minimum wage, regardless of whether the employee works such hours.

The bill prohibits employers from discriminating or taking any adverse action against an employee based on the hours an employee is scheduled or actually works, the expected duration of employment, or the employee's desired work schedule. The bill also prohibits retaliation against an employee for attempting to exercise any right created in the bill. Employers are required to retain records demonstrating their compliance with the requirements of the bill.

Fiscal Note: \$329,383 in 2023-24; \$517,783 in 2024-25

Killed in House Business

Skills2Compete Colorado is a multi-sector policy advocacy coalition focused on greater access to education and training opportunities which ultimately lead to middle skilled jobs. For more information, contact **Chaer Robert, Skills2Compete Colorado Coordinator** at crobert@cclponline.org

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6/9/2023