

CHAPTER 80

LABOR AND INDUSTRY

SENATE BILL 23-233

BY SENATOR(S) Zenzinger and Kirkmeyer, Bridges, Moreno, Pelton B.;
also REPRESENTATIVE(S) Sirota and Bockenfeld, Bird, Amabile, Froelich, Hamrick, Lieder, Marshall, Snyder.

AN ACT

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

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

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

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

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

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

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

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

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.

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

(II) COMPENSATES EACH EMPLOYEE EQUITABLY AND ADEQUATELY;

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

(IV) REQUIRES THE COUNTY TO:

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

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

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

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

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

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

Approved: April 17, 2023