

“Colorado's policymakers from all backgrounds face significant challenges in responding to the rapidly changing nature of work.”

Bills relating to labor and employment during the 2023 legislative session focused on continuing or bolstering state workforce development programs, affirming rights of workers, and preparing the state workforce for changes in the economy.

Labor

Wages. *Senate Bill 23-231* allows the Division of Labor Standards and Statistics (DLSS) to pay overdue wages if an employer fails to fulfill an order to pay wages as a result of a wage violation. The division can continue to pursue payment from the employer.

Senate Bill 23-105 addresses wage inequality by building on changes made in 2019. The bill requires that the director of the DLSS investigate complaints, order compliance and relief upon finding of a violation, and promulgate rules. The bill also adds requirements for employers in posting job and promotional opportunities, as well as in some cases, disclosing the requirements for career progression.

Senate Bill 23-292 builds off of a bill passed in 2019 regarding procurement requirements for state contracts for public projects. The bill creates a new category of "energy sector public works projects" and requires these projects to comply with apprenticeship and prevailing wage requirements.

Workers' Rights. *Senate Bill 23-172*, known as the Protecting Opportunities and Workers' Rights Act, added a new definition of "harassment" that includes creation of a hostile work environment and specifies that in harassment claims, the alleged conduct need not be severe or pervasive to constitute a discriminatory or unfair employment practice. The bill also adds protections from discriminatory or unfair employment practices for individuals based on their marital status and makes changes to law regarding non-disclosure agreements.

Senate Bill 23-058, known as the Job Application Fairness Act, prohibits employers from inquiring about a prospective employee's age, date of birth, and dates of attendance at or date of graduation from an educational institution on an initial employment application.

Senate Bill 23-111 grants public employees certain protections offered to private sector employees under state and federal law related to discussing workplace issues. It ensures workers are allowed to engage in



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the political process during non-work hours, and to organize, form, join, or assist an employee organization.

The Governor vetoed *House Bill 23-1146*. The bill would have prohibited employers from taking an adverse action against an employee who accepts cash tips, with exceptions for certain industries.

Workforce Development

Updating existing programs. Continuing a trend from recent years, numerous bills dealing with workforce development were passed during the 2023 legislative session. Examples include *Senate Bill 23-226*, addressing the Transitional Jobs Program, and *House Bill 23-1094*, focusing on an Agricultural Workforce Development Program, both of which were extended by five years.

Senate Bill 23-065 makes changes to the Career Development Success Program. The bill eliminates the requirement for successful completion of a qualified industry pre-apprenticeship program and the requirement for successful completion of a qualified industry apprenticeship.

Senate Bill 23-146 amends the information the Department of Labor and Employment requires apprenticeship programs to submit in the Colorado state apprenticeship resource directory, which was created in 2019. The bill also requires the department include information regarding each program's registration information and

registered apprenticeship program standards.

The Office of Future Work. *Senate Bill 23-051* establishes in statute the Office of Future Work (OFW), which was created by executive order in 2019. The bill amends Colorado statutes to enable the United States Department of Labor's Office of Apprenticeship to recognize Colorado's state apprenticeship agency and makes changes to state law in order to conform with the federal National Apprenticeship Act.

House Bill 23-1212 also engages the OFW by creating a two-year apprenticeship navigator pilot program targeting graduating high school students in selected school districts.

House Bill 23-1074 requires the OFW to commission a study focusing on workers in the oil and gas industry and in occupations in Colorado that are facing the most disruption due to automation. The study must also look at training availability, skills needed, and transition strategies, and will provide recommendations for programs and policies to prepare the workforce for these transitions.

