

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

**REVISED**

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

LLS NO. 23-0874.01 Kristen Forrestal x4217

**SENATE BILL 23-233**

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**SENATE SPONSORSHIP**

**Zenzinger and Kirkmeyer**, Bridges, Moreno, Pelton B.

**HOUSE SPONSORSHIP**

**Sirota and Bockenfeld**, Bird

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**Senate Committees**  
Appropriations

**House Committees**  
Appropriations

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**A BILL FOR AN ACT**

101      **CONCERNING A MERIT SYSTEM FOR COUNTY EMPLOYEES WHO**  
102                    **PROVIDE EMPLOYMENT SERVICES THAT ARE PAID FOR WITH**  
103                    **FEDERAL FUNDS PURSUANT TO THE FEDERAL "WAGNER-PEYSER**  
104                    **ACT".**

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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/>.)*

**Joint Budget Committee.** The bill requires a county that seeks to use county department employees (employees) to deliver employment services that are funded through the federal "Wagner-Peyser Act" to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

HOUSE  
2nd Reading Unamended  
April 3, 2023

SENATE  
3rd Reading Unamended  
March 30, 2023

SENATE  
2nd Reading Unamended  
March 29, 2023

create a merit system for the selection, retention, and promotion of these employees. The bill requires each county's merit system to conform to specific standards. If a county already has a system in place, the county is required to update the system to comply with the standards.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-83-205, **add** (8) as  
3 follows:

4 **8-83-205. Work force development program - creation -**  
5 **administration - merit system - Wagner-Peyser funded employment**  
6 **services.** (8) (a) (I) A COUNTY THAT IS SEEKING TO USE COUNTY  
7 EMPLOYEES TO DELIVER EMPLOYMENT SERVICES FUNDED BY  
8 WAGNER-PEYSER FUNDS SHALL:

9 (A) CREATE A MERIT SYSTEM FOR THE SELECTION, RETENTION,  
10 AND PROMOTION OF COUNTY EMPLOYEES WHO PROVIDE THOSE SERVICES;  
11 OR

12 (B) IF THE COUNTY ALREADY HAS A SYSTEM IN PLACE, UPDATE THE  
13 COUNTY'S CURRENT SYSTEM TO COMPLY WITH THIS SUBSECTION (8).

14 (II) THE MERIT SYSTEM MUST COMPLY WITH FEDERAL LAWS,  
15 REGULATIONS, AND STANDARDS FOR A MERIT SYSTEM OF PERSONNEL  
16 ADMINISTRATION FOR EMPLOYEES AUTHORIZED UNDER THE FEDERAL  
17 "INTERGOVERNMENTAL PERSONNEL ACT OF 1970", 42 U.S.C. SEC. 4701  
18 ET SEQ. EACH COUNTY SHALL CERTIFY TO THE DEPARTMENT THAT THE  
19 MERIT SYSTEM OF PERSONNEL ADMINISTRATION USED BY THE COUNTY IS  
20 IN COMPLIANCE WITH FEDERAL STANDARDS AND THAT THE EMPLOYEES  
21 PAID BY WAGNER-PEYSER FUNDS ACT AS AN EXTENSION OF THE STATE IN  
22 DELIVERING EMPLOYMENT SERVICES.

23 (b) EACH COUNTY SHALL ENSURE THAT ITS MERIT SYSTEM:

1 (I) REQUIRES THE COUNTY TO RECRUIT, SELECT, AND ADVANCE  
2 EMPLOYEES ON THE BASIS OF THE APPLICANT'S OR EMPLOYEE'S RELATIVE  
3 ABILITIES, KNOWLEDGE, AND SKILLS, INCLUDING DURING THE  
4 RECRUITMENT AND SELECTION OF QUALIFIED APPLICANTS FOR INITIAL  
5 APPOINTMENTS TO POSITIONS WITH THE COUNTY;

6 (II) COMPENSATES EACH EMPLOYEE EQUITABLY AND  
7 ADEQUATELY;

8 (III) REQUIRES THE COUNTY TO TRAIN EMPLOYEES AS NEEDED TO  
9 ASSURE HIGH QUALITY PERFORMANCE;

10 (IV) REQUIRES THE COUNTY TO:

11 (A) RETAIN AN EMPLOYEE ON THE BASIS OF THE ADEQUACY OF THE  
12 EMPLOYEE'S PERFORMANCE;

13 (B) CORRECT AN EMPLOYEE'S INADEQUATE PERFORMANCE; AND

14 (C) SEPARATE AN EMPLOYEE FROM EMPLOYMENT WHEN AN  
15 EMPLOYEE'S INADEQUATE PERFORMANCE CANNOT BE CORRECTED;

16 (V) REQUIRES THE FAIR TREATMENT OF APPLICANTS AND  
17 EMPLOYEES, INCLUDING COMPLIANCE WITH ALL FEDERAL AND STATE  
18 EQUAL OPPORTUNITY AND NONDISCRIMINATION LAWS, IN ALL ASPECTS OF  
19 PERSONNEL ADMINISTRATION WITHOUT REGARD TO POLITICAL  
20 AFFILIATION, RACE, COLOR, NATIONAL ORIGIN, SEX, RELIGIOUS CREED,  
21 AGE, OR DISABILITY AND WITH PROPER REGARD FOR THE PRIVACY AND  
22 CONSTITUTIONAL RIGHTS OF THE APPLICANTS AND EMPLOYEES AS  
23 CITIZENS; AND

24 (VI) PROTECTS EACH EMPLOYEE AGAINST COERCION FOR PARTISAN  
25 POLITICAL PURPOSES AND PROHIBITS EACH EMPLOYEE FROM USING THE  
26 EMPLOYEE'S OFFICIAL AUTHORITY FOR THE PURPOSE OF INTERFERING WITH  
27 OR AFFECTING THE RESULTS OF AN ELECTION OR A NOMINATION FOR

1 OFFICE.

2           **SECTION 2. Act subject to petition - effective date.** This act  
3 takes effect at 12:01 a.m. on the day following the expiration of the  
4 ninety-day period after final adjournment of the general assembly; except  
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
6 of the state constitution against this act or an item, section, or part of this  
7 act within such period, then the act, item, section, or part will not take  
8 effect unless approved by the people at the general election to be held in  
9 November 2024 and, in such case, will take effect on the date of the  
10 official declaration of the vote thereon by the governor.