A BILL FOR AN ACT

Concerning the allocation of state money for workforce development activities to increase the skills of Colorado workers, 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 stimulus investments in reskilling, upskilling, and next-skilling workers program (program) as an initiative of the state work force development council (state council) to facilitate training for
unemployed and underemployed workers in the state during times of substantial unemployment, defined as a statewide unemployment rate that exceeds 4%. The bill appropriates $25 million for the program and directs the state council to use the money to support individuals in need of:

- Reskilling, which supports unemployed and underemployed workers to change industries in order to return to work or obtain more appropriate work based on their skills;
- Upskilling, which assists workers in increasing skill levels to retain or advance in their employment; or
- Next-skilling, which supports workers in developing future-ready skills necessary for employment in the twenty-first century.

The state council, in collaboration with the department of labor and employment, is directed to allocate funding to local work force development areas and to develop a grant program to award grants to other partners to provide reskilling, upskilling, and next-skilling supports to eligible individuals for up to 13 months.

Starting in 2022, as part of the Colorado talent report, the state council is directed to report on the activities and outcomes resulting from the program. The program repeals on June 30, 2024.

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

SECTION 1. Legislative declaration. (1) The general assembly finds, determines, and declares that:

(a) The COVID-19 pandemic that spread to Colorado in February of 2020 has led to extensive job losses throughout the state;
(b) The devastating effects of the COVID-19 pandemic have disproportionately impacted communities of color as well as women and low-income, senior, and disabled populations in the state;
(c) The state of Colorado has an obligation to invest in its economy, including investing in skills training and work-related education to help Colorado workers obtain and retain meaningful employment that helps them achieve economic self-sufficiency;
(d) The state work force development council, in collaboration
with community-based organizations, the state community college system, the department of higher education, the department of human services, and other partners, has created a nationally recognized workforce development infrastructure that has a proven track record of training Colorado workers for the 21st-century economy;

(e) Therefore, it is the intent of the general assembly that the money appropriated in this act be utilized to help those disproportionately impacted by the COVID-19 pandemic so that they may receive the skills training and work-related education they need to participate in the economic recovery and achieve economic self-sufficiency.

SECTION 2. In Colorado Revised Statutes, add 8-83-227 as follows:

8-83-227. Additional funding for workforce development activities - state funding not subject to federal law limitations.

(1) The department may receive and expend money from the general fund or any other state source appropriated by the general assembly or passed through another entity for purposes of distributing state funds to workforce development areas to implement workforce development activities, including the functions, activities, and services authorized pursuant to this part 2.

(2) Any limitations or requirements imposed on the use of money received pursuant to the federal act or the Wagner-Peyser Act do not apply to state money appropriated or passed through to the department pursuant to this section.

(3) For any appropriation made by the general assembly or pass-through of money from another entity pursuant to this
SECTION, THE DIVISION, IN PARTNERSHIP WITH THE STATE COUNCIL, SHALL DETERMINE THE USE OF, AND ANY LIMITATIONS ON THE USE OF, THE MONEY FOR WORKFORCE DEVELOPMENT ACTIVITIES TO ADDRESS THE ECONOMIC AND LABOR MARKET CONDITIONS.

SECTION 3. In Colorado Revised Statutes, add part 5 to article 46.3 of title 24 as follows:

PART 5

STIMULUS INVESTMENTS IN RESKILLING, UPSKILLING, AND NEXT-SKILLING WORKERS

24-46.3-501. Short title. The short title of this part 5 is the "STIMULUS INVESTMENTS IN RESKILLING, UPSKILLING, AND NEXT-SKILLING WORKERS ACT".

24-46.3-502. Definitions. As used in this part 5, unless the context otherwise requires:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(2) "INCUMBENT WORKER" MEANS A WORKER WHO QUALIFIES AS AN INCUMBENT WORKER UNDER 20 CFR 680.780.

(3) "INDUSTRY-RECOGNIZED CREDENTIAL" MEANS A CREDENTIAL THROUGH A PROGRAM OR OFFERING QUALIFIED UNDER THE CAREER DEVELOPMENT SUCCESS PROGRAM PURSUANT TO SECTION 22-54-138.

(4) "NEXT-SKILLING" MEANS ACTIVITIES TO DEVELOP FUTURE-READY SKILLS NECESSARY FOR EMPLOYMENT IN THE TWENTY-FIRST CENTURY AND INCLUDES THE FOCUS AREAS OF HUMAN SKILLS, DIGITAL SKILLS, BUSINESS SKILLS, GROWTH MINDSET, AND A LIFELONG LEARNING MINDSET.

(5) "PROGRAM" MEANS THE STIMULUS INVESTMENTS IN
RESKILLING, UPSKILLING, AND NEXT-SKILLING WORKERS PROGRAM
CREATED IN SECTION 24-46.3-503.

(6) (a) "RESKILLING" MEANS ACTIVITIES TO:
(I) SUPPORT UNEMPLOYED AND UNDEREMPLOYED INDIVIDUALS
WHO NEED OR WANT TO CHANGE INDUSTRIES IN ORDER TO RETURN TO
FULL-TIME WORK OR WHO NEED OR WANT TO OBTAIN MORE APPROPRIATE
WORK BASED ON THEIR SKILLS; AND
(II) HELP UNEMPLOYED AND UNDEREMPLOYED INDIVIDUALS
ACHIEVE ECONOMIC SELF-SUFFICIENCY.

(b) "RESKILLING" MAY INCLUDE TECHNICAL TRAINING FOR NEW
POSITIONS AND NEW CAREERS AND ENTREPRENEURIAL TRAINING FOR
INDIVIDUALS WHO WISH TO PURSUE SELF-EMPLOYMENT AND BUSINESS
OWNERSHIP.

(7) "SHORT-TERM TRAINING" MEANS A TRAINING PROGRAM THAT
IS NOT MORE THAN THIRTEEN MONTHS IN DURATION.

(8) "STATE COUNCIL" MEANS THE STATE WORK FORCE
DEVELOPMENT COUNCIL CREATED PURSUANT TO SECTION 24-46.3-101.

(9) "SUBSTANTIAL UNEMPLOYMENT" MEANS A STATEWIDE
UNEMPLOYMENT RATE THAT IS HIGHER THAN FOUR PERCENT.

(10) "UPSKILLING" MEANS ACTIVITIES TO INCREASE THE SKILL
LEVELS OF AN INCUMBENT WORKER SO THE WORKER IS ABLE TO RETAIN
EMPLOYMENT AND ADVANCE WITHIN A COMPANY.

(11) "WORK FORCE DEVELOPMENT AREA" HAS THE SAME MEANING
AS SET FORTH IN SECTION 8-83-203 (22).

24-46.3-503. Stimulus investments in reskilling, upskilling, and
next-skilling workers program - creation. (1) THE STIMULUS
INVESTMENTS IN RESKILLING, UPSKILLING, AND NEXT-SKILLING WORKERS
PROGRAM IS HEREBY CREATED AS AN INITIATIVE OF THE STATE COUNCIL AS A MEANS TO TRAIN UNEMPLOYED AND UNDEREMPLOYED COLORADANS DURING TIMES OF SUBSTANTIAL UNEMPLOYMENT. IN ANY STATE FISCAL YEAR IN WHICH MONEY IS APPROPRIATED FOR THE PROGRAM PURSUANT TO SECTION 24-46.3-504, THE STATE COUNCIL SHALL USE THE MONEY ALLOCATED TO THE PROGRAM TO SUPPORT INDIVIDUALS IN NEED OF RESKILLING, UPSKILLING, OR NEXT-SKILLING, INCLUDING PROVIDING ASSISTANCE TO ALLOW INDIVIDUALS TO ACCESS AND PARTICIPATE IN SHORT-TERM TRAINING TO OBTAIN AN INDUSTRY-RECOGNIZED CREDENTIAL. THE STATE COUNCIL MAY USE THE MONEY FOR THE FOLLOWING RESKILLING, UPSKILLING, OR NEXT-SKILLING PURPOSES:

(a) Career counseling;
(b) Career and academic exploration and planning;
(c) Tuition;
(d) Employer-provided training;
(e) Needs-based services;
(f) Transportation;
(g) Equipment;
(h) Retention services;
(i) Program implementation and administration, including reporting activities; and
(j) Other purposes determined by the State Council that are related to training unemployed and underemployed Coloradans during times of substantial unemployment.

(2) An individual may receive support through the program as described in subsection (1) of this section for up to thirteen consecutive months while pursuing an
industry-recognized credential. The state council, in collaboration with the department, shall develop the eligibility criteria for individuals to receive support through the program.

(3) (a) The state council, in collaboration with the department, shall determine the amount of funding available, and allocate funding, to workforce development areas for use in providing the supports specified in subsection (1) of this section. Additionally, the state council shall establish a grant program to award funding to other partners, including local governments, institutions of higher education, and community-based nonprofit organizations, for use in providing the supports specified in subsection (1) of this section. The recipients of funding are responsible for working with individuals who qualify for the program and administering available funds to or on behalf of qualified individuals.

(b) The state council shall distribute the funding through a competitive application process that considers the relative need in an area and the ability of the applicant to support individuals, as well as other criteria that the state council and the department determine are relevant based on the economic conditions at the time applications are being considered.

24-46.3-504. Funding for program. (1) For the 2020-21 state fiscal year, the general assembly shall appropriate twenty-five million dollars from the general fund to the department for allocation to the state council for the program. Any money
APPROPRIATED IN THE 2020-21 STATE FISCAL YEAR THAT IS NOT ENCUMBERED OR EXPENDED AT THE END OF THAT STATE FISCAL YEAR REMAINS AVAILABLE FOR EXPENDITURE BY THE STATE COUNCIL IN THE NEXT TWO STATE FISCAL YEARS WITHOUT FURTHER APPROPRIATION.

(2) THE STATE COUNCIL MAY USE THE MONEY APPROPRIATED PURSUANT TO THIS SECTION FOR THE PURPOSES SPECIFIED IN SECTION 24-46.3-503.

(3) NEITHER THE DEPARTMENT NOR THE STATE COUNCIL SHALL USE MONEY APPROPRIATED PURSUANT TO THIS SECTION TO ADD PERMANENT FULL-TIME EQUIVALENT POSITIONS FOR THE DEPARTMENT OR THE STATE COUNCIL, BUT THE STATE COUNCIL MAY USE A PORTION OF THE MONEY FOR PERSONNEL FOR A LIMITED TIME AS NECESSARY TO EFFECTIVELY IMPLEMENT, ADMINISTER, AND REPORT ON THE PROGRAM.

24-46.3-505. Reports. (1) IN DECEMBER 2022 AND DECEMBER 2023, THE STATE COUNCIL SHALL REPORT ON THE ACTIVITIES AND OUTCOMES RESULTING FROM THE PROGRAM IN THE PRIOR STATE FISCAL YEAR AS PART OF THE ANNUAL COLORADO TALENT REPORT PREPARED PURSUANT TO SECTION 24-46.3-103 (3).

(2) EACH APPLICANT THAT RECEIVES FUNDING UNDER THE PROGRAM SHALL REPORT TO THE STATE COUNCIL ON THE MEASURABLE OUTCOMES ACHIEVED, INCLUDING THE NUMBER OF PARTICIPANTS SERVED, THE NUMBER OF SHORT-TERM TRAINING PROGRAMS COMPLETED, AND ANY OTHER INFORMATION THAT THE STATE COUNCIL DETERMINES APPROPRIATE TO DEMONSTRATE THE SUCCESS OF THE GRANT.

24-46.3-506. Repeal of part. THIS PART 5 IS REPEALED, EFFECTIVE JUNE 30, 2024.

SECTION 4. Appropriation. For the 2020-21 state fiscal year,
$25,000,000 is appropriated to the department of labor and employment for use by the Colorado work force development council. This appropriation is from the general fund. To implement this act, the council may use this appropriation for the reskilling, upskilling, and next-skilling workers program.

SECTION 5. 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.