

CHAPTER 31

LABOR AND INDUSTRY

HOUSE BILL 98-1126

BY REPRESENTATIVES Reeser, McPherson, Dyer, Mace, Tate, and Zimmerman;
also SENATORS Schroeder and Arnold.

AN ACT

CONCERNING CHANGES TO OBSOLETE PROVISIONS OF THE "COLORADO EMPLOYMENT SECURITY ACT",
AND, IN CONNECTION THEREWITH, REPEALING OBSOLETE STATUTORY PROVISIONS AND MODIFYING
WAITING PERIOD AND BETWEEN-CLAIM EARNINGS REQUIREMENTS.

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

SECTION 1. 8-73-102 (4), Colorado Revised Statutes, is amended to read:

8-73-102. Weekly benefit amount for total unemployment. (4) There shall be deducted from the weekly benefit amount that part of wages payable to such individual with respect to such week ~~which~~ THAT is in excess of twenty-five percent of ~~his~~ THE weekly benefit amount, and the weekly benefit amount resulting shall be computed to the next lower multiple of one dollar. ~~except that this provision shall not apply to the stipend received by claimants participating in an internship program under section 8-73-107 (4).~~

SECTION 2. 8-70-103 (5), Colorado Revised Statutes, is amended to read:

8-70-103. Definitions. As used in articles 70 to 82 of this title, unless the context otherwise requires:

(5) "Calendar day" means a full day beginning and ending at 12 midnight. As used in connection with appeal or protest periods, calendar days begin to be counted on the day after the date appearing on a notice issued by the division and continue consecutively for the number of days in the appeal or protest period. ~~IF THE LAST DAY OF ANY PERIOD SET FORTH IN ARTICLES 70 TO 82 OF THIS TITLE IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE PERIOD IS EXTENDED TO INCLUDE THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 3. The introductory portion to 8-73-107 (1) (d) and 8-73-107 (2) and (4) (b), Colorado Revised Statutes, are amended to read:

8-73-107. Eligibility conditions - penalty. (1) Any unemployed individual shall be eligible to receive benefits with respect to any week only if the division finds that:

(d) ~~He~~ THE INDIVIDUAL has been either totally or partially unemployed for a waiting period of one week. NO BENEFITS ARE PAYABLE FOR THE WAITING PERIOD. No week shall be counted as a week of unemployment for the purposes of this paragraph (d):

(2) An individual who has received compensation during ~~his~~ THE INDIVIDUAL'S benefit year is required to have worked for an employer as defined in section 8-70-113 since the beginning of such year and to have ~~received~~ EARNED at least two thousand dollars as remuneration for such employment in order to qualify for compensation in ~~his~~ THE next benefit year.

~~(4) (b) (F) As used in this paragraph (a) of this subsection (4), "in training with the approval of the division" includes participation in an internship program established by an employment office or its equivalent in cooperation with a service delivery area.~~

~~(H) As used in this paragraph (b):~~

~~(A) "Equivalent" means an office or organization functioning as an employment office under contract with the state.~~

~~(B) "Intern-employer" means any public or private entity which trains a claimant under the terms and conditions of this paragraph (b).~~

~~(C) "Internship" means a voluntary training program for claimants in which the claimant receives a stipend in addition to his weekly unemployment benefits and works for an intern-employer in order to receive job training with the expectation that after such training the intern-employer will offer the claimant employment.~~

~~(D) "Service delivery area" means a political subdivision or combination of political subdivisions designated under the federal "Job Training Partnership Act", 29 U.S.C. sec. 1501 et seq., and amendments thereto, to provide training for the economically disadvantaged and others who have encountered barriers to employment.~~

~~(E) "Stipend" means the amount paid to the claimant for participation in the internship program which is in addition to his weekly unemployment benefits.~~

~~(H) A service delivery area shall plan and implement internships for individual claimants by:~~

~~(A) Identifying and contracting with intern-employers to train and subsequently attempt to place claimants in jobs;~~

~~(B) Assessing and collecting a fee for its services from the intern-employer, which fee shall include the total amount of the claimant's stipend and any administrative~~

~~costs incurred by the service delivery area in connection with the claimant's internship, with such administrative costs not to exceed ten percent of the sum of the claimant's total unemployment benefits while in the internship program and the total amount of the stipend paid to the claimant;~~

~~(C) Determining the appropriate length of the internship, which shall not exceed the average duration of receipt of unemployment benefits in the state of Colorado for the previous calendar year as determined by the division, or three months, whichever is shorter; and~~

~~(D) Determining the amount of and paying a biweekly stipend to the claimant, which stipend shall be a sum in excess of the claimant's associated training costs, if any, for expenses such as transportation, child care, required medical examinations, uniforms, and job equipment.~~

~~(IV) A claimant who wishes to voluntarily participate in an internship program offered to him by an employment office or equivalent:~~

~~(A) Shall receive a biweekly stipend in addition to his normal weekly benefit amount pursuant to section 8-73-102, notwithstanding the provisions of section 8-73-102 (4);~~

~~(B) Shall contact the service delivery area as directed by the employment office or equivalent to enroll in the internship program;~~

~~(C) May accept or reject assignment to an intern-employer if offered by the service delivery area;~~

~~(D) May discontinue participation in the internship program at any time without affecting his entitlement to benefits as provided elsewhere in the "Colorado Employment Security Act", articles 70 to 82 of this title; and~~

~~(E) May reject an offer of employment at the conclusion of the internship program. However, such refusal may affect his entitlement to continued benefits as provided elsewhere in the "Colorado Employment Security Act", articles 70 to 82 of this title.~~

~~(V) Service delivery areas shall evaluate intern-employers and shall contract only with those intern-employers who:~~

~~(A) Agree that no internship shall be initiated while the intern-employer is involved in a strike or lockout;~~

~~(B) Agree that no claimant participating in the internship program shall displace any current employee;~~

~~(C) Subscribe to state and federal law and regulation regarding discriminatory and unfair employment practices; and~~

~~(D) In prior contracts, if any, with the service delivery area, have offered claimants appropriate jobs following completion of internships or have failed to do so in circumstances the service delivery area deems justifiable.~~

SECTION 4. Repeal. 8-73-108 (4) (q), Colorado Revised Statutes, is repealed as follows:

8-73-108. Benefit awards. (4) **Full award.** An individual separated from a job shall be given a full award of benefits if any of the following reasons and pertinent conditions related thereto are determined by the division to have existed. The determination of whether or not the separation from employment shall result in a full award of benefits shall be the responsibility of the division. The following reasons shall be considered, along with any other factors which may be pertinent to such determination:

~~(q) (i) Being discharged because the employer rehired or reinstated an employee who is or was a member of the United States military reserves or the national guard and who is returning from service in the war in the Persian Gulf.~~

~~(ii) Any benefits awarded to the claimant under the provisions of subparagraph (i) of this paragraph (q) and normally chargeable to the employer will be charged to the fund.~~

SECTION 5. 39-21-108 (3) (a) (II), Colorado Revised Statutes, is amended to read:

39-21-108. Refunds. (3) (a) (II) Any moneys withheld for payment of an unemployment compensation benefit debt pursuant to this subsection (3) shall be deposited with the state treasurer and credited to the unemployment compensation fund. ~~For all names and amounts certified by the division of employment and training pursuant to section 8-81-101 (4) (d) (I), C.R.S.,~~ FOR PERSONS REQUIRED TO REPAY BENEFIT OVERPAYMENTS IN ACCORDANCE WITH SECTION 8-81-101 (4) (a), Colorado Revised Statutes, the executive director of the department of revenue shall provide to said division the taxpayer names and associated amounts deposited with the state treasurer.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 23, 1998