

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 21-0376.01 Jery Payne x2157

SENATE BILL 21-095

SENATE SPONSORSHIP

Danielson, Rodriguez

HOUSE SPONSORSHIP

Ricks,

Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE EMPLOYMENT FIRST**
102 **ADVISORY PARTNERSHIP, AND, IN CONNECTION THEREWITH,**
103 **IMPLEMENTING THE RECOMMENDATION CONTAINED IN THE**
104 **2020 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY**
105 **AGENCIES AND CREATING A HIRING PREFERENCE PILOT**
106 **PROGRAM FOR PEOPLE WITH DISABILITIES.**

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/>.)

Sunset Process - Senate Business, Labor, and Technology

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
Amended 2nd Reading
April 30, 2021

Committee. The bill implements the recommendation of the department of regulatory agencies in its sunset review and report on the employment first advisory partnership by continuing the partnership indefinitely.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that:

4 (a) Persons with disabilities represent a talented population that
5 has long been and continues to be underemployed, underutilized, and
6 often denied employment opportunities within state government;

7 (b) The state of Colorado should be a model employer of persons
8 with disabilities and serve as an example for private employers to follow
9 by creating programs and enacting policies that increase the inclusion of
10 persons with disabilities in the state workforce;

11 (c) In many cases, an individual's experience as a person with a
12 disability is an underappreciated asset in considering the person for state
13 employment; and

14 (d) It is a strategic priority of the employment first advisory
15 partnership to support the implementation of a state hiring program for
16 persons with disabilities.

17 (2) Therefore, the general assembly intends to create a hiring
18 preference pilot program for persons with disabilities to encourage state
19 agencies to increase the number of employed persons with disabilities and
20 improve the state's practices on recruiting and hiring persons with
21 disabilities.

22 **SECTION 2.** In Colorado Revised Statutes, 8-84-303, **repeal** (8)
23 as follows:

24 **8-84-303. Employment first advisory partnership -**

1 **memorandum of understanding - reporting.** (8) (a) ~~This section is~~
2 ~~repealed, effective September 1, 2021.~~

3 (b) ~~Prior to repeal of the employment first advisory partnership,~~
4 ~~the department of regulatory agencies shall conduct a sunset review~~
5 ~~pursuant to the provisions of section 2-3-1203, C.R.S.~~

6 **SECTION 3.** In Colorado Revised Statutes, 8-84-304, **repeal** (4)
7 as follows:

8 **8-84-304. Duties of the employment first advisory partnership**
9 **- strategic plan.** (4) (a) ~~This section is repealed, effective September 1,~~
10 ~~2021.~~

11 (b) ~~Prior to repeal of the employment first advisory partnership,~~
12 ~~the department of regulatory agencies shall conduct a sunset review~~
13 ~~pursuant to the provisions of section 2-3-1203.~~

14 **SECTION 4.** In Colorado Revised Statutes, 2-3-1203, **repeal**
15 (12)(a)(VI) as follows:

16 **2-3-1203. Sunset review of advisory committees - legislative**
17 **declaration - definition - repeal.** (12) (a) The following statutory
18 authorizations for the designated advisory committees will repeal on
19 September 1, 2021:

20 (VI) ~~The employment first advisory partnership in the department~~
21 ~~of labor and employment described in sections 8-84-303 and 8-84-304.~~

22 **SECTION 5.** In Colorado Revised Statutes, 8-84-301, **amend** (1)
23 **as follows:**

24 **8-84-301. Definitions.** As used in this part 3, unless the context
25 **otherwise requires:**

26 (1) **"Agency partners" means the department, the department of**
27 **health care policy and financing, the department of education, the**

1 department of higher education, and the department of human services,
2 THE COLORADO OFFICE OF EMPLOYMENT FIRST, JFK PARTNERS WITHIN
3 THE DEPARTMENT OF PEDIATRICS OF THE UNIVERSITY OF COLORADO
4 SCHOOL OF MEDICINE, AND THE UNIVERSITY OF COLORADO ANSCHUTZ
5 MEDICAL CAMPUS.

6 **SECTION 6.** In Colorado Revised Statutes, 24-50-112.5, amend
7 (1)(b)(I); and add (8) as follows:

8 **24-50-112.5. Selection system - definitions - rules - report -**
9 **repeal.** (1) (b) (I) Appointments and promotions to positions shall be
10 based on a fair and open comparative analysis of candidates based on
11 objective criteria. Selections shall be made without regard to race, color,
12 creed, religion, national origin, ancestry, age, sexual orientation, marital
13 status, or political affiliation and without regard to sex or disability except
14 as otherwise provided by law OR SUBSECTION (8) OF THIS SECTION.

15 **(8) Hiring preference pilot program for persons with**
16 **disabilities.** (a) (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
17 LABOR AND EMPLOYMENT, IN COLLABORATION WITH THE STATE
18 PERSONNEL DIRECTOR, SHALL DEVELOP AND IMPLEMENT A HIRING
19 PREFERENCE PILOT PROGRAM FOR PERSONS WITH DISABILITIES APPLYING
20 FOR A POSITION IN THE DEPARTMENT.

21 **(II) WHEN THE DEPARTMENT USES A NONNUMERICAL METHOD**
22 **UNDER THE PILOT PROGRAM FOR THE COMPARATIVE ANALYSIS OF**
23 **CANDIDATES FOR A POSITION IN THE DEPARTMENT, THE DEPARTMENT**
24 **SHALL ADD ALL APPLICANTS WHO ARE ELIGIBLE FOR THE PREFERENCE FOR**
25 **PEOPLE WITH DISABILITIES AND WHO MEET ALL MINIMUM AND SPECIAL**
26 **QUALIFICATIONS UNDER THIS SUBSECTION (8) TO THE REFERRAL LIST FOR**
27 **INTERVIEW.**

1 (III) WHEN THE DEPARTMENT USES A NUMERICAL METHOD UNDER
2 THE PILOT PROGRAM FOR THE COMPARATIVE ANALYSIS OF CANDIDATES
3 FOR A POSITION IN THE DEPARTMENT, THE DEPARTMENT SHALL ADD FIVE
4 POINTS TO THE FINAL SCORE OF THE APPLICANT WHEN ALL ELEMENTS OF
5 THE SELECTION PROCESS ARE COMPLETED, BUT PRIOR TO REFERRAL OF AN
6 APPLICANT FOR INTERVIEW FOR THE POSITION.

7 (IV) AN APPLICANT IS ELIGIBLE FOR A PREFERENCE UNDER THIS
8 SUBSECTION (8) IF THE CANDIDATE:

9 (A) MEETS THE MINIMUM QUALIFICATIONS OR ANY OTHER
10 REQUIREMENTS FOR THE POSITION;

11 (B) IS A PERSON WITH A DISABILITY, AS DEFINED IN THE FEDERAL
12 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET
13 SEQ., AS AMENDED, WHO HAS VOLUNTARILY IDENTIFIED AS A PERSON WITH
14 A DISABILITY ON THE APPLICATION FOR THE POSITION AND WHO HAS
15 REQUESTED TO PARTICIPATE IN THE PILOT PROGRAM; AND

16 (C) SUBMITS PROOF OF A DISABILITY IN A FORM AND MANNER
17 SPECIFIED UNDER THE PILOT PROGRAM.

18 (V) AN APPLICANT MAY BE GIVEN BOTH THE VETERAN'S
19 PREFERENCE AND A DISABILITY PREFERENCE, BUT AN APPLICANT IS NOT
20 ELIGIBLE FOR BOTH A DISABLED VETERAN'S PREFERENCE AND A DISABILITY
21 PREFERENCE.

22 (b) THE PILOT PROGRAM IS NOT AVAILABLE TO A CANDIDATE
23 SEEKING A PROMOTION OR TO A PERSON CURRENTLY EMPLOYED BY THE
24 STATE.

25 (c) WHEN THE PILOT PROGRAM IS DEVELOPED UNDER THIS
26 SUBSECTION (8):

27 (I) THE STATE PERSONNEL DIRECTOR SHALL ADOPT OR AMEND

1 RULES AS NECESSARY TO ENABLE THE IMPLEMENTATION OF THE PILOT
2 PROGRAM;

3 (II) THE DEPARTMENT SHALL IMPLEMENT THE PILOT PROGRAM NO
4 LATER THAN JANUARY 1, 2023;

5 (III) THE STATE PERSONNEL DIRECTOR MAY ALLOW OTHER
6 PRINCIPAL DEPARTMENTS TO IMPLEMENT THE PILOT PROGRAM FOR
7 APPOINTMENTS TO POSITIONS WITHIN THOSE DEPARTMENTS; AND

8 (IV) THE PILOT PROGRAM MAY NOT BE USED BY ANY PRINCIPAL
9 DEPARTMENT AFTER DECEMBER 31, 2027.

10 (d) BY NOVEMBER 1, 2027, ANY PRINCIPAL DEPARTMENT THAT
11 PARTICIPATES IN THE PILOT PROGRAM SHALL SUBMIT A REPORT TO THE
12 STATE PERSONNEL DIRECTOR. THE STATE PERSONNEL DIRECTOR SHALL
13 COMPILE ALL REPORTS AND SUBMIT ONE FINAL REPORT TO THE HOUSE
14 BUSINESS AFFAIRS AND LABOR COMMITTEE AND THE SENATE BUSINESS,
15 LABOR, AND TECHNOLOGY COMMITTEE, OR ANY SUCCESSOR COMMITTEES.
16 THE REPORT MUST INCLUDE AT LEAST THE FOLLOWING INFORMATION:

17 (I) THE PERIOD WHEN THE PILOT PROGRAM WAS USED BY THE
18 DEPARTMENT;

19 (II) THE NUMBER OF APPLICANTS FOR APPOINTMENTS WITHIN THE
20 DEPARTMENT THAT OPTED TO PARTICIPATE IN THE PILOT PROGRAM;

21 (III) THE NUMBER OF PERSONS WITH DISABILITIES WHO WERE
22 APPOINTED TO POSITIONS WITHIN THE DEPARTMENT; AND

23 (IV) ANY OTHER DETERMINING FACTORS OF DATA THAT MAY
24 AFFECT THE IMPLEMENTATION OF A PERMANENT PROGRAM.

25 (e) AS USED IN THIS SUBSECTION (8):

26 (I) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
27 EMPLOYMENT.

1 (II) "PILOT PROGRAM" MEANS THE HIRING PREFERENCE PILOT
2 PROGRAM, CREATED IN THIS SUBSECTION (8), FOR PEOPLE WITH
3 DISABILITIES.

4 (f) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE DECEMBER 31,
5 2027.

6 **SECTION 7. Effective date.** This act takes effect September 1,
7 2021.

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