

CHAPTER 162

LABOR AND INDUSTRY

HOUSE BILL 22-1230

BY REPRESENTATIVE(S) Duran and Exum, Amabile, Bacon, Benavidez, Bird, Boesenecker, Caraveo, Cutter, Daugherty, Esgar, Froelich, Herod, Hooton, Jodeh, Lindsay, Lontine, McCluskie, Michaelson Jenet, Mullica, Sirota, Titone, Valdez D., Woodrow, Young, Garnett;
also SENATOR(S) Fields and Priola, Bridges, Jaquez Lewis, Lee, Pettersen, Story, Winter.

AN ACT

CONCERNING THE EMPLOYMENT SUPPORT AND JOB RETENTION SERVICES PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

(a) Employment support and job retention services are critical for individuals pursuing skills and employment training to successfully attain and retain an employment opportunity;

(b) The employment support and job retention services program (program) has served as a lifeline for many Coloradans seeking employment during the COVID-19 pandemic-induced economic downturn and subsequent recovery, complementing the efforts of both the state and federal governments to help the economy build back stronger than it was before the pandemic;

(c) At an average cost of just over \$293 per eligible participant, the program has served nearly 1,400 Colorado job seekers and newly employed individuals pursuing an employment goal since its implementation in January 2020;

(d) Ninety-three percent of service providers participating in the program reported the program had a high, or extremely high, impact on the long-term success of eligible participants, indicating administrative efficacy and efficiency;

(e) With memorandums of understanding signed with service providers

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

representing 60 of Colorado's 64 counties, the program is truly statewide and has helped both rural and urban Coloradans, women, people of color, veterans, and others, and the modifications contained in this legislation will enable the program to serve a broader range of Coloradans, including those in marginalized communities;

(f) Because of the COVID-19 pandemic recovery efforts, demand for the program is high, with funds expected to be exhausted in early 2022; and

(g) Reauthorization of the program beyond its scheduled repeal in September 2022 is consistent with the state's goal of building back the economy stronger than it was before by:

(I) Supporting all Coloradans by providing access to skills training and credentialing to help them obtain economic security; and

(II) Helping businesses facing a uniquely challenging labor market find the employees they need to thrive.

SECTION 2. In Colorado Revised Statutes, 8-83-401, **amend** (5) as follows:

8-83-401. Definitions. As used in this part 4, unless the context otherwise requires:

(5) "Service provider" means a public agency or nonprofit community organization that provides employment, employment preparation, EMPLOYMENT TRAINING, EDUCATION, and job retention services to eligible individuals pursuant to a memorandum of understanding with the administering entity. "SERVICE PROVIDER" INCLUDES FAITH-BASED ORGANIZATIONS AND CHURCHES, COMMUNITY CENTERS, NEIGHBORHOOD ORGANIZATIONS, FOOD BANKS, OUTREACH PROVIDERS, AND SIMILAR LOCAL ENTITIES THAT PROVIDE SERVICES TO MEMBERS OF THE COMMUNITY.

SECTION 3. In Colorado Revised Statutes, 8-83-404, **amend** (1)(d), (4)(a), (5)(b) introductory portion, (5)(b)(I), (5)(b)(V), and (5)(b)(XIII); and **add** (6) as follows:

8-83-404. Administration of the program. (1) The administering entity shall:

(d) Ensure the fiscal responsibility of the program in ~~compliance~~ CONJUNCTION with the director;

(4) Notwithstanding any other federal or state law, in order to be eligible to receive services for which a service provider may be reimbursed under the program, an individual must:

(a) (I) Have a household income at or below the federal poverty line; OR

(II) IF EMPLOYED:

(A) HAVE BEEN EMPLOYED FOR SIX MONTHS OR LESS BEFORE THE DATE UPON

WHICH ASSISTANCE IS REQUESTED; AND

(B) WITHIN NINETY DAYS BEFORE THE EMPLOYMENT START DATE, HAVE HAD A HOUSEHOLD INCOME AT OR BELOW THE FEDERAL POVERTY LINE.

(5) (b) Employment support, TRAINING, EDUCATION, and job retention services that are eligible for reimbursement include:

(I) COSTS RELATED TO transportation, ~~or~~ vehicle UPKEEP AND OPERATION, AND PARKING;

(V) Work tools and equipment, INCLUDING COMPUTERS, DIGITAL DEVICES, AND COSTS ASSOCIATED WITH INTERNET CONNECTIVITY;

(XIII) Other expenses as they pertain to employment preparation, job training, employment pursuit, EDUCATION, or job retention services as determined by the director.

(6) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE SELECTION OF, AND PAYMENTS TO, SERVICE PROVIDERS FOR SERVICES PURSUANT TO THE PROGRAM ARE NOT SUBJECT TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24.

SECTION 4. In Colorado Revised Statutes, 8-83-405, **amend** (2) as follows:

8-83-405. Reports required. (2) ~~On or before December 1, 2021,~~ BEGINNING IN JANUARY 2023, the division shall ~~report~~ PROVIDE to the business, labor, and technology committee of the senate and the business affairs and labor committee of the house of representatives, or their successor committees, ~~a comprehensive analysis~~ AN UPDATE concerning the efficacy of the program DURING THE DEPARTMENT'S PRESENTATION AT HEARINGS HELD PURSUANT TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2.

SECTION 5. In Colorado Revised Statutes, 8-83-406, **amend** (1)(a) and (3) as follows:

8-83-406. Employment support and job retention services program cash fund - created. (1) (a) The employment support and job retention services program cash fund, referred to in this section as the "fund", is hereby created in the state treasury. For the 2019-20 state fiscal year, the general assembly shall appropriate seven hundred fifty thousand dollars from the general fund to the fund. FOR THE 2022-23 STATE FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND. ANY MONEY REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

(3) The division may use the money in the fund for the purposes of this part 4, including administrative costs related to the program. The administering entity may use money in the fund to operate the program. The remainder of the money may be used only for reimbursements made pursuant to section 8-83-404. ~~The director or~~

~~the director's designee may expend money from the fund for the purposes of this part 4.~~

SECTION 6. In Colorado Revised Statutes, **amend** 8-83-407 as follows:

8-83-407. Repeal of part. This part 4 is repealed, effective ~~September 30, 2022~~
SEPTEMBER 1, 2029.

SECTION 7. Appropriation. (1) For the 2022-23 state fiscal year, \$250,000 is appropriated to the employment support and job retention services program cash fund created in section 8-83-406 (1)(a), C.R.S. This appropriation is from the general fund. The department of labor and employment is responsible for the accounting related to this appropriation.

(2) For the 2022-23 state fiscal year, \$250,000 is appropriated to the department of labor and employment for use by the division of employment and training. This appropriation is from reappropriated funds in the employment support and job retention services program cash fund under subsection (1) of this section. To implement this act, the department may use the appropriation for employment support and job retention services.

SECTION 8. Effective date. This act takes effect July 1, 2022.

SECTION 9. 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.

Approved: May 16, 2022