

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

**INTRODUCED**

LLS NO. 21-0928.01 Kristen Forrestal x4217

**SENATE BILL 21-233**

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**SENATE SPONSORSHIP**

**Rodriguez and Hansen,**

**HOUSE SPONSORSHIP**

**Benavidez and Gonzales-Gutierrez,**

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**Senate Committees**

Business, Labor, & Technology

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING FUNCTIONS OF THE DIVISION OF UNEMPLOYMENT**  
102              **INSURANCE, AND, IN CONNECTION THEREWITH, ESTABLISHING**  
103              **THE LEFT-BEHIND WORKERS PROGRAM AND INCLUDING THE**  
104              **EMPLOYMENT SUPPORT FUND AS PART OF THE DIVISION OF**  
105              **UNEMPLOYMENT INSURANCE ENTERPRISE.**

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**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 establishes the left-behind workers program (program) in the division of unemployment insurance (division) in the department of

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.

labor and employment (department) for the purpose of providing unemployment assistance relief payments to eligible individuals who are unemployed through no fault of their own, who meet specified criteria, and who are ineligible for regular unemployment benefits due to their immigration status. The bill requires the department to contract with a third-party administrator to administer the program. The third-party administrator must provide outreach to unemployed individuals who may be eligible to receive unemployment assistance relief payments, screen applicants for eligibility, and make payments to eligible individuals.

The bill establishes the left-behind workers fund (fund) as part of the enterprise that is administered by the division. The fund consists of a percentage of the premium currently assessed by the division and paid by employers.

The bill includes the employment support fund as part of the enterprise that is administered by the division.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-71-103, **amend**  
3 (2)(b) as follows:

4 **8-71-103. Organization of division - authority to issue bonds.**

5 (2) (b) ~~(f) Except as provided in subparagraph (H) of this paragraph (b),~~

6 The enterprise established pursuant to this subsection (2) has all the  
7 powers and duties authorized by articles 70 to 82 of this ~~title~~ TITLE 8  
8 pertaining to unemployment insurance and unemployment compensation.

9 The unemployment compensation fund created in section 8-77-101,  
10 ~~constitutes~~ THE EMPLOYMENT SUPPORT FUND CREATED IN SECTION  
11 8-77-109, AND THE LEFT-BEHIND WORKERS FUND CREATED IN SECTION  
12 8-77-111 CONSTITUTE part of the enterprise established pursuant to this  
13 subsection (2).

14 ~~(H) The employment support fund established in section 8-77-109~~  
15 ~~(f) shall not be included in or administered by the enterprise established~~  
16 ~~pursuant to this subsection (2).~~

17 **SECTION 2.** In Colorado Revised Statutes, **add** part 2 to article

1 73 of title 8 as follows:

2

PART 2

3

LEFT-BEHIND WORKERS PROGRAM

4

**8-73-201. Definitions.** AS USED IN THIS PART 2, UNLESS THE  
5 CONTEXT OTHERWISE REQUIRES:

6

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

8

(2) "ELIGIBLE INDIVIDUAL" MEANS A PERSON WHO, REGARDLESS  
9 OF IMMIGRATION STATUS:

10

(a) HAS SEPARATED FROM EMPLOYMENT THROUGH NO FAULT OF  
11 THE INDIVIDUAL'S OWN ACTIONS DUE TO ONE OR MORE OF THE FACTORS  
12 DESCRIBED IN SECTION 8-73-108 (4);

13

(b) RECEIVED INCOME FROM EMPLOYMENT DURING A QUALIFIED  
14 BASE PERIOD AS ESTABLISHED BY THE DIRECTOR OF THE DIVISION; AND

15

(c) IS NOT ELIGIBLE FOR AND HAS NOT RECEIVED UNEMPLOYMENT  
16 INSURANCE BENEFITS PURSUANT TO THIS ARTICLE 73 DUE TO THE  
17 INDIVIDUAL'S IMMIGRATION STATUS.

18

(3) "PROGRAM" MEANS THE LEFT-BEHIND WORKERS PROGRAM  
19 CREATED IN SECTION 8-73-202 (1).

20

(4) "THIRD-PARTY ADMINISTRATOR" MEANS THE ENTITY WITH  
21 WHICH THE DIVISION CONTRACTS TO ADMINISTER THE PROGRAM.

22

(5) "UNEMPLOYMENT ASSISTANCE RELIEF PAYMENTS" MEANS  
23 BENEFITS CALCULATED PURSUANT TO SECTION 8-73-202 (2) FOR AN  
24 ELIGIBLE INDIVIDUAL.

25

**8-73-202. Left-behind workers program - created - purpose -  
26 third-party administrator - unemployment assistance relief  
27 payments.** (1) THERE IS HEREBY CREATED IN THE DIVISION THE

1 LEFT-BEHIND WORKERS PROGRAM TO ALLOCATE MONEY TO A  
2 THIRD-PARTY ADMINISTRATOR TO PROVIDE UNEMPLOYMENT ASSISTANCE  
3 RELIEF PAYMENTS TO ELIGIBLE INDIVIDUALS. THE DIVISION SHALL  
4 DEVELOP A PROCESS FOR CONTRACTING WITH A THIRD-PARTY  
5 ADMINISTRATOR TO PROVIDE UNEMPLOYMENT ASSISTANCE RELIEF  
6 PAYMENTS TO ELIGIBLE INDIVIDUALS. THE THIRD-PARTY ADMINISTRATOR  
7 SHALL:

8 (a) PROVIDE OUTREACH TO UNEMPLOYED INDIVIDUALS WHO MAY  
9 BE ELIGIBLE FOR UNEMPLOYMENT ASSISTANCE RELIEF PAYMENTS  
10 THROUGH THE PROGRAM;

11 (b) SCREEN APPLICANTS FOR UNEMPLOYMENT ASSISTANCE RELIEF  
12 PAYMENTS TO DETERMINE IF EACH APPLICANT IS AN ELIGIBLE INDIVIDUAL;  
13 AND

14 (c) MAKE UNEMPLOYMENT ASSISTANCE RELIEF PAYMENTS TO  
15 ELIGIBLE INDIVIDUALS.

16 (2) EACH ELIGIBLE INDIVIDUAL WHO IS TOTALLY UNEMPLOYED IN  
17 ANY WEEK MUST BE PAID, WITH RESPECT TO THAT WEEK, UNEMPLOYMENT  
18 ASSISTANCE RELIEF PAYMENTS AT A RATE OF FIFTY-FIVE PERCENT OF THE  
19 ELIGIBLE INDIVIDUAL'S AVERAGE WEEKLY WAGE FOR THE BASE PERIOD  
20 DETERMINED BY THE DIVISION; EXCEPT THAT THE MAXIMUM WEEKLY  
21 PAYMENT AMOUNT MAY NOT EXCEED THE MAXIMUM WEEKLY BENEFIT  
22 AMOUNT THAT THE ELIGIBLE INDIVIDUAL WOULD RECEIVE IF THE ELIGIBLE  
23 INDIVIDUAL'S BENEFITS WERE CALCULATED PURSUANT TO SECTION  
24 8-73-102. AN ELIGIBLE INDIVIDUAL MAY RECEIVE UNEMPLOYMENT  
25 ASSISTANCE RELIEF PAYMENTS THROUGH THE PROGRAM FOR A MAXIMUM  
26 OF THIRTEEN WEEKS DURING THE ELIGIBLE INDIVIDUAL'S PERIOD OF  
27 UNEMPLOYMENT.

1           (3) THE DEPARTMENT SHALL ALLOCATE THE MONEY IN THE  
2 LEFT-BEHIND WORKERS FUND CREATED IN SECTION 8-77-111 TO THE  
3 THIRD-PARTY ADMINISTRATOR FOR THE PURPOSE OF PROVIDING  
4 UNEMPLOYMENT ASSISTANCE RELIEF PAYMENTS TO ELIGIBLE INDIVIDUALS.  
5 THE THIRD-PARTY ADMINISTRATOR MAY BEGIN MAKING UNEMPLOYMENT  
6 ASSISTANCE RELIEF PAYMENTS TO ELIGIBLE INDIVIDUALS ON OR BEFORE  
7 FEBRUARY 1, 2022. IF AT ANY TIME THE BALANCE IN THE LEFT-BEHIND  
8 WORKERS FUND FALLS BELOW FIVE HUNDRED THOUSAND DOLLARS, AS  
9 ADJUSTED ANNUALLY, STARTING IN 2023, BASED ON THE PERCENTAGE  
10 CHANGE IN THE CONSUMER PRICE INDEX FOR  
11 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN  
12 CONSUMERS, OR ITS APPLICABLE SUCCESSOR INDEX, THE THIRD-PARTY  
13 ADMINISTRATOR SHALL SUSPEND PAYMENTS UNTIL THE BALANCE OF THE  
14 FUND IS EQUAL TO OR GREATER THAN FIVE HUNDRED THOUSAND DOLLARS,  
15 AS ADJUSTED PURSUANT TO THIS SUBSECTION (3).

16           **SECTION 3.** In Colorado Revised Statutes, **add** 8-77-111 as  
17 follows:

18           **8-77-111. Left-behind workers fund.** (1) (a) THERE IS HEREBY  
19 ESTABLISHED THE LEFT-BEHIND WORKERS FUND. THE LEFT-BEHIND  
20 WORKERS FUND CONSISTS OF 0.000785 ASSESSED AS PART OF EACH  
21 EMPLOYER'S PREMIUM UNDER SECTION 8-76-102.5 (3)(a). IF THE AMOUNT  
22 IN THE LEFT-BEHIND WORKERS FUND EXCEEDS FIFTY MILLION DOLLARS, AS  
23 ADJUSTED ANNUALLY, STARTING IN 2023, BASED ON THE PERCENTAGE  
24 CHANGE IN THE CONSUMER PRICE INDEX FOR  
25 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN  
26 CONSUMERS, OR ITS APPLICABLE SUCCESSOR INDEX, THE EMPLOYER  
27 PREMIUM MUST NOT BE ASSESSED UNTIL THE FUND FALLS BELOW SUCH

1 LIMIT, AS ADJUSTED PURSUANT TO THIS SUBSECTION (1)(a).

2 (b) THE STATE TREASURER SHALL CREDIT THE MONEY COLLECTED  
3 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION TO THE LEFT-BEHIND  
4 WORKERS FUND. THE GENERAL ASSEMBLY SHALL APPROPRIATE THE  
5 MONEY IN THE LEFT-BEHIND WORKERS FUND ANNUALLY TO THE  
6 DEPARTMENT OF LABOR AND EMPLOYMENT FOR THE PURPOSES SPECIFIED  
7 IN THIS SECTION.

8 (c) THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL  
9 ALLOCATE THE MONEY IN THE LEFT-BEHIND WORKERS FUND TO A  
10 THIRD-PARTY ADMINISTRATOR PURSUANT TO THE LEFT-BEHIND WORKERS  
11 PROGRAM CREATED IN PART 2 OF ARTICLE 73 OF THIS TITLE 8 FOR THE  
12 PURPOSE OF PROVIDING UNEMPLOYMENT ASSISTANCE RELIEF PAYMENTS  
13 TO ELIGIBLE INDIVIDUALS.

14 (2) THE LEFT-BEHIND WORKERS FUND CONSTITUTES PART OF THE  
15 ENTERPRISE ESTABLISHED PURSUANT TO SECTION 8-71-103 (2).

16 **SECTION 4.** In Colorado Revised Statutes, 8-73-101, **amend** (1)  
17 as follows:

18 **8-73-101. Payment of benefits.** (1) All benefits provided in this  
19 ~~article shall be~~ PART 1 ARE payable from the fund. All benefits ~~shall~~ MUST  
20 be paid through employment offices or such other agencies as the director  
21 of the division, by general rule, may designate. Notwithstanding any other  
22 provision of the law to the contrary, any amount of unemployment  
23 compensation payable to any individual for any week, if not an even  
24 dollar amount, ~~shall~~ MUST be rounded to the next lower full dollar  
25 amount.

26 **SECTION 5.** In Colorado Revised Statutes, 8-73-103, **amend** (2)  
27 as follows:

1           **8-73-103. Benefits for partial unemployment - repeal.** (2) The  
2 director of the division is authorized to prescribe regulations governing  
3 benefits for partial unemployment for other pay periods ~~which~~ THAT will  
4 result in benefit amounts for such periods proportionate to the amounts  
5 prescribed in this ~~article~~ PART 1 for weekly pay periods.

6           **SECTION 6.** In Colorado Revised Statutes, **amend** 8-73-112 as  
7 follows:

8           **8-73-112. Benefits payable after receiving workers'**  
9 **compensation benefits.** Any provision of the law to the contrary  
10 notwithstanding, a person who is separated from employment due to an  
11 accident or injury resulting in a temporary total disability for which ~~he~~  
12 THE PERSON has been compensated under section 8-42-105, if otherwise  
13 eligible, ~~shall be~~ IS entitled to receive, after the termination of the  
14 continuous period of disability, benefits under this ~~article~~ ~~which~~ PART 1  
15 THAT were available and in effect at the time of separation from  
16 employment. Payment of benefits for a week under this section ~~shall~~  
17 MUST be made only if a claim ~~therefor~~ FOR BENEFITS is filed within the  
18 four weeks immediately following the termination of the continuous  
19 period of total disability and the week for which benefits are claimed  
20 occurs within three years after the date of separation from employment.  
21 Only one benefit year may be established under the provisions of this  
22 section.

23           **SECTION 7.** In Colorado Revised Statutes, 8-75-205, **amend** (1)  
24 as follows:

25           **8-75-205. Benefits formula - limitation of benefits.**  
26 (1) **Formula.** The division shall pay an employee who is eligible for  
27 unemployment compensation benefits under a work share plan a weekly

1 benefit that is the product of the employee's regular weekly benefit  
2 amount pursuant to PART 1 OF article 73 of this ~~title~~ TITLE 8, multiplied by  
3 the nearest full percentage of the reduction of the employee's work hours,  
4 rounded down to the next full dollar.

5 **SECTION 8. Effective date.** This act takes effect July 1, 2021.

6 **SECTION 9. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, or safety.