A BILL FOR AN ACT

CONCERNING A STATE APPRENTICESHIP REGISTRATION PROGRAM IN

THE DEPARTMENT OF LABOR AND EMPLOYMENT.

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://leg.colorado.gov)

The bill creates the state apprenticeship agency (SAA) in the department of labor and employment (department) as a type 1 agency. The executive director of the department is required to appoint a director of the SAA (director). The purpose of the SAA is to:

- Serve as the primary point of contact with the United States department of labor's office of apprenticeship concerning
apprentices and registered apprenticeship programs; and

- Oversee apprenticeship programs, including registration, required standards for registration, quality assurance, the promotion of apprenticeships, and the provision of technical assistance.

The director shall establish the state apprenticeship council (SAC) and an interagency advisory committee on apprenticeship (IAC). The governor and the director appoint the members of the SAC and the IAC. The SAC is charged with overseeing registered apprenticeship programs for the building and construction trades in this state and ensuring compliance with state and federal laws and standards. The IAC is charged with the same responsibilities for all other apprenticeships not in the building and construction trades.

The bill requires the SAA to accept applications for registration of apprenticeship programs beginning July 1, 2023. The SAA may deregister an apprenticeship program for noncompliance with the requirements in the bill. The SAA shall conduct a hearing upon request of the SAC or the IAC regarding issues of noncompliance and deregistration.

The director of the SAA is authorized to promulgate rules to implement the state apprenticeship registration program.

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

SECTION 1. In Colorado Revised Statutes, add article 15.7 to title 8 as follows:

ARTICLE 15.7
Apprenticeships

8-15.7-101. Definitions. As used in this article 15.7, unless the context otherwise requires:

(1) "Apprentice" means an individual who is sixteen years of age or older, except when a higher minimum age standard is otherwise fixed by law, and who is employed to learn an apprenticeable occupation under the standards of apprenticeship established by this article 15.7.

(2) "Apprenticeable occupation" means an occupation specified by an industry that involves the progressive
ATTAINMENT OF SKILLS, COMPETENCIES, AND KNOWLEDGE THAT ARE:

(a) CLEARLY IDENTIFIED AND COMMONLY RECOGNIZED THROUGHOUT THE RELEVANT INDUSTRY OR OCCUPATION;

(b) CUSTOMARILY LEARNED OR ENHANCED IN A PRACTICAL WAY THROUGH A STRUCTURED, SYSTEMATIC PROGRAM OF ON-THE-JOB, SUPERVISED LEARNING AND RELATED INSTRUCTION TO SUPPLEMENT THE LEARNING; AND

(c) OFFERED THROUGH A TIME-BASED, COMPETENCY-BASED, OR HYBRID MODEL THAT THE DIRECTOR HAS DETERMINED MEETS THE REQUIREMENTS OF THIS ARTICLE 15.7 AND 29 CFR 29 AND 30.

(3) "APPRENTICESHIP AGREEMENT" MEANS A WRITTEN AGREEMENT BETWEEN AN APPRENTICE AND A SPONSOR.

(4) "APPRENTICESHIP PROGRAM" MEANS A PROGRAM THAT:

(a) IS ESTABLISHED BY A SPONSOR FOR TRAINING INDIVIDUALS FOR ONE OR MORE APPRENTICEABLE OCCUPATIONS;

(b) COMBINES ON-THE-JOB TRAINING AND RELATED INSTRUCTION ACCORDING TO THE SPECIFICATIONS ESTABLISHED BY FEDERAL LAW AND THIS ARTICLE 15.7.

(5) "CERTIFICATE OF COMPLETION" MEANS A CERTIFICATE AWARDED TO AN APPRENTICE IN RECOGNITION OF THE SUCCESSFUL COMPLETION OF AN APPRENTICESHIP PROGRAM.

(6) "CERTIFICATE OF REGISTRATION" MEANS A DOCUMENT ISSUED BY THE SAA TO A SPONSOR THAT INDICATES THAT THE SPONSOR'S APPRENTICESHIP PROGRAM IS REGISTERED PURSUANT TO THIS ARTICLE 15.7.

(7) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND EMPLOYMENT.
(8) "DIRECTOR" MEANS THE DIRECTOR OF THE SAA.

(9) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

(10) "INTERAGENCY ADVISORY COMMITTEE ON APPRENTICESHIP" OR "IAC" MEANS THE INTERAGENCY ADVISORY COMMITTEE ON APPRENTICESHIP CREATED IN SECTION 8-15.7-104.

(11) "QUALITY ASSURANCE ASSESSMENT" MEANS A COMPREHENSIVE REVIEW CONDUCTED BY THE SAA REGARDING ALL ASPECTS OF AN APPRENTICESHIP PROGRAM'S PERFORMANCE, INCLUDING DETERMINING WHETHER:

(a) THE APPRENTICES ARE RECEIVING ON-THE-JOB TRAINING CONSISTENT WITH THE SCHEDULE OUTLINED IN THE REGISTERED APPRENTICESHIP PROGRAM STANDARDS;

(b) SCHEDULED WAGE INCREASES ARE CONSISTENT WITH THE REGISTERED APPRENTICESHIP PROGRAM STANDARDS;

(c) RELATED INSTRUCTION THROUGH THE APPROPRIATE CURRICULUM AND DELIVERY SYSTEMS IS COMPLIANT WITH FEDERAL AND STATE STANDARDS; AND

(d) THE SAA IS RECEIVING NOTIFICATION OF ALL NEW APPRENTICES IN A REGISTERED APPRENTICESHIP PROGRAM, APPRENTICES WHO LEAVE A REGISTERED APPRENTICESHIP PROGRAM, AND APPRENTICES WHO COMPLETE A REGISTERED APPRENTICESHIP PROGRAM.

(12) "REGISTERED APPRENTICESHIP PROGRAM" MEANS AN APPRENTICESHIP PROGRAM THAT IS REGISTERED BY THE SAA PURSUANT TO THIS ARTICLE 15.7.

(13) "REGISTRATION OF AN APPRENTICESHIP PROGRAM" OR "REGISTRATION OF APPRENTICESHIP PROGRAMS" MEANS THE
REGISTRATION BY THE SAA OF AN APPRENTICE PROGRAM THAT MEETS THE BASIC STANDARDS AND REQUIREMENTS ESTABLISHED PURSUANT TO THIS ARTICLE 15.7 FOR PURPOSES OF MEETING FEDERAL REQUIREMENTS, AS EVIDENCED BY A CERTIFICATE OF REGISTRATION.

(14) "SPONSOR" MEANS AN EMPLOYER, A JOINT LABOR-MANAGEMENT ORGANIZATION, A TRADE ASSOCIATION, A PROFESSIONAL ASSOCIATION, A LABOR ORGANIZATION, AN EDUCATION AND TRAINING PROVIDER, OR A QUALIFIED INTERMEDIARY THAT IS APPLYING TO REGISTER AN APPRENTICESHIP PROGRAM.

(15) "STATE APPRENTICESHIP AGENCY" OR "SAA" MEANS THE STATE APPRENTICESHIP AGENCY CREATED IN SECTION 8-15.7-102.

(16) "STATE APPRENTICESHIP COUNCIL" OR "SAC" MEANS THE STATE APPRENTICESHIP COUNCIL CREATED IN SECTION 8-15.7-103.

8-15.7-102. State apprenticeship agency - created - director - powers and duties - rules. (1) There is hereby created in the department the state apprenticeship agency. The executive director shall appoint a director of the SAA. The SAA shall:

(a) Serve as the primary point of contact with the United States department of labor's office of apprenticeship;

(b) Register and oversee apprenticeship programs and apprenticeship agreements;

(c) Issue certificates of registration to sponsors of apprenticeship programs;

(d) Determine required standards for registration of an apprenticeship program;

(e) Perform quality assurance assessments;

(f) Approve the appropriate implementation of an
APPRENTICESHIP PROGRAM;

(g) MAINTAIN ADEQUATE RECORDS CONCERNING REGISTRATION REQUIREMENTS, APPROVED PROGRAM STANDARDS, THE APPRENTICES IN EACH REGISTERED APPRENTICESHIP PROGRAM, DEREGISTRATION ACTIONS, COMPLIANCE REVIEWS AND INVESTIGATIONS, AND ANY OTHER MATTERS STIPULATED BY THE UNITED STATES DEPARTMENT OF LABOR'S OFFICE OF APPRENTICESHIP THAT ARE PERTINENT TO COMPLIANCE BY APPRENTICESHIP PROGRAMS WITH THE REQUIREMENTS OF THIS ARTICLE 15.7;

(h) MONITOR AND EVALUATE APPRENTICESHIP PROGRAMS' PERFORMANCE AND COMPLIANCE WITH FEDERAL AND STATE STANDARDS AND REPORT TO THE SAC AND THE IAC ON THE OUTCOME OF QUALITY ASSURANCE ASSESSMENTS;

(i) COMPLETE DEREGISTRATION OF APPRENTICESHIP PROGRAMS THAT DO NOT MEET THE REQUIREMENTS OF THIS ARTICLE 15.7;

(j) REVIEW APPRENTICESHIP PROGRAMS FOR REINSTATEMENT OF REGISTRATION;

(k) SUBMIT AN EQUAL EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP STATE PLAN TO THE UNITED STATES DEPARTMENT OF LABOR'S OFFICE OF APPRENTICESHIP;

(l) PROMOTE THE ESTABLISHMENT OF REGISTERED APPRENTICESHIP PROGRAMS, ENROLLMENT IN REGISTERED APPRENTICESHIP PROGRAMS, AND PUBLIC AWARENESS ABOUT THE NATURE AND BENEFITS OF REGISTERED APPRENTICESHIP PROGRAMS;

(m) PROVIDE TECHNICAL ASSISTANCE TO APPRENTICES, SPONSORS, AND REGISTERED APPRENTICESHIP PROGRAMS;

(n) CREATE A POLICY OF RECIPROCITY WITH OTHER STATES TO
ENSURE THE REGISTRATION OF APPRENTICESHIP PROGRAMS;

   (o) AWARD CERTIFICATES OF COMPLETION AND MONITOR
APPRENTICES WITH ACTIVE STATUS, APPRENTICESHIP COMPLETIONS, AND
THE ONGOING OPERATION OF REGISTERED APPRENTICESHIP PROGRAMS;

AND

   (p) PROVIDE ADMINISTRATIVE SUPPORT TO THE SAC AND THE IAC
IN CARRYING OUT THEIR DUTIES.

(2) THE SAA SHALL EXERCISE ITS POWERS AND PERFORM ITS
DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF IT WERE
TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DESCRIBED
IN SECTION 24-1-105.

(3) THE DIRECTOR MAY PROMULGATE RULES AS NECESSARY TO
IMPLEMENT THIS ARTICLE 15.7, INCLUDING RULES AFFECTING THE
REGISTRATION, PERFORMANCE, AND LEGAL COMPLIANCE OF
APPRENTICESHIP PROGRAMS.

**8-15.7-103. State apprenticeship council - created - members**

- **powers and duties.** (1) THE DIRECTOR SHALL ESTABLISH THE STATE
APPRENTICESHIP COUNCIL TO OVERSEE REGISTERED APPRENTICESHIP
PROGRAMS FOR THE BUILDING AND CONSTRUCTION TRADES IN THE STATE.

(2) (a) THE SAC CONSISTS OF EIGHTEEN MEMBERS APPOINTED AS
FOLLOWS:

   (I) THE DIRECTOR SHALL APPOINT TWELVE VOTING MEMBERS AS
FOLLOWS:

   (A) FIVE REPRESENTATIVES FROM EMPLOYER ORGANIZATIONS,
ONE OF WHOM REPRESENTS A STATEWIDE EMPLOYER ORGANIZATION;

   (B) FIVE REPRESENTATIVES FROM EMPLOYEE ORGANIZATIONS, ONE
OF WHOM REPRESENTS A STATEWIDE EMPLOYEE ORGANIZATION; AND
(C) Two representatives of the public; and

(II) The Governor shall appoint six nonvoting, ex officio members to serve on the SAC and the IAC as follows:

(A) One representative from the department;

(B) One representative of career and technical education programs;

(C) One representative with experience in economic development;

(D) One representative of training providers;

(E) One representative of the State Work Force Development Council created in Section 24-46.3-101; and

(F) One member who is interested in promoting equal opportunity in apprenticeship.

(b) (I) Of the members appointed by the Director, the initial term of office of three members from employer organizations, two members from employee organizations, and one representative of the public is three years, and the initial term of office of the remaining six members is four years. Thereafter, the terms of the members appointed by the Director are four years.

(II) Of the members appointed by the Governor, the initial term of office of the three members appointed pursuant to subsections (2)(a)(II)(A), (2)(a)(II)(B), and (2)(a)(II)(C) of this section is three years and the initial term of office of the three members appointed pursuant to subsections (2)(a)(II)(D), (2)(a)(II)(E), and (2)(a)(II)(F) of this section is four years. Thereafter, the terms of the members appointed by the Governor
ARE FOUR YEARS.

(c) The director shall appoint one member of the SAC to
serve as the chair for a term of two years. The chair may be
reappointed as determined by the director.

(d) If a member fails to complete the member’s term, the
appointing authority shall appoint a new member to complete
the remainder of the term.

(e) Members shall serve without compensation for their
service; except that members may receive a per diem as
established by the director and reimbursement for travel and
other necessary expenses incurred in the performance of their
official duties.

(f) The SAC:

(I) Shall meet at least quarterly and at the request of
the director as needed to accomplish the objectives of the SAC;

(II) Shall provide timely written notice of all meetings to
the department;

(III) May determine its own procedural rules; and

(IV) Is subject to Article 6 of Title 24.

(g) No member of the SAC may receive any compensation
from an apprenticeship program.

(3) For the building and construction trades, the SAC
shall:

(a) Register with and maintain the standards of the
United States Department of Labor's Office of Apprenticeship and
develop minimum standards for registration of apprenticeship
programs;
(b) Resolve conflicts and complaints that arise between parties to an apprenticeship agreement when a conflict exists, after the conflict has been addressed by local entities charged with this function under the relevant apprenticeship program standards and the SAA;

(c) Review program performance standards and make findings of fact and decisions on enforcement actions based on each review;

(d) Recommend additions and changes concerning rules about apprenticeship programs to the director;

(e) Provide technical and professional guidance for identifying and promoting best practices in registered apprenticeship programs;

(f) Develop administrative policies that ensure the safety and quality of registered apprenticeship programs and address, as warranted, the related needs of Colorado's businesses, the labor workforce, and communities;

(g) Advise the SAA regarding effective performance of the SAC's assigned functions; and

(h) Formulate policies for the building and construction trades as may be necessary to carry out the purposes of this article 15.7.

(4) The SAC is not subject to the sunset review requirements in section 2-3-1203.

8-15.7-104. Interagency advisory committee on apprenticeship - created - members - powers and duties. (1) The director shall establish the interagency advisory committee on apprenticeship
TO OVERSEE APPRENTICESHIP PROGRAMS THAT ARE NOT WITHIN THE JURISDICTION OF THE SAC.

(2) (a) The IAC consists of twelve members appointed as follows:

(I) The director shall appoint six voting members as follows:

(A) Two employer members or representatives of employer organizations who are familiar with apprenticeable occupations that are not within the jurisdiction of the SAC;

(B) Two employee members who are familiar with apprenticeable occupations that are not within the jurisdiction of the SAC; and

(C) Two representatives of the public who are neither employers nor affiliated with any employer organization; and

(II) The governor shall appoint the six nonvoting, ex officio members appointed pursuant to section 8-15.7-103 (2)(a)(II) to the IAC.

(b)(I) Of the members appointed by the director, the initial term of office of one employer member, one employee member, and one representative of the public is three years and the initial term of office of the remaining three members is four years. Thereafter, the terms of the members are four years.

(II) The terms of office of the nonvoting, ex officio members appointed pursuant to subsection (2)(a)(II) of this section are the same as the terms of office of those members as specified in section 8-15.7-103 (2)(b)(II).

(III) The director shall appoint one member of the IAC to
SERVE AS THE CHAIR FOR A TERM OF TWO YEARS. THE CHAIR MAY BE
REAPPOINTED AS DETERMINED BY THE DIRECTOR.

(c) If a member fails to complete the member's term, the
appointing authority shall appoint a new member to complete
the remainder of the term.

(d) Members shall serve without compensation for their
service; except that members may receive a per diem as
established by the director and reimbursement for travel and
other necessary expenses incurred in the performance of their
official duties.

(e) The IAC:

(I) Shall meet at least quarterly and at the request of
the director as needed to accomplish the objectives of the IAC;

(II) Shall provide timely written notice of all meetings to
the department;

(III) May determine its own procedural rules; and

(IV) Is subject to article 6 of title 24.

(f) No member of the IAC may receive any compensation
from an apprenticeship program.

(3) For all apprenticeships that are not within the
building and construction trades and not under the jurisdiction
of the SAC, the IAC shall:

(a) Register with and maintain the standards of the
United States department of labor's office of apprenticeship and
develop minimum standards for registration of apprenticeship
programs;

(b) Resolve conflicts and complaints that arise between
PARTIES TO AN APPRENTICESHIP AGREEMENT WHEN A CONFLICT EXISTS,
AFTER THE CONFLICT HAS BEEN ADDRESSED BY LOCAL ENTITIES CHARGED
WITH THIS FUNCTION UNDER THE RELEVANT APPRENTICESHIP PROGRAM
STANDARDS AND THE SAA;

(c) REVIEW PROGRAM PERFORMANCE STANDARDS AND MAKE
FINDINGS OF FACT AND DECISIONS ON ENFORCEMENT ACTIONS BASED ON
EACH REVIEW;

(d) RECOMMEND ADDITIONS AND CHANGES CONCERNING RULES
ABOUT APPRENTICESHIP PROGRAMS TO THE DIRECTOR;

(e) PROVIDE TECHNICAL AND PROFESSIONAL GUIDANCE FOR
IDENTIFYING AND PROMOTING BEST PRACTICES IN REGISTERED
APPRENTICESHIP PROGRAMS;

(f) DEVELOP ADMINISTRATIVE POLICIES THAT ENSURE THE SAFETY
AND QUALITY OF REGISTERED APPRENTICESHIP PROGRAMS AND ADDRESS,
AS WARRANTED, THE RELATED NEEDS OF COLORADO'S BUSINESSES, THE
LABOR WORKFORCE, AND COMMUNITIES;

(g) ADVISE THE SAA REGARDING EFFECTIVE PERFORMANCE OF
THE IAC'S ASSIGNED FUNCTIONS; AND

(h) FORMULATE POLICIES FOR THE TRADES WITHIN THE IAC'S
JURISDICTION AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF
THIS ARTICLE 15.7.

(4) THE IAC IS NOT SUBJECT TO THE SUNSET REVIEW
REQUIREMENTS IN SECTION 2-3-1203.

8-15.7-105. Application for registration of apprenticeship
programs - diversity initiatives - deregistration - rules. (1) ON AND
AFTER JULY 1, 2023, THE SAA SHALL ACCEPT APPLICATIONS FOR THE
REGISTRATION OF APPRENTICESHIP PROGRAMS PURSUANT TO 29 CFR 29
(2) Each apprenticeship program that registers with the SAA shall adopt a written diversity recruitment plan that ensures equal opportunity in the recruitment, selection, employment, and training of apprentices. The recruitment plan must include the adoption of federal regulations concerning equal employment under 29 CFR 29 and 30. The SAA shall ensure compliance with the federal regulations by filing the equal employment opportunity in apprenticeship state plan pursuant to section 8-15.7-102 (1)(k).

(3) (a) The SAA may deregister an apprenticeship program at the request of the sponsor or, after a hearing pursuant to section 8-15.7-106, for noncompliance with this article 15.7 pursuant to conditions and rules established by the SAA.

(b) Any apprenticeship program deregistered for noncompliance with this article 15.7 or any rules promulgated pursuant to this article 15.7 may present evidence to the SAA that the program is compliant. The apprenticeship program's registration may be reinstated:

(I) no earlier than one year after issuance of the deregistration order;

(II) if the SAA determines that the apprenticeship program has an acceptable set of standards and is in compliance with all requirements for registered apprenticeship programs under this article 15.7; and

(III) if the apprenticeship program is prepared to immediately enroll one or more apprentices.
(4) Upon request to the SAA, a sponsor may reverse a voluntary deregistration within six months after its effective date if on that date the SAA had no current grounds to initiate involuntary deregistration proceedings.

8-15.7-106. Hearings. (1) Upon request of a hearing by the SAC or the IAC, the SAA shall conduct hearings for the purpose of resolving compliance issues or deregistration issues with a registered apprenticeship program. Within ten days after receiving a request for a hearing, the SAA shall designate a hearing officer to conduct the hearing. The hearing officer shall give reasonable notice of the hearing by registered or certified mail, return receipt requested, to the sponsor of the registered apprenticeship program that is the subject of the hearing. The notice shall include the following:

(a) A time and place of the hearing;
(b) A statement of the provisions with which the registered apprenticeship program is alleged not to comply; and
(c) A concise statement of alleged instances of noncompliance based on which the hearing was requested.

(2) The hearing officer shall conduct the hearing in accordance with the "State Administrative Procedure Act", article 4 of title 24. Each party has the right to counsel and a fair opportunity to present the case, including cross-examination as may be appropriate in the circumstances. The hearing officer shall:

(a) Develop findings and a recommended decision on the basis of the record of the hearing and any records available to
(b) Present the findings and recommended decision to the parties and to the SAA within thirty calendar days after the conclusion of the hearing. The SAA shall make a determination based on the findings of the hearing officer whether to continue the registration of the apprenticeship program, to deregister the apprenticeship program, or to impose conditions on the apprenticeship program in order to continue registration of the program. The determination of the SAA is a final agency action that is subject to judicial review pursuant to Section 24-4-106.

8-15.7-107. Rules. (1) The director may promulgate rules to implement this article 15.7, including rules that address:

(a) The eligibility requirements for apprenticeship programs to be registered by the SAA;

(b) The requirements for a person or entity to be a sponsor; and

(c) The conditions and proceedings for the deregistration of a registered apprenticeship program.

SECTION 2. In Colorado Revised Statutes, 24-1-121, add (3)(k) as follows:

24-1-121. Department of labor and employment - creation.

(3) The department of labor and employment consists of the following divisions and programs:

(k) The state apprenticeship agency created in Section 8-15.7-102, which shall exercise its powers and perform the duties and functions specified by Article 15.7 of Title 8 under the Department of Labor and Employment and the Executive Director.
OF THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A TYPE 1 TRANSFER.

SECTION 3. Effective date. This act takes effect July 1, 2021.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.