

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0486.03 Kristen Forrester x4217

HOUSE BILL 21-1007

HOUSE SPONSORSHIP

Sullivan and Ortiz,

SENATE SPONSORSHIP

Danielson and Rodriguez,

House Committees

Business Affairs & Labor
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A STATE APPRENTICESHIP REGISTRATION PROGRAM IN**
102 **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

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

- 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.

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

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

4 **ARTICLE 15.7**

5 **Apprenticeships**

6 **8-15.7-101. Definitions.** AS USED IN THIS ARTICLE 15.7, UNLESS
7 THE CONTEXT OTHERWISE REQUIRES:

8 (1) "APPRENTICE" MEANS AN INDIVIDUAL WHO IS SIXTEEN YEARS
9 OF AGE OR OLDER, EXCEPT WHEN A HIGHER MINIMUM AGE STANDARD IS
10 OTHERWISE FIXED BY LAW, AND WHO IS EMPLOYED TO LEARN AN
11 APPRENTICEABLE OCCUPATION UNDER THE STANDARDS OF
12 APPRENTICESHIP ESTABLISHED BY THIS ARTICLE 15.7.

13 (2) "APPRENTICEABLE OCCUPATION" MEANS AN OCCUPATION
14 SPECIFIED BY AN INDUSTRY THAT INVOLVES THE PROGRESSIVE

1 ATTAINMENT OF SKILLS, COMPETENCIES, AND KNOWLEDGE THAT ARE:

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

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

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

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

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

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

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

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

22 (6) "CERTIFICATE OF REGISTRATION" MEANS A DOCUMENT ISSUED
23 BY THE SAA TO A SPONSOR THAT INDICATES THAT THE SPONSOR'S
24 APPRENTICESHIP PROGRAM IS REGISTERED PURSUANT TO THIS ARTICLE
25 15.7.

26 (7) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
27 EMPLOYMENT.

1 (8) "DIRECTOR" MEANS THE DIRECTOR OF THE SAA.

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

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

7 (11) "QUALIFIED INTERMEDIARY" MEANS AN ENTITY THAT
8 DEMONSTRATES EXPERTISE IN CONNECTING EMPLOYERS OR
9 APPRENTICESHIP PROGRAM PARTICIPANTS TO REGISTERED APPRENTICESHIP
10 PROGRAMS OR IN CONVENING STAKEHOLDERS TO DEVELOP REGISTERED
11 APPRENTICESHIP PROGRAMS AND SERVES EMPLOYERS AND
12 APPRENTICESHIP PROGRAM PARTICIPANTS BY:

13 (a) CONNECTING EMPLOYERS TO PROGRAMS UNDER THE NATIONAL
14 APPRENTICESHIP SYSTEM;

15 (b) ASSISTING IN THE DESIGN AND IMPLEMENTATION OF
16 APPRENTICESHIP PROGRAMS, INCLUDING CURRICULUM DEVELOPMENT AND
17 DELIVERY FOR RELATED INSTRUCTION;

18 (c) SUPPORTING ENTITIES, SPONSORS, OR APPRENTICESHIP
19 PROGRAM ADMINISTRATORS IN MEETING AND REPORTING THE
20 REQUIREMENTS OF THIS ARTICLE 15.7;

21 (d) PROVIDING PROFESSIONAL DEVELOPMENT ACTIVITIES, SUCH AS
22 TRAINING TO MENTORS;

23 (e) SUPPORTING THE RECRUITMENT, RETENTION, AND
24 APPRENTICESHIP PROGRAM COMPLETION OF POTENTIAL APPRENTICESHIP
25 PROGRAM PARTICIPANTS, INCLUDING NONTRADITIONAL PARTICIPANTS AND
26 APPRENTICESHIP POPULATIONS AND INDIVIDUALS WITH BARRIERS TO
27 EMPLOYMENT;

1 (f) DEVELOPING AND PROVIDING PERSONALIZED APPRENTICESHIP
2 PROGRAM PARTICIPANT SUPPORTS, INCLUDING PARTNERING WITH
3 ORGANIZATIONS TO PROVIDE ACCESS TO OR REFERRALS FOR SUPPORTIVE
4 SERVICES AND FINANCIAL ADVISING;

5 (g) PROVIDING SERVICES, RESOURCES, AND SUPPORTS FOR THE
6 DEVELOPMENT, DELIVERY, EXPANSION, OR IMPROVEMENT OF
7 APPRENTICESHIP PROGRAMS UNDER THE NATIONAL APPRENTICESHIP
8 SYSTEM; OR

9 (h) SERVING AS AN APPRENTICESHIP PROGRAM SPONSOR

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

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

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

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

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

26 (13) "REGISTERED APPRENTICESHIP PROGRAM" MEANS AN
27 APPRENTICESHIP PROGRAM THAT IS REGISTERED BY THE SAA PURSUANT

1 TO THIS ARTICLE 15.7.

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

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

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

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

17 **8-15.7-102. State apprenticeship agency - created - director -**
18 **powers and duties - rules.** (1) THERE IS HEREBY CREATED IN THE
19 DEPARTMENT THE STATE APPRENTICESHIP AGENCY. THE EXECUTIVE
20 DIRECTOR SHALL APPOINT A DIRECTOR OF THE SAA. THE SAA SHALL:

21 (a) SERVE AS THE PRIMARY POINT OF CONTACT WITH THE UNITED
22 STATES DEPARTMENT OF LABOR'S OFFICE OF APPRENTICESHIP;

23 (b) ACCELERATE NEW APPRENTICESHIP PROGRAM GROWTH ON A
24 GEOGRAPHICALLY DIVERSE BASIS, ESPECIALLY IN HIGH-DEMAND
25 OCCUPATIONS, WHILE ENSURING QUALITY STANDARDS;

26 (c) ENCOURAGE THE DEVELOPMENT OF AND ASSIST IN THE
27 ESTABLISHMENT OF APPRENTICESHIP PROGRAMS AND PROMOTE

1 ENROLLMENT IN APPRENTICESHIP PROGRAMS BY PROVIDING TECHNICAL
2 AND COMPLIANCE ASSISTANCE TO SPONSORS, APPRENTICES, AND
3 APPRENTICESHIP PROGRAMS AND ENSURING PROGRAM COMPLIANCE WITH
4 APPRENTICESHIP STANDARDS;

5 (d) REGISTER AND OVERSEE APPRENTICESHIP PROGRAMS AND
6 APPRENTICESHIP AGREEMENTS;

7 (e) ISSUE CERTIFICATES OF REGISTRATION TO EXISTING
8 APPRENTICESHIP PROGRAMS;

9 (f) ISSUE CERTIFICATES OF REGISTRATION TO SPONSORS OF
10 APPRENTICESHIP PROGRAMS;

11 (g) DETERMINE REQUIRED STANDARDS FOR REGISTRATION OF AN
12 APPRENTICESHIP PROGRAM;

13 (h) PERFORM QUALITY ASSURANCE ASSESSMENTS;

14 (i) APPROVE THE APPROPRIATE IMPLEMENTATION OF AN
15 APPRENTICESHIP PROGRAM;

16 (j) MAINTAIN ADEQUATE RECORDS CONCERNING REGISTRATION
17 REQUIREMENTS, APPROVED PROGRAM STANDARDS, THE APPRENTICES IN
18 EACH REGISTERED APPRENTICESHIP PROGRAM, DEREGISTRATION ACTIONS,
19 COMPLIANCE REVIEWS AND INVESTIGATIONS, AND ANY OTHER MATTERS
20 STIPULATED BY THE UNITED STATES DEPARTMENT OF LABOR'S OFFICE OF
21 APPRENTICESHIP THAT ARE PERTINENT TO COMPLIANCE BY
22 APPRENTICESHIP PROGRAMS WITH THE REQUIREMENTS OF THIS ARTICLE
23 15.7;

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

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

3 (m) REVIEW APPRENTICESHIP PROGRAMS FOR REINSTATEMENT OF
4 REGISTRATION;

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

8

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

11 (p) AWARD CERTIFICATES OF COMPLETION AND MONITOR
12 APPRENTICES WITH ACTIVE STATUS, APPRENTICESHIP COMPLETIONS, AND
13 THE ONGOING OPERATION OF REGISTERED APPRENTICESHIP PROGRAMS;
14 AND

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

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

21 (3) THE SAA MUST FOLLOW ALL GUIDANCE DOCUMENTS ISSUED
22 BY THE UNITED STATES DEPARTMENT OF LABOR'S OFFICE OF
23 APPRENTICESHIP.

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

1 **8-15.7-103. State apprenticeship council - created - members**

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

5 (2) (a) THE SAC CONSISTS OF SIXTEEN MEMBERS APPOINTED AS
6 FOLLOWS:

7 (I) THE DIRECTOR SHALL APPOINT TEN VOTING MEMBERS FAMILIAR
8 WITH APPRENTICEABLE OCCUPATIONS AS FOLLOWS:

9 (A) FOUR REPRESENTATIVES FROM EMPLOYER ORGANIZATIONS,
10 ONE OF WHOM REPRESENTS A STATEWIDE EMPLOYER ORGANIZATION, ONE
11 OF WHOM REPRESENTS AN EMPLOYER INVOLVED WITH AN APPRENTICESHIP
12 PROGRAM TARGETING POPULATIONS WITH BARRIERS TO EMPLOYMENT,
13 AND ONE OF WHOM REPRESENTS A STATEWIDE ORGANIZATION OF GENERAL
14 AND SPECIALTY COMMERCIAL CONSTRUCTION CONTRACTORS THAT IS
15 KNOWLEDGEABLE ABOUT REGISTERED APPRENTICESHIP PROGRAMS;

16 (B) FOUR REPRESENTATIVES FROM EMPLOYEE ORGANIZATIONS,
17 ONE OF WHOM REPRESENTS A STATEWIDE EMPLOYEE ORGANIZATION; AND

18 (C) TWO REPRESENTATIVES OF THE PUBLIC; AND

19 (II) THE GOVERNOR SHALL APPOINT SIX NONVOTING, EX OFFICIO
20 MEMBERS TO SERVE ON THE SAC AND THE IAC AS FOLLOWS:

21 (A) ONE REPRESENTATIVE FROM THE DEPARTMENT;

22 (B) ONE REPRESENTATIVE OF CAREER AND TECHNICAL EDUCATION
23 PROGRAMS;

24 (C) ONE REPRESENTATIVE WITH EXPERIENCE IN ECONOMIC
25 DEVELOPMENT;

26 (D) ONE REPRESENTATIVE OF TRAINING PROVIDERS;

27 (E) ONE REPRESENTATIVE OF THE STATE WORK FORCE

1 DEVELOPMENT COUNCIL CREATED IN SECTION 24-46.3-101; AND

2 (F) ONE MEMBER WHO IS INTERESTED IN PROMOTING EQUAL
3 OPPORTUNITY IN APPRENTICESHIP.

4 (b) (I) OF THE MEMBERS APPOINTED BY THE DIRECTOR, THE INITIAL
5 TERM OF OFFICE OF THREE MEMBERS FROM EMPLOYER ORGANIZATIONS,
6 TWO MEMBERS FROM EMPLOYEE ORGANIZATIONS, AND ONE
7 REPRESENTATIVE OF THE PUBLIC IS THREE YEARS, AND THE INITIAL TERM
8 OF OFFICE OF THE REMAINING FOUR MEMBERS IS FOUR YEARS.
9 THEREAFTER, THE TERMS OF THE MEMBERS APPOINTED BY THE DIRECTOR
10 ARE FOUR YEARS.

11 (II) OF THE MEMBERS APPOINTED BY THE GOVERNOR, THE INITIAL
12 TERM OF OFFICE OF THE THREE MEMBERS APPOINTED PURSUANT TO
13 SUBSECTIONS (2)(a)(II)(A), (2)(a)(II)(B), AND (2)(a)(II)(C) OF THIS
14 SECTION IS THREE YEARS AND THE INITIAL TERM OF OFFICE OF THE THREE
15 MEMBERS APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(II)(D),
16 (2)(a)(II)(E), AND (2)(a)(II)(F) OF THIS SECTION IS FOUR YEARS.
17 THEREAFTER, THE TERMS OF THE MEMBERS APPOINTED BY THE GOVERNOR
18 ARE FOUR YEARS.

19 (c) THE DIRECTOR SHALL APPOINT ONE MEMBER OF THE SAC TO
20 SERVE AS THE CHAIR FOR A TERM OF TWO YEARS. A CHAIR MAY BE
21 APPOINTED TO SERVE NO MORE THAN TWO FULL TERMS.

22 (d) IF A MEMBER FAILS TO COMPLETE THE MEMBER'S TERM, THE
23 APPOINTING AUTHORITY SHALL APPOINT A NEW MEMBER TO COMPLETE
24 THE REMAINDER OF THE TERM.

25 (e) MEMBERS SHALL SERVE WITHOUT COMPENSATION FOR THEIR
26 SERVICE; EXCEPT THAT MEMBERS MAY RECEIVE A PER DIEM AS
27 ESTABLISHED BY THE DIRECTOR AND REIMBURSEMENT FOR TRAVEL AND

1 OTHER NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
2 OFFICIAL DUTIES.

3 (f) THE SAC:

4 (I) SHALL MEET AT LEAST QUARTERLY AND AT THE REQUEST OF
5 THE DIRECTOR AS NEEDED TO ACCOMPLISH THE OBJECTIVES OF THE SAC;

6 (II) SHALL PROVIDE TIMELY WRITTEN NOTICE OF ALL MEETINGS TO
7 THE DEPARTMENT;

8 (III) MAY DETERMINE ITS OWN PROCEDURAL RULES; AND

9 (IV) IS SUBJECT TO ARTICLE 6 OF TITLE 24.

10 (g) NO MEMBER OF THE SAC MAY RECEIVE ANY COMPENSATION
11 FROM AN APPRENTICESHIP PROGRAM.

12 (3) FOR THE BUILDING AND CONSTRUCTION TRADES, THE SAC
13 SHALL:

14 (a) REGISTER WITH AND MAINTAIN THE STANDARDS OF THE
15 UNITED STATES DEPARTMENT OF LABOR'S OFFICE OF APPRENTICESHIP AND
16 DEVELOP MINIMUM STANDARDS FOR REGISTRATION OF APPRENTICESHIP
17 PROGRAMS;

18 (b) RESOLVE CONFLICTS AND COMPLAINTS THAT ARISE BETWEEN
19 PARTIES TO AN APPRENTICESHIP AGREEMENT WHEN A CONFLICT EXISTS,
20 AFTER THE CONFLICT HAS BEEN ADDRESSED BY LOCAL ENTITIES CHARGED
21 WITH THIS FUNCTION UNDER THE RELEVANT APPRENTICESHIP PROGRAM
22 STANDARDS AND THE SAA;

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

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

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

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

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

10 (h) FORMULATE POLICIES FOR THE BUILDING AND CONSTRUCTION
11 TRADES AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS
12 ARTICLE 15.7.

13

14 **8-15.7-104. Interagency advisory committee on apprenticeship**
15 **- created - members - powers and duties.** (1) THE DIRECTOR SHALL
16 ESTABLISH THE INTERAGENCY ADVISORY COMMITTEE ON APPRENTICESHIP
17 TO OVERSEE APPRENTICESHIP PROGRAMS THAT ARE NOT WITHIN THE
18 JURISDICTION OF THE SAC.

19 (2) (a) THE IAC CONSISTS OF FOURTEEN MEMBERS APPOINTED AS
20 FOLLOWS:

21 (I) THE DIRECTOR SHALL APPOINT EIGHT VOTING MEMBERS WHO
22 REPRESENT, AND ARE REGULARLY EVALUATED TO ENSURE THAT THE
23 REPRESENTATION ALIGNS WITH, HIGH-DEMAND JOBS, AS STATED IN THE
24 ANNUAL COLORADO TALENT REPORT PREPARED PURSUANT TO SECTION
25 24-46.3-103 (3), AS FOLLOWS:

26 (A) THREE REPRESENTATIVES OF EMPLOYER ORGANIZATIONS THAT
27 ARE NOT WITHIN THE BUILDING AND CONSTRUCTION TRADES; AT LEAST

1 ONE OF WHOM REPRESENTS AN EMPLOYER INVOLVED WITH A PROGRAM
2 EXPLICITLY TARGETING POPULATIONS WITH BARRIERS TO EMPLOYMENT,
3 INCLUDING WOMEN, PEOPLE OF COLOR, EX-OFFENDERS, AND PERSONS WITH
4 DISABILITIES; ONE OF WHOM REPRESENTS YOUTH WITH BARRIERS TO
5 EMPLOYMENT; AND ONE OF WHOM REPRESENTS OUT-OF-SCHOOL YOUTH;

6 (B) THREE REPRESENTATIVES FROM EMPLOYEE ORGANIZATIONS
7 THAT ARE NOT WITHIN THE BUILDING AND CONSTRUCTION TRADES;

8 (C) ONE REPRESENTATIVE FROM A QUALIFIED INTERMEDIARY; AND

9 (D) ONE MEMBER OF THE PUBLIC.

10 (II) THE GOVERNOR SHALL APPOINT THE SIX NONVOTING, EX
11 OFFICIO MEMBERS APPOINTED PURSUANT TO SECTION 8-15.7-103 (2)(a)(II)
12 TO THE IAC.

13 (b) (I) OF THE MEMBERS APPOINTED BY THE DIRECTOR, THE INITIAL
14 TERM OF OFFICE OF ONE EMPLOYER MEMBER, ONE EMPLOYEE MEMBER,
15 AND ONE REPRESENTATIVE OF THE PUBLIC IS THREE YEARS AND THE
16 INITIAL TERM OF OFFICE OF THE REMAINING FIVE MEMBERS IS FOUR YEARS.
17 THEREAFTER, THE TERMS OF THE MEMBERS ARE FOUR YEARS.

18 (II) THE TERMS OF OFFICE OF THE NONVOTING, EX OFFICIO
19 MEMBERS APPOINTED PURSUANT TO SUBSECTION (2)(a)(II) OF THIS
20 SECTION ARE THE SAME AS THE TERMS OF OFFICE OF THOSE MEMBERS AS
21 SPECIFIED IN SECTION 8-15.7-103 (2)(b)(II).

22 (III) THE DIRECTOR SHALL APPOINT ONE MEMBER OF THE IAC TO
23 SERVE AS THE CHAIR FOR A TERM OF TWO YEARS. A CHAIR MAY BE
24 APPOINTED TO SERVE NO MORE THAN TWO FULL TERMS.

25 (c) IF A MEMBER FAILS TO COMPLETE THE MEMBER'S TERM, THE
26 APPOINTING AUTHORITY SHALL APPOINT A NEW MEMBER TO COMPLETE
27 THE REMAINDER OF THE TERM.

1 (d) MEMBERS SHALL SERVE WITHOUT COMPENSATION FOR THEIR
2 SERVICE; EXCEPT THAT MEMBERS MAY RECEIVE A PER DIEM AS
3 ESTABLISHED BY THE DIRECTOR AND REIMBURSEMENT FOR TRAVEL AND
4 OTHER NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
5 OFFICIAL DUTIES.

6 (e) THE IAC:

7 (I) SHALL MEET AT LEAST QUARTERLY AND AT THE REQUEST OF
8 THE DIRECTOR AS NEEDED TO ACCOMPLISH THE OBJECTIVES OF THE IAC;

9 (II) SHALL PROVIDE TIMELY WRITTEN NOTICE OF ALL MEETINGS TO
10 THE DEPARTMENT;

11 (III) MAY DETERMINE ITS OWN PROCEDURAL RULES; AND

12 (IV) IS SUBJECT TO ARTICLE 6 OF TITLE 24.

13 (f) NO MEMBER OF THE IAC MAY RECEIVE ANY COMPENSATION
14 FROM AN APPRENTICESHIP PROGRAM.

15 (3) FOR ALL APPRENTICESHIPS THAT ARE NOT WITHIN THE
16 BUILDING AND CONSTRUCTION TRADES AND NOT UNDER THE JURISDICTION
17 OF THE SAC, THE IAC SHALL:

18 (a) REGISTER WITH AND MAINTAIN THE STANDARDS OF THE
19 UNITED STATES DEPARTMENT OF LABOR'S OFFICE OF APPRENTICESHIP AND
20 DEVELOP MINIMUM STANDARDS FOR REGISTRATION OF APPRENTICESHIP
21 PROGRAMS;

22 (b) RESOLVE CONFLICTS AND COMPLAINTS THAT ARISE BETWEEN
23 PARTIES TO AN APPRENTICESHIP AGREEMENT WHEN A CONFLICT EXISTS,
24 AFTER THE CONFLICT HAS BEEN ADDRESSED BY LOCAL ENTITIES CHARGED
25 WITH THIS FUNCTION UNDER THE RELEVANT APPRENTICESHIP PROGRAM
26 STANDARDS AND THE SAA;

27 (c) REVIEW PROGRAM PERFORMANCE STANDARDS AND MAKE

1 FINDINGS OF FACT AND DECISIONS ON ENFORCEMENT ACTIONS BASED ON
2 EACH REVIEW;

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

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

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

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

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

17 **18-15.7-105. Joint resolution committee of the SAC and IAC-**
18 **created - members powers - duties.** (1) THE CHAIRS OF THE SAC AND
19 THE IAC SHALL ESTABLISH AN AD HOC JOINT RESOLUTION COMMITTEE OF
20 THE SAC AND IAC, REFERRED TO IN THIS SECTION AS THE "AD HOC
21 COMMITTEE". THE AD HOC COMMITTEE CONSISTS OF TWO MEMBERS FROM
22 BOTH THE IAC AND THE SAC APPOINTED BY THE DIRECTOR. THE AD HOC
23 COMMITTEE SHALL RESOLVE CONFLICTS THAT ARISE BETWEEN THE SAC
24 AND THE IAC AND SHALL DEFINE THE JURISDICTION OF THE SAC AND THE
25 IAC.

26 (2) THE AD HOC COMMITTEE OF THE SAC AND THE IAC SHALL:

27 (a) PUBLISH A STATEMENT DEFINING THE SAC'S JURISDICTION OF

1 THE BUILDING AND CONSTRUCTION TRADES, AND UPDATE THE STATEMENT
2 PERIODICALLY AS NECESSARY AS DETERMINED BY THE AD HOC
3 COMMITTEE; AND

4 (b) RESOLVE CONFLICTS AND COMPLAINTS THAT ARISE BETWEEN
5 THE SAC AND THE IAC AS DETERMINED BY THE AD HOC COMMITTEE.

6 (3) IF THERE IS A TIE AMONG THE AD HOC COMMITTEE MEMBERS IN
7 DETERMINING A RESOLUTION TO A CONFLICT, THE DIRECTOR SHALL BREAK
8 THE TIE. A DECISION OF THE AD HOC COMMITTEE IS FINAL.

9 (4) THE SAC HAS JURISDICTION OVER APPRENTICESHIP PROGRAMS
10 FOR OCCUPATIONS IN THE BUILDING AND CONSTRUCTION TRADES. FOR
11 PURPOSES OF THIS SECTION, OCCUPATIONS ARE IN THE BUILDING AND
12 CONSTRUCTION TRADES IF EITHER:

13 (a) WORKERS IN THE OCCUPATION PERFORM CONSTRUCTION,
14 RECONSTRUCTION, RENOVATION, ALTERATION, DEMOLITION, PAINTING,
15 REPAIR, OR MAINTENANCE WORK FOR ROADS, HIGHWAYS, BUILDINGS,
16 STRUCTURES, INDUSTRIAL FACILITIES, OR IMPROVEMENTS OF ANY TYPE; OR

17 (b) APPRENTICES IN THE APPRENTICESHIP PROGRAM WILL BE
18 EMPLOYED BY LICENSED CONTRACTORS.

19
20 **8-15.7-106. Application for registration of apprenticeship**
21 **programs - diversity initiatives - deregistration - rules.** (1) ON AND
22 AFTER JULY 1, 2023, THE SAA SHALL ACCEPT APPLICATIONS FOR THE
23 REGISTRATION OF APPRENTICESHIP PROGRAMS PURSUANT TO 29 CFR 29
24 AND 30.

25 (2) EACH APPRENTICESHIP PROGRAM THAT REGISTERS WITH THE
26 SAA SHALL ADOPT A WRITTEN DIVERSITY RECRUITMENT PLAN THAT
27 ENSURES EQUAL OPPORTUNITY IN THE RECRUITMENT, SELECTION,

1 EMPLOYMENT, AND TRAINING OF APPRENTICES. THE RECRUITMENT PLAN
2 MUST INCLUDE THE ADOPTION OF FEDERAL REGULATIONS CONCERNING
3 EQUAL EMPLOYMENT UNDER 29 CFR 29 AND 30. THE SAA SHALL ENSURE
4 COMPLIANCE WITH THE FEDERAL REGULATIONS BY FILING THE EQUAL
5 EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP STATE PLAN PURSUANT TO
6 SECTION 8-15.7-102 (1)(n).

7 (3) (a) THE SAA MAY DEREGISTER AN APPRENTICESHIP PROGRAM
8 AT THE REQUEST OF THE SPONSOR OR, AFTER A HEARING PURSUANT TO
9 SECTION 8-15.7-107, FOR NONCOMPLIANCE WITH THIS ARTICLE 15.7
10 PURSUANT TO CONDITIONS AND RULES ESTABLISHED BY THE SAA.

11 (b) ANY APPRENTICESHIP PROGRAM DEREGISTERED FOR
12 NONCOMPLIANCE WITH THIS ARTICLE 15.7 OR ANY RULES PROMULGATED
13 PURSUANT TO THIS ARTICLE 15.7 MAY PRESENT EVIDENCE TO THE SAA
14 THAT THE PROGRAM IS COMPLIANT. THE APPRENTICESHIP PROGRAM'S
15 REGISTRATION MAY BE REINSTATED:

16 (I) NO EARLIER THAN ONE YEAR AFTER ISSUANCE OF THE
17 DEREGISTRATION ORDER;

18 (II) IF THE SAA DETERMINES THAT THE APPRENTICESHIP PROGRAM
19 HAS AN ACCEPTABLE SET OF STANDARDS AND IS IN COMPLIANCE WITH ALL
20 REQUIREMENTS FOR REGISTERED APPRENTICESHIP PROGRAMS UNDER THIS
21 ARTICLE 15.7; AND

22 (III) IF THE APPRENTICESHIP PROGRAM IS PREPARED TO
23 IMMEDIATELY ENROLL ONE OR MORE APPRENTICES.

24 (4) UPON REQUEST TO THE SAA, A SPONSOR MAY REVERSE A
25 VOLUNTARY DEREGISTRATION WITHIN SIX MONTHS AFTER ITS EFFECTIVE
26 DATE IF ON THAT DATE THE SAA HAD NO CURRENT GROUNDS TO INITIATE
27 INVOLUNTARY DEREGISTRATION PROCEEDINGS.

1 **8-15.7-107. Hearings.** (1) UPON REQUEST OF A HEARING BY THE
2 SAC OR THE IAC, THE SAA SHALL CONDUCT HEARINGS FOR THE PURPOSE
3 OF RESOLVING COMPLIANCE ISSUES OR DEREGISTRATION ISSUES WITH A
4 REGISTERED APPRENTICESHIP PROGRAM. WITHIN TEN DAYS AFTER
5 RECEIVING A REQUEST FOR A HEARING, THE SAA SHALL DESIGNATE A
6 HEARING OFFICER TO CONDUCT THE HEARING. THE HEARING OFFICER
7 SHALL GIVE REASONABLE NOTICE OF THE HEARING BY REGISTERED OR
8 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE SPONSOR OF THE
9 REGISTERED APPRENTICESHIP PROGRAM THAT IS THE SUBJECT OF THE
10 HEARING. THE NOTICE SHALL INCLUDE THE FOLLOWING:

- 11 (a) A TIME AND PLACE OF THE HEARING;
12 (b) A STATEMENT OF THE PROVISIONS WITH WHICH THE
13 REGISTERED APPRENTICESHIP PROGRAM IS ALLEGED NOT TO COMPLY; AND
14 (c) A CONCISE STATEMENT OF ALLEGED INSTANCES OF
15 NONCOMPLIANCE BASED ON WHICH THE HEARING WAS REQUESTED.

16 (2) THE HEARING OFFICER SHALL CONDUCT THE HEARING IN
17 ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT",
18 ARTICLE 4 OF TITLE 24. EACH PARTY HAS THE RIGHT TO COUNSEL AND A
19 FAIR OPPORTUNITY TO PRESENT THE CASE, INCLUDING
20 CROSS-EXAMINATION AS MAY BE APPROPRIATE IN THE CIRCUMSTANCES.
21 THE HEARING OFFICER SHALL:

- 22 (a) DEVELOP FINDINGS AND A RECOMMENDED DECISION ON THE
23 BASIS OF THE RECORD OF THE HEARING AND ANY RECORDS AVAILABLE TO
24 THE PARTIES AT THE TIME OF THE HEARING; AND

25 (b) PRESENT THE FINDINGS AND RECOMMENDED DECISION TO THE
26 PARTIES AND TO THE SAA WITHIN THIRTY CALENDAR DAYS AFTER THE
27 CONCLUSION OF THE HEARING. THE SAA SHALL MAKE A DETERMINATION

1 BASED ON THE FINDINGS OF THE HEARING OFFICER WHETHER TO CONTINUE
2 THE REGISTRATION OF THE APPRENTICESHIP PROGRAM, TO DEREGISTER
3 THE APPRENTICESHIP PROGRAM, OR TO IMPOSE CONDITIONS ON THE
4 APPRENTICESHIP PROGRAM IN ORDER TO CONTINUE REGISTRATION OF THE
5 PROGRAM. THE DETERMINATION OF THE SAA IS A FINAL AGENCY ACTION
6 THAT IS SUBJECT TO JUDICIAL REVIEW PURSUANT TO SECTION 24-4-106.

7 **8-15.7-108. Rules.** (1) THE DIRECTOR MAY PROMULGATE RULES
8 TO IMPLEMENT THIS ARTICLE 15.7, INCLUDING RULES THAT ADDRESS:

9 (a) THE ELIGIBILITY REQUIREMENTS FOR APPRENTICESHIP
10 PROGRAMS TO BE REGISTERED BY THE SAA;

11 (b) THE REQUIREMENTS FOR A PERSON OR ENTITY TO BE A
12 SPONSOR;

13 (c) THE CONDITIONS AND PROCEEDINGS FOR CURING
14 NONCOMPLIANCE WITH THIS ARTICLE 15.7 AND FOR THE DEREGISTRATION
15 OF A REGISTERED APPRENTICESHIP PROGRAM; AND

16 (d) GRIEVANCE PROCEDURES FOR COMPLAINTS NOT UNDER THE
17 JURISDICTION OF THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY
18 COMMISSION, INCLUDING COMPLAINTS CONCERNING APPRENTICES NOT
19 MOVING THROUGH AN APPRENTICESHIP PROGRAM IN A TIMELY MANNER
20 AND INSUFFICIENT ON-THE-JOB TRAINING OR CLASSROOM TIME.

21 **8-15.7-109. Repeal of article.** THIS ARTICLE 15.7 IS REPEALED,
22 EFFECTIVE SEPTEMBER 1, 2029. BEFORE THE REPEAL, THE FUNCTIONS OF
23 THE DIRECTOR ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH
24 SECTION 24-34-104.

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

27 **24-1-121. Department of labor and employment - creation.**

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

3 (k) THE STATE APPRENTICESHIP AGENCY CREATED IN SECTION
4 8-15.7-102, WHICH SHALL EXERCISE ITS POWERS AND PERFORM THE
5 DUTIES AND FUNCTIONS SPECIFIED BY ARTICLE 15.7 OF TITLE 8 UNDER THE
6 DEPARTMENT OF LABOR AND EMPLOYMENT AND THE EXECUTIVE DIRECTOR
7 OF THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO THE
8 DEPARTMENT BY A **TYPE 1** TRANSFER.

9 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **add**
10 **(30)(a)(VII)** as follows:

11 **24-34-104. General assembly review of regulatory agencies**
12 **and functions for repeal, continuation, or reestablishment - legislative**
13 **declaration - repeal.** (30) (a) The following agencies, functions, or both,
14 are scheduled for repeal on September 1, 2029:

15 (VII) THE STATE APPRENTICESHIP AGENCY CREATED IN ARTICLE
16 15.7 OF TITLE 8.

17 **SECTION 4. Effective date.** This act takes effect July 1, 2021.

18 **SECTION 5. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety.