

CHAPTER 147

LABOR AND INDUSTRY

SENATE BILL 13-157

BY SENATOR(S) Heath, Tochtrop, Jones, Kefalas, Ulibarri;
 also REPRESENTATIVE(S) Kraft-Tharp and Exum, Fields, Fischer, Ginal, Hullinghorst, Labuda, Lebsock, Lee, Melton, Moreno,
 Ryden, Salazar, Schafer, Young, Ferrandino.

AN ACT

CONCERNING THE CONTINUATION OF THE "COLORADO WORK SHARE PROGRAM".

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

SECTION 1. In Colorado Revised Statutes, **repeal** 8-75-209 as follows:

8-75-209. Repeal of article. ~~(1) This article is repealed, effective July 1, 2013. Prior to its repeal, the "Colorado Work Share Program" shall be reviewed as provided for in section 24-34-104, C.R.S.~~

~~(2) If the director finds that the provisions of this part 2 cause the insolvency of the unemployment insurance cash fund to accelerate, the director shall notify the revisor of statutes in writing and this part 2 shall be repealed.~~

SECTION 2. In Colorado Revised Statutes, 24-34-104, **repeal** (44) (q) as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (44) The following agencies, functions, or both, shall terminate on July 1, 2013:

(q) ~~The "Colorado Work Share Program" created in part 2 of article 75 of title 8, C.R.S.~~

SECTION 3. In Colorado Revised Statutes, 8-75-203, **amend** (2) introductory portion, (2) (d), (3) (c), and (3) (e); **repeal** (2) (e); and **add** (2) (f), (2) (g), (2) (h), and (2) (i) as follows:

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

8-75-203. Work share program - work share plan - eligibility of employer - approval - denial - repeal. (2) An employer ~~shall~~ **MUST** submit a work share plan to the division on forms and following procedures required by the director. The director may approve a work share plan if:

(d) The plan applies to at least ~~ten percent~~ **TWO** of the employees in the affected unit; ~~and~~

(e) ~~The plan includes a strategy that restores the total number of work hours to each participating employee to the amount of hours worked prior to participation in the program.~~

(f) THE PLAN INCLUDES A DESCRIPTION OF HOW THE PLAN COMPLIES WITH THE "FEDERAL UNEMPLOYMENT TAX ACT", 26 U.S.C. SEC. 3301 ET SEQ.;

(g) THE PLAN INCLUDES AN EXPLANATION OF HOW EMPLOYEES WILL BE NOTIFIED OF THE PLAN IN ADVANCE, IF NOTIFICATION IS FEASIBLE, OR AN EXPLANATION OF WHY IT IS NOT FEASIBLE TO NOTIFY THE EMPLOYEES IN ADVANCE;

(h) THE PLAN INCLUDES AN ESTIMATE OF THE NUMBER OF EMPLOYEES WHO WOULD BE LAID OFF IF THE EMPLOYER DID NOT PARTICIPATE IN THE WORK SHARE PROGRAM; AND

(i) THE PLAN INCLUDES CERTIFICATION BY THE EMPLOYER THAT THE TERMS OF THE WRITTEN PLAN AND IMPLEMENTATION OF THE PLAN ARE CONSISTENT WITH EMPLOYER OBLIGATIONS PURSUANT TO FEDERAL AND STATE LAW.

(3) The director shall not approve a work share plan unless the employer:

(c) Certifies that the implementation of a shared work plan and the resulting reduction in work hours is in lieu of ~~temporary~~ layoffs that would affect at least ~~ten percent~~ **TWO** of the employees in the affected unit and that would result in an equivalent reduction in work hours;

(e) Agrees that no employee participating in the work share program shall receive, in the aggregate, more than ~~eighteen~~ **TWENTY-SIX** weeks of benefits; and

SECTION 4. In Colorado Revised Statutes, 8-75-204, **add** (3) as follows:

8-75-204. Employee eligibility for unemployment benefits under the work share plan - employee eligibility for job training. (3) AN ELIGIBLE EMPLOYEE MAY PARTICIPATE IN TRAINING, INCLUDING EMPLOYER-SPONSORED TRAINING AND TRAINING FUNDED THROUGH THE FEDERAL "WORKFORCE INVESTMENT ACT OF 1998", 29 U.S.C. SEC. 2801 ET SEQ., TO ENHANCE JOB SKILLS IF THE TRAINING PROGRAM HAS BEEN APPROVED BY THE DEPARTMENT OF LABOR AND EMPLOYMENT.

SECTION 5. In Colorado Revised Statutes, **amend** 8-75-208 as follows:

8-75-208. Benefits payments charged to employer. IF REIMBURSEMENT TO THE STATE FOR UNEMPLOYMENT COMPENSATION IS NOT AVAILABLE PURSUANT TO THE FEDERAL "LAYOFF PREVENTION ACT OF 2012", SUBTITLE D OF TITLE II OF PUB.L.

112-96, unemployment compensation benefits paid to an employee pursuant to this part 2 shall be charged to the account of the employer participating in the work share plan in the same manner as regular benefits pursuant to section 8-73-108 (3) (e) (I).

SECTION 6. Effective date. This act takes effect July 1, 2013.

SECTION 7. 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: April 26, 2013