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## Labor and Employment

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During the 2021 legislative session, the General Assembly considered several measures related to labor and employment, including measures related to workforce development, the treatment of workers, and workers' compensation.

### Workforce Development

The General Assembly passed the following bills that address issues related to workforce development.

Prior to the passage of *House Bill 21-1007*, the U.S. Department of Labor was responsible for oversight of the state's 480 registered apprenticeship programs. Under the bill, beginning July 1, 2021, oversight of the state's registered apprenticeship programs will move to the newly-created State Apprenticeship Agency within the Colorado Department of Labor and Employment (CDLE), along with the newly-created State Apprenticeship Council and Interagency Advisory Committee on Apprenticeship.

The state has developed several career pathways in different industries that allow individuals to pursue industry-relevant skills and certification, obtain employment within an occupational area, and advance to higher levels of education and employment. *House Bill 21-1149* requires the Colorado

Workforce Development Council (CWDC), in consultation with several other entities, to develop a career pathway for the energy sector by the 2022-23 academic year. The bill also creates the Strengthening Photovoltaic and Renewable Careers Workforce Development Program in CDLE to increase training, apprenticeship, and education programs that lead to employment in the energy sector.

Similarly, *Senate Bill 21-185* requires the Colorado Department of Higher Education to design a teaching career pathway program for individuals to enter the teaching profession. The bill also creates the Teacher Recruitment Education and Preparation Program to increase the number of students entering the teaching profession and to create a more diverse teacher workforce, and the Educator Recruitment and Retention Program to provide support to members of the armed forces, nonmilitary-affiliated educator candidates, and local education providers to recruit, select, train, and retain highly qualified educators across the state.

*House Bill 21-1264* creates the Stimulus Investments in Reskilling, Upskilling, and Next-skilling Workers Program as an initiative of the CWDC to train unemployed and underemployed Coloradans during times of substantial unemployment, defined as an unemployment rate that exceeds 4 percent statewide or within a work force development

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area. The bill also provides funding for a variety of other workforce development and education programs.

The Career Development Success Program provides financial incentives to school districts and charter schools to offer industry recognized credentials, work-based learning experiences, and advanced placement courses to students. *Senate Bill 21-119* makes a variety of changes to this program, including requiring the Colorado Department of Education, in collaboration with several other entities, to identify the top ten industry recognized credentials.

The Colorado Opportunity Scholarship Initiative Displaced Workers Grant Program supports participants whose work has been negatively impacted by COVID-19. Supports include scholarships, advising services, and connection and transition to the workforce. *Senate Bill 21-232* provides additional funding for the program from the General Fund and money received by the state under the federal American Rescue Plan.

*House Bill 21-1290* provides funding to CDLE for the Office of Just Transition, which was created in House Bill 19-1314, and the Coal Transition Worker Assistance Program to assist workers in coal transition communities.

### Treatment of Workers

The General Assembly passed the following bills that address issues related to the treatment of workers.

Currently, employers are able to receive a certification from the U.S. Department of Labor, allowing them to pay employees whose earning capacity is impaired by age, physical or mental disability, or injury less than minimum wage. *Senate Bill 21-039*, among other provisions, requires these employers to submit a transition

plan to the Colorado Department of Health Care Policy and Financing detailing how the employer plans to phase out subminimum wage employment by July 1, 2025. The bill also continues the Employment First Advisory Partnership and requires the partnership to make recommendations regarding this transition.

*Senate Bill 21-087* grants a variety of additional rights and protections to agricultural workers, including the right to organize and join labor unions, the right to engage in collective bargaining and strikes, the right to meal breaks and rest periods, the right to have visitors at employer-provided housing, among others. The bill removes the exemption of agricultural labor from state and local minimum wage laws. The bill also requires that agricultural employers provide some workers with access and transportation to key service providers, provide overwork and health protections, and increase protections and safety precautions during public health emergencies. The bill creates the Agricultural Work Advisory Committee to review agricultural worker wages and working conditions and provide recommendations to the General Assembly.

### Workers' Compensation

The General Assembly passed the following two bills that address the state's workers' compensation system.

*House Bill 21-1050* makes a variety of changes and clarifications to the Workers' Compensation Act of Colorado.

*House Bill 21-1207* limits the definition of overpayment of workers' compensation benefits to include on those paid as a result of fraud, certain errors, or duplicate benefits.