A BILL FOR AN ACT

Concerning a state apprenticeship registration program in the department of labor and employment, and, in connection therewith, making an appropriation.

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) "QUALIFIED INTERMEDIARY" MEANS AN ENTITY THAT DEMONSTRATES EXPERTISE IN CONNECTING EMPLOYERS OR APPRENTICESHIP PROGRAM PARTICIPANTS TO REGISTERED APPRENTICESHIP PROGRAMS OR IN CONVENING STAKEHOLDERS TO DEVELOP REGISTERED APPRENTICESHIP PROGRAMS AND SERVES EMPLOYERS AND APPRENTICESHIP PROGRAM PARTICIPANTS BY:

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

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

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

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

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

(f) Developing and providing personalized apprenticeship program participant supports, including partnering with organizations to provide access to or referrals for supportive services and financial advising;

(g) Providing services, resources, and supports for the development, delivery, expansion, or improvement of apprenticeship programs under the national apprenticeship system; or

(h) Serving as an apprenticeship program sponsor

(12) "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.

(13) "Registered apprenticeship program" means an
APPRENTICESHIP PROGRAM THAT IS REGISTERED BY THE SAA PURSUANT TO THIS ARTICLE 15.7.

(14) "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.

(15) "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.

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

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


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

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

(c) ENCOURAGE THE DEVELOPMENT OF AND ASSIST IN THE
ESTABLISHMENT OF APPRENTICESHIP PROGRAMS AND PROMOTE ENROLLMENT IN APPRENTICESHIP PROGRAMS BY PROVIDING TECHNICAL AND COMPLIANCE ASSISTANCE TO SPONSORS, APPRENTICES, AND APPRENTICESHIP PROGRAMS AND ENSURING PROGRAM COMPLIANCE WITH APPRENTICESHIP STANDARDS;

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

(e) Issue certificates of registration to existing apprenticeship programs;

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

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

(h) Perform quality assurance assessments;

(i) Approve the appropriate implementation of an apprenticeship program;

(j) 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;

(k) 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;

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

(m) REVIEW APPRENTICESHIP PROGRAMS FOR REINSTATEMENT OF REGISTRATION;

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

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

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

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

(r) WORK IN PARTNERSHIP WITH RELEVANT STATE AGENCIES TO REDUCE DUPLICATION OF POST-SECONDARY PROGRAM APPROVAL.

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

(4) 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 sixteen members appointed as follows:

(I) The director shall appoint ten voting members familiar with apprenticeable occupations as follows:

(A) Four representatives from employer organizations, one of whom represents a statewide employer organization, one of whom represents an employer involved with an apprenticeship program targeting populations with barriers to employment, and one of whom represents a statewide organization of general and specialty commercial construction contractors that is knowledgeable about registered apprenticeship programs;

(B) Four 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 seven 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; __

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

(G) One representative from the department of higher education.

(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 four 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. A chair may be appointed to serve no more than two full terms.

(d) If a member fails to complete the member's term, the appointing authority shall appoint a new member to complete
(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) PROVIDE AN ANNUAL REPORT TO THE EXECUTIVE DIRECTOR WITH APPRENTICESHIP DATA DISAGGREGATED BY AGE OF POPULATION, RACE, GENDER, VETERAN STATUS, DISABILITY, AND INDUSTRY;

(h) ADVISE THE SAA REGARDING EFFECTIVE PERFORMANCE OF THE SAC’S ASSIGNED FUNCTIONS; AND

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

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 FOURTEEN MEMBERS APPOINTED AS FOLLOWS:
(I) The director shall appoint eight voting members who represent, and are regularly evaluated to ensure that the representation aligns with, high-demand jobs, as stated in the Annual Colorado Talent Report prepared pursuant to section 24-46.3-103 (3), as follows:

(A) Three representatives of employer organizations that are not within the building and construction trades; at least one of whom represents an employer involved with a program explicitly targeting populations with barriers to employment, including women, people of color, ex-offenders, and persons with disabilities; one of whom represents youth with barriers to employment; and one of whom represents out-of-school youth;

(B) Three representatives from employee organizations that are not within the building and construction trades;

(C) One representative from a qualified intermediary; and

(D) One member of the public.

(II) The governor shall appoint the six nonvoting, ex officio members, one of whom is a representative of the Department of Higher Education, and five of whom are 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 five 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. A chair may be
appointed to serve no more than two full terms.

(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) PROVIDE AN ANNUAL REPORT TO THE EXECUTIVE DIRECTOR
WITH APPRENTICESHIP DATA DISAGGREGATED BY AGE OF POPULATION,
RACE, GENDER, VETERAN STATUS, DISABILITY, AND INDUSTRY;

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

(i) FORMULATE POLICIES FOR THE INDUSTRIES WITHIN THE IAC'S
JURISDICTION AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF
THIS ARTICLE 15.7.
18-15.7-105. Joint resolution committee of the SAC and IAC - created - members powers - duties. (1) The chairs of the SAC and the IAC shall establish an ad hoc joint resolution committee of the SAC and IAC, referred to in this section as the "ad hoc committee". The ad hoc committee consists of two members from both the IAC and the SAC appointed by the director. The ad hoc committee shall resolve conflicts that arise between the SAC and the IAC and shall define the jurisdiction of the SAC and the IAC.

(2) The ad hoc committee of the SAC and the IAC shall:

(a) Publish a statement defining the SAC's jurisdiction of the building and construction trades, and update the statement periodically as necessary as determined by the ad hoc committee; and

(b) Resolve conflicts and complaints that arise between the SAC and the IAC as determined by the ad hoc committee.

(3) If there is a tie among the ad hoc committee members in determining a resolution to a conflict, the director shall break the tie. A decision of the ad hoc committee is final.

(4) The SAC has jurisdiction over apprenticeship programs for occupations in the building and construction trades. For purposes of this section, occupations are in the building and construction trades if either:

(a) Workers in the occupation perform construction, reconstruction, renovation, alteration, demolition, painting, repair, or maintenance work for roads, highways, buildings, structures, industrial facilities, or improvements of any type; or
Apprentices in the apprenticeship program will be employed by licensed contractors.

8-15.7-106. 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 and 30.

(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)(n).

(3) (a) The SAA may deregister an apprenticeship program at the request of the sponsor or, after a hearing pursuant to section 8-15.7-107, 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.


(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 THE PARTIES AT THE TIME OF THE HEARING; AND

(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 DEREISTER 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.

8-15.7-108. 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;

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

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

8-15.7-109. Repeal of article. This article 15.7 is repealed, effective September 1, 2029. Before the repeal, the functions of the director are scheduled for review in accordance with section 24-34-104.

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. In Colorado Revised Statutes, 24-34-104, add (30)(a)(VII) as follows:

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

(VII) The state apprenticeship agency created in article 15.7 of title 8.
SECTION 4. Appropriation. (1) For the 2021-22 state fiscal year, $485,249 is appropriated to the department of labor and employment. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) $321,579 for use by the state apprenticeship agency for program costs, which amount is based on an assumption that the agency will require an additional 3.1 FTE;

(b) $85,072 for the purchase of legal services; and

(c) $78,598 for the purchase of information technology services.

(2) For the 2021-22 state fiscal year, $85,072 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of labor and employment under subsection (1)(b) of this section and is based on an assumption that the department of law will require an additional 0.4 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of labor and employment.

(3) For the 2021-22 state fiscal year, $78,598 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of labor and employment under subsection (1)(c) of this section and is based on an assumption that the office will require an additional 0.1 FTE. To implement this act, the office may use this appropriation to provide information technology services for the department of labor and employment.

SECTION 5. Effective date. This act takes effect July 1, 2021.

SECTION 6. 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.