

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0390.02 Kristen Forrestal x4217

HOUSE BILL 19-1107

HOUSE SPONSORSHIP

Coleman, Herod, Exum, Benavidez, Lontine, Singer, Arndt, Becker, Bird, Buckner, Buentello, Duran, Esgar, Galindo, Gonzales-Gutierrez, Gray, Hansen, Hooton, Jackson, Jaquez Lewis, Kipp, Melton, Michaelson Jenet, Mullica, Snyder, Titone, Valdez A., Valdez D.

SENATE SPONSORSHIP

Fields and Priola,

House Committees

Business Affairs & Labor
Appropriations

Senate Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE EMPLOYMENT SUPPORT AND JOB**
102 **RETENTION SERVICES PROGRAM WITHIN THE DIVISION OF**
103 **EMPLOYMENT AND TRAINING IN THE DEPARTMENT OF LABOR**
104 **AND EMPLOYMENT, AND, IN CONNECTION THEREWITH, MAKING**
105 **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 employment support and job retention services program (program) within the division of employment and training

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.

SENATE
2nd Reading Unamended
May 2, 2019

HOUSE
3rd Reading Unamended
April 27, 2019

HOUSE
Amended 2nd Reading
April 26, 2019

(division) in the department of labor and employment (department) to provide emergency employment support and job retention services to eligible individuals in the state. The bill requires the director of the division (director) to contract with an entity to administer the program to provide reimbursement for employment support and job retention services provided to eligible individuals statewide. In order to be eligible for services for which a service provider may be reimbursed under the program, an individual must be 16 years of age or older, be eligible to work in the United States, have a household income that is at or below the federal poverty line, and be underemployed or unemployed and actively involved in employment preparation, job training, employment pursuit, or job retention activities. The director is required to establish procedures and guidelines to implement and set parameters for the operation of the program.

The general assembly is required to appropriate money annually to the employment support and job retention services cash fund created in the bill for allocation to the division to implement and operate the program. The department is authorized to accept gifts, grants, and donations for the implementation and operation of the program. The program is repealed, effective September 30, 2022.

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

SECTION 1. In Colorado Revised Statutes, **add** part 4 to article 83 of title 8 as follows:

PART 4

EMPLOYMENT SUPPORT AND JOB RETENTION

SERVICES PROGRAM

8-83-401. Definitions. AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADMINISTERING ENTITY" MEANS THE NONPROFIT ENTITY SELECTED PURSUANT TO SECTION 8-83-403 TO ADMINISTER THE PROGRAM.

(2) "ELIGIBLE INDIVIDUAL" MEANS AN INDIVIDUAL THAT SATISFIES THE ELIGIBILITY CRITERIA SPECIFIED IN SECTION 8-83-404 (4).

(3) "FEDERAL POVERTY LINE" HAS THE SAME MEANING AS "POVERTY LINE", AS DEFINED IN 42 U.S.C. SEC. 9902 (2).

1 (4) "PROGRAM" MEANS THE EMPLOYMENT SUPPORT AND JOB
2 RETENTION SERVICES PROGRAM CREATED IN SECTION 8-83-402.

3 (5) "SERVICE PROVIDER" MEANS A PUBLIC AGENCY OR NONPROFIT
4 COMMUNITY ORGANIZATION THAT PROVIDES EMPLOYMENT, EMPLOYMENT
5 PREPARATION, AND JOB RETENTION SERVICES TO ELIGIBLE INDIVIDUALS
6 PURSUANT TO A MEMORANDUM OF UNDERSTANDING WITH THE
7 ADMINISTERING ENTITY.

8 (6) "SERVICES" MEANS SERVICES PROVIDED BY A SERVICE
9 PROVIDER TO ELIGIBLE INDIVIDUALS, WHICH SERVICES ARE ELIGIBLE FOR
10 REIMBURSEMENT FROM THE PROGRAM PURSUANT TO SECTION 8-83-404
11 (5).

12 **8-83-402. Employment support and job retention services**
13 **program - creation.** THERE IS HEREBY CREATED IN THE DIVISION THE
14 EMPLOYMENT SUPPORT AND JOB RETENTION SERVICES PROGRAM. WITHIN
15 SIX MONTHS AFTER THE DATE OF THE FIRST APPROPRIATION BY THE
16 GENERAL ASSEMBLY TO THE EMPLOYMENT SUPPORT AND JOB RETENTION
17 SERVICES CASH FUND PURSUANT TO SECTION 8-83-406, THE PROGRAM
18 SHALL FUND EMPLOYMENT PREPARATION, JOB TRAINING, EMPLOYMENT
19 PURSUIT, AND JOB RETENTION ACTIVITIES FOR ELIGIBLE INDIVIDUALS AS
20 THEY PERTAIN TO THE INDIVIDUALS' JOB TRAINING AND EMPLOYMENT
21 GOALS.

22 **8-83-403. Program purpose - duties of the director.** (1) THE
23 PURPOSE OF THE PROGRAM IS TO PROVIDE ASSISTANCE TO ELIGIBLE
24 INDIVIDUALS WHO MAY NOT BE ELIGIBLE FOR OR HAVE ACCESS TO OTHER
25 EMPLOYMENT RESOURCES OR WHO ARE PREPARING FOR, SEEKING, OR
26 ATTEMPTING TO RETAIN EMPLOYMENT.

27 (2) THE DIRECTOR SHALL:

1 (a) ENTER INTO A COMPETITIVE SOLICITATION PROCESS PURSUANT
2 TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, TO
3 CONTRACT WITH AN ADMINISTERING ENTITY;

4 (b) ESTABLISH PROCEDURES AND GUIDELINES FOR:

5 (I) THE SELECTION OF THE ADMINISTERING ENTITY TO OPERATE
6 THE PROGRAM;

7 (II) THE DEVELOPMENT AND IMPLEMENTATION OF THE
8 MEMORANDUMS OF UNDERSTANDING WITH SERVICE PROVIDERS;

9 (III) REQUESTING AND DISTRIBUTING REIMBURSEMENTS TO
10 SERVICE PROVIDERS; AND

11 (IV) ANY ADDITIONAL PARAMETERS FOR THE OPERATION AND
12 EVALUATION OF THE PROGRAM, SUBJECT TO DATA AVAILABLE TO THE
13 DIVISION.

14 (3) THE DIRECTOR SHALL SOLICIT FEEDBACK FROM STAKEHOLDERS
15 WHEN ESTABLISHING PROCEDURES AND GUIDELINES PURSUANT TO
16 SUBSECTION (2) OF THIS SECTION.

17 **8-83-404. Administration of the program.** (1) THE
18 ADMINISTERING ENTITY SHALL:

19 (a) DEVELOP FORMAL MEMORANDUMS OF UNDERSTANDING WITH
20 SERVICE PROVIDERS AND GUIDELINES FOR THE OPERATION OF THE
21 PROGRAM IN COORDINATION WITH THE DIRECTOR;

22 (b) ESTABLISH PROCEDURES AND GUIDELINES FOR REIMBURSING
23 SERVICE PROVIDERS IN ACCORDANCE WITH THE TERMS OF THE
24 MEMORANDUM OF UNDERSTANDING;

25 (c) REIMBURSE SERVICE PROVIDERS UP TO FOUR HUNDRED
26 DOLLARS PER YEAR FOR EACH ELIGIBLE INDIVIDUAL TO WHOM THE
27 SERVICE PROVIDER DELIVERED SERVICES AUTHORIZED FOR

1 REIMBURSEMENT PURSUANT TO SUBSECTION (5) OF THIS SECTION;

2 (d) ENSURE THE FISCAL RESPONSIBILITY OF THE PROGRAM IN
3 COMPLIANCE WITH THE DIRECTOR;

4 (e) PARTICIPATE IN EVALUATION ACTIVITIES AS REQUIRED BY THE
5 DIRECTOR; AND

6 (f) BE RESPONSIBLE FOR ALL OTHER REQUIREMENTS OUTLINED BY
7 THE DIRECTOR.

8 (2) A SERVICE PROVIDER SHALL:

9 (a) SUBMIT REPORTS AS SPECIFIED BY THE ADMINISTERING ENTITY
10 THAT OUTLINE THE TYPE OF SERVICE PROVIDED, REASON FOR THE SERVICE,
11 BASIC DEMOGRAPHICS OF THE ELIGIBLE INDIVIDUAL, AND GEOGRAPHIC
12 LOCATION WHERE THE SERVICE WAS PROVIDED; AND

13 (b) PARTICIPATE IN AN ANALYSIS PROCESS THROUGHOUT THE
14 SERVICE PROVIDER'S PARTICIPATION IN THE PROGRAM.

15 (3) THE ADMINISTERING ENTITY MUST NOT REIMBURSE A SERVICE
16 PROVIDER FOR EXPENSES INCURRED TO PROVIDE EMPLOYMENT
17 PREPARATION, JOB TRAINING, EMPLOYMENT PURSUIT, OR JOB RETENTION
18 ACTIVITIES TO AN ELIGIBLE INDIVIDUAL IF THE SERVICES ARE CURRENTLY
19 PROVIDED TO THE INDIVIDUAL BY ANOTHER SOURCE.

20 (4) NOTWITHSTANDING ANY OTHER FEDERAL OR STATE LAW, IN
21 ORDER TO BE ELIGIBLE TO RECEIVE SERVICES FOR WHICH A SERVICE
22 PROVIDER MAY BE REIMBURSED UNDER THE PROGRAM, AN INDIVIDUAL
23 MUST:

24 (a) HAVE A HOUSEHOLD INCOME AT OR BELOW THE FEDERAL
25 POVERTY LINE;

26 (b) BE AT LEAST SIXTEEN YEARS OF AGE;

27 (c) BE ELIGIBLE TO WORK IN THE UNITED STATES; AND

1 (d) BE UNDEREMPLOYED OR UNEMPLOYED AND ACTIVELY
2 PURSUING EMPLOYMENT, EMPLOYMENT PREPARATION, JOB TRAINING, OR
3 JOB RETENTION ACTIVITIES, WITH THE ASSISTANCE OF A SERVICE
4 PROVIDER.

5 (5) (a) THE ADMINISTERING ENTITY MAY REIMBURSE A SERVICE
6 PROVIDER FOR EXPENSES INCURRED IN PROVIDING:

7 (I) EMPLOYMENT SUPPORT SERVICES TO AN ELIGIBLE INDIVIDUAL
8 TO ASSIST WITH AN INDIVIDUAL'S EMPLOYMENT, EMPLOYMENT
9 PREPARATION, OR JOB TRAINING GOALS; AND

10 (II) SERVICES TO ASSIST AN ELIGIBLE INDIVIDUAL WITH ONGOING
11 JOB RETENTION FOR UP TO SIX MONTHS AFTER THE DATE OF EMPLOYMENT.

12 (b) EMPLOYMENT SUPPORT AND JOB RETENTION SERVICES THAT
13 ARE ELIGIBLE FOR REIMBURSEMENT INCLUDE:

14 (I) TRANSPORTATION OR VEHICLE;

15 (II) EMERGENCY CHILD CARE;

16 (III) EMERGENCY HOUSING;

17 (IV) FEES RELATED TO EMPLOYMENT PREPARATION, JOB TRAINING,
18 EMPLOYMENT PURSUIT, OR JOB RETENTION ACTIVITIES;

19 (V) WORK TOOLS AND EQUIPMENT;

20 (VI) FOOD AND NUTRITION;

21 (VII) UTILITY, TELEPHONE, AND INTERNET BILLS;

22 (VIII) PREPAID CELL PHONES;

23 (IX) LICENSES AND CERTIFICATIONS;

24 (X) LEGAL SERVICES AND FEES RELATED TO EMPLOYMENT;

25 (XI) LANGUAGE, COMMUNICATION, INTERPRETATION, AND
26 TRANSLATION EXPENSES;

27 (XII) EMERGENCY AND WORK-RELATED MEDICAL, BEHAVIORAL,

1 AND MENTAL HEALTH, DENTAL, AND VISION SERVICES AND EXPENSES THAT
2 IMPEDE AN INDIVIDUAL'S ABILITY TO PREPARE FOR, OBTAIN, OR RETAIN
3 EMPLOYMENT; AND

4 (XIII) OTHER EXPENSES AS THEY PERTAIN TO EMPLOYMENT
5 PREPARATION, JOB TRAINING, EMPLOYMENT PURSUIT, OR JOB RETENTION
6 SERVICES AS DETERMINED BY THE DIRECTOR.

7 **8-83-405. Reports required.** (1) ON OR BEFORE JULY 1 OF EACH
8 YEAR, THE ADMINISTERING ENTITY SHALL REPORT TO THE DIVISION:

9 (a) THE INFORMATION PROVIDED BY A SERVICE PROVIDER
10 PURSUANT TO SECTION 8-83-404 (2);

11 (b) A QUALITATIVE ANALYSIS BASED ON INTERVIEWS CONDUCTED
12 WITH SERVICE PROVIDERS STATEWIDE CONCERNING THE EFFICACY OF THE
13 PROGRAM; AND

14 (c) AN ACCOUNT OF THE PROGRAM'S EXPENDITURES.

15 (2) ON OR BEFORE **DECEMBER 1, 2021**, THE DIVISION SHALL
16 REPORT TO THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE
17 SENATE AND THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE
18 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, A
19 COMPREHENSIVE ANALYSIS CONCERNING THE EFFICACY OF THE PROGRAM.

20 **8-83-406. Employment support and job retention services cash**
21 **fund - created.** (1) (a) THE EMPLOYMENT SUPPORT AND JOB RETENTION
22 SERVICES PROGRAM CASH FUND, REFERRED TO IN THIS SECTION AS THE
23 "FUND", IS HEREBY CREATED IN THE STATE TREASURY. FOR THE **2019-20**
24 **FISCAL YEAR**, THE GENERAL ASSEMBLY SHALL APPROPRIATE **SEVEN**
25 **HUNDRED FIFTY THOUSAND** DOLLARS FROM THE GENERAL FUND TO THE
26 FUND.

27 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND

1 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
2 FUND TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED
3 AND UNENCUMBERED MONEY IN THE FUND REMAINS IN THE FUND AND
4 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY
5 OTHER FUND.

6 (c) MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION
7 BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PURPOSES OF
8 THIS PART 4, TO THE EXTENT THAT IN EACH FISCAL YEAR THE GENERAL
9 ASSEMBLY MAY ONLY APPROPRIATE UP TO TWO HUNDRED FIFTY
10 THOUSAND DOLLARS PLUS ANY UNEXPENDED MONEY AND INTEREST
11 ACCRUED FROM THE PREVIOUS FISCAL YEAR.

12 (2) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
13 GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
14 PURPOSES OF THIS PART 4.

15 (3) THE DIVISION MAY USE THE MONEY IN THE FUND FOR THE
16 PURPOSES OF THIS PART 4, INCLUDING ADMINISTRATIVE COSTS RELATED
17 TO THE PROGRAM. THE ADMINISTERING ENTITY MAY USE MONEY IN THE
18 FUND TO OPERATE THE PROGRAM. THE REMAINDER OF THE MONEY MAY BE
19 USED ONLY FOR REIMBURSEMENTS MADE PURSUANT TO SECTION 8-83-404.
20 THE DIRECTOR OR THE DIRECTOR'S DESIGNEE MAY EXPEND MONEY FROM
21 THE FUND FOR THE PURPOSES OF THIS PART 4.

22 **8-83-407. Repeal of part.** THIS PART 4 IS REPEALED, EFFECTIVE
23 SEPTEMBER 30, 2022.

24 **SECTION 2. Appropriation.** (1) For the 2019-20 state fiscal
25 year, \$750,000 is appropriated to the employment support and job
26 retention services program cash fund created in section 8-83-406, C.R.S.
27 This appropriation is from the general fund. The department of labor and

1 employment is responsible for the accounting related to this
2 appropriation.

3 (2) For the 2019-20 state fiscal year, \$250,000 is appropriated to
4 the department of labor and employment for use by the division of
5 employment and training. This appropriation is from reappropriated funds
6 in the job retention services program cash fund under subsection (1) of
7 this section and is based on an assumption that the division will require
8 an additional 0.5 FTE. To implement this act, the division may use the
9 appropriation for employment support and job retention services.

10 **SECTION 3. Effective date.** This act takes effect July 1, 2019.

11 **SECTION 4. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.