

CHAPTER 322

LABOR AND INDUSTRY

HOUSE BILL 19-1107

BY REPRESENTATIVE(S) Coleman, Herod, Exum, Benavidez, Lontine, Singer, Arndt, Bird, Buckner, Buentello, Duran, Esgar, Galindo, Gonzales-Gutierrez, Gray, Hansen, Hooton, Jackson, Jaquez Lewis, Kipp, Melton, Michaelson Jenet, Mullica, Snyder, Titone, Valdez A., Valdez D., Becker;
also SENATOR(S) Fields and Priola, Bridges, Gonzales, Lee, Moreno, Pettersen, Garcia.

AN ACT

CONCERNING THE CREATION OF THE EMPLOYMENT SUPPORT AND JOB RETENTION SERVICES PROGRAM WITHIN THE DIVISION OF EMPLOYMENT AND TRAINING IN THE DEPARTMENT OF LABOR AND EMPLOYMENT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** part 4 to article 83 of title 8 as follows:

**PART 4
EMPLOYMENT SUPPORT AND JOB RETENTION
SERVICES PROGRAM**

8-83-401. Definitions. AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADMINISTERING ENTITY" MEANS THE NONPROFIT ENTITY SELECTED PURSUANT TO SECTION 8-83-403 TO ADMINISTER THE PROGRAM.

(2) "ELIGIBLE INDIVIDUAL" MEANS AN INDIVIDUAL THAT SATISFIES THE ELIGIBILITY CRITERIA SPECIFIED IN SECTION 8-83-404 (4).

(3) "FEDERAL POVERTY LINE" HAS THE SAME MEANING AS "POVERTY LINE", AS DEFINED IN 42 U.S.C. SEC. 9902 (2).

(4) "PROGRAM" MEANS THE EMPLOYMENT SUPPORT AND JOB RETENTION SERVICES PROGRAM CREATED IN SECTION 8-83-402.

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.

(5) "SERVICE PROVIDER" MEANS A PUBLIC AGENCY OR NONPROFIT COMMUNITY ORGANIZATION THAT PROVIDES EMPLOYMENT, EMPLOYMENT PREPARATION, AND JOB RETENTION SERVICES TO ELIGIBLE INDIVIDUALS PURSUANT TO A MEMORANDUM OF UNDERSTANDING WITH THE ADMINISTERING ENTITY.

(6) "SERVICES" MEANS SERVICES PROVIDED BY A SERVICE PROVIDER TO ELIGIBLE INDIVIDUALS, WHICH SERVICES ARE ELIGIBLE FOR REIMBURSEMENT FROM THE PROGRAM PURSUANT TO SECTION 8-83-404 (5).

8-83-402. Employment support and job retention services program - creation. THERE IS HEREBY CREATED IN THE DIVISION THE EMPLOYMENT SUPPORT AND JOB RETENTION SERVICES PROGRAM. WITHIN SIX MONTHS AFTER THE DATE OF THE FIRST APPROPRIATION BY THE GENERAL ASSEMBLY TO THE EMPLOYMENT SUPPORT AND JOB RETENTION SERVICES CASH FUND PURSUANT TO SECTION 8-83-406, THE PROGRAM SHALL FUND EMPLOYMENT PREPARATION, JOB TRAINING, EMPLOYMENT PURSUIT, AND JOB RETENTION ACTIVITIES FOR ELIGIBLE INDIVIDUALS AS THEY PERTAIN TO THE INDIVIDUALS' JOB TRAINING AND EMPLOYMENT GOALS.

8-83-403. Program purpose - duties of the director. (1) THE PURPOSE OF THE PROGRAM IS TO PROVIDE ASSISTANCE TO ELIGIBLE INDIVIDUALS WHO MAY NOT BE ELIGIBLE FOR OR HAVE ACCESS TO OTHER EMPLOYMENT RESOURCES OR WHO ARE PREPARING FOR, SEEKING, OR ATTEMPTING TO RETAIN EMPLOYMENT.

(2) THE DIRECTOR SHALL:

(a) ENTER INTO A COMPETITIVE SOLICITATION PROCESS PURSUANT TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, TO CONTRACT WITH AN ADMINISTERING ENTITY;

(b) ESTABLISH PROCEDURES AND GUIDELINES FOR:

(I) THE SELECTION OF THE ADMINISTERING ENTITY TO OPERATE THE PROGRAM;

(II) THE DEVELOPMENT AND IMPLEMENTATION OF THE MEMORANDUMS OF UNDERSTANDING WITH SERVICE PROVIDERS;

(III) REQUESTING AND DISTRIBUTING REIMBURSEMENTS TO SERVICE PROVIDERS;
AND

(IV) ANY ADDITIONAL PARAMETERS FOR THE OPERATION AND EVALUATION OF THE PROGRAM, SUBJECT TO DATA AVAILABLE TO THE DIVISION.

(3) THE DIRECTOR SHALL SOLICIT FEEDBACK FROM STAKEHOLDERS WHEN ESTABLISHING PROCEDURES AND GUIDELINES PURSUANT TO SUBSECTION (2) OF THIS SECTION.

8-83-404. Administration of the program. (1) THE ADMINISTERING ENTITY SHALL:

(a) DEVELOP FORMAL MEMORANDUMS OF UNDERSTANDING WITH SERVICE

PROVIDERS AND GUIDELINES FOR THE OPERATION OF THE PROGRAM IN COORDINATION WITH THE DIRECTOR;

(b) ESTABLISH PROCEDURES AND GUIDELINES FOR REIMBURSING SERVICE PROVIDERS IN ACCORDANCE WITH THE TERMS OF THE MEMORANDUM OF UNDERSTANDING;

(c) REIMBURSE SERVICE PROVIDERS UP TO FOUR HUNDRED DOLLARS PER YEAR FOR EACH ELIGIBLE INDIVIDUAL TO WHOM THE SERVICE PROVIDER DELIVERED SERVICES AUTHORIZED FOR REIMBURSEMENT PURSUANT TO SUBSECTION (5) OF THIS SECTION;

(d) ENSURE THE FISCAL RESPONSIBILITY OF THE PROGRAM IN COMPLIANCE WITH THE DIRECTOR;

(e) PARTICIPATE IN EVALUATION ACTIVITIES AS REQUIRED BY THE DIRECTOR; AND

(f) BE RESPONSIBLE FOR ALL OTHER REQUIREMENTS OUTLINED BY THE DIRECTOR.

(2) A SERVICE PROVIDER SHALL:

(a) SUBMIT REPORTS AS SPECIFIED BY THE ADMINISTERING ENTITY THAT OUTLINE THE TYPE OF SERVICE PROVIDED, REASON FOR THE SERVICE, BASIC DEMOGRAPHICS OF THE ELIGIBLE INDIVIDUAL, AND GEOGRAPHIC LOCATION WHERE THE SERVICE WAS PROVIDED; AND

(b) PARTICIPATE IN AN ANALYSIS PROCESS THROUGHOUT THE SERVICE PROVIDER'S PARTICIPATION IN THE PROGRAM.

(3) THE ADMINISTERING ENTITY MUST NOT REIMBURSE A SERVICE PROVIDER FOR EXPENSES INCURRED TO PROVIDE EMPLOYMENT PREPARATION, JOB TRAINING, EMPLOYMENT PURSUIT, OR JOB RETENTION ACTIVITIES TO AN ELIGIBLE INDIVIDUAL IF THE SERVICES ARE CURRENTLY PROVIDED TO THE INDIVIDUAL BY ANOTHER SOURCE.

(4) NOTWITHSTANDING ANY OTHER FEDERAL OR STATE LAW, IN ORDER TO BE ELIGIBLE TO RECEIVE SERVICES FOR WHICH A SERVICE PROVIDER MAY BE REIMBURSED UNDER THE PROGRAM, AN INDIVIDUAL MUST:

(a) HAVE A HOUSEHOLD INCOME AT OR BELOW THE FEDERAL POVERTY LINE;

(b) BE AT LEAST SIXTEEN YEARS OF AGE;

(c) BE ELIGIBLE TO WORK IN THE UNITED STATES; AND

(d) BE UNDEREMPLOYED OR UNEMPLOYED AND ACTIVELY PURSUING EMPLOYMENT, EMPLOYMENT PREPARATION, JOB TRAINING, OR JOB RETENTION ACTIVITIES, WITH THE ASSISTANCE OF A SERVICE PROVIDER.

(5) (a) THE ADMINISTERING ENTITY MAY REIMBURSE A SERVICE PROVIDER FOR EXPENSES INCURRED IN PROVIDING:

(I) EMPLOYMENT SUPPORT SERVICES TO AN ELIGIBLE INDIVIDUAL TO ASSIST WITH AN INDIVIDUAL'S EMPLOYMENT, EMPLOYMENT PREPARATION, OR JOB TRAINING GOALS; AND

(II) SERVICES TO ASSIST AN ELIGIBLE INDIVIDUAL WITH ONGOING JOB RETENTION FOR UP TO SIX MONTHS AFTER THE DATE OF EMPLOYMENT.

(b) EMPLOYMENT SUPPORT AND JOB RETENTION SERVICES THAT ARE ELIGIBLE FOR REIMBURSEMENT INCLUDE:

(I) TRANSPORTATION OR VEHICLE;

(II) EMERGENCY CHILD CARE;

(III) EMERGENCY HOUSING;

(IV) FEES RELATED TO EMPLOYMENT PREPARATION, JOB TRAINING, EMPLOYMENT PURSUIT, OR JOB RETENTION ACTIVITIES;

(V) WORK TOOLS AND EQUIPMENT;

(VI) FOOD AND NUTRITION;

(VII) UTILITY, TELEPHONE, AND INTERNET BILLS;

(VIII) PREPAID CELL PHONES;

(IX) LICENSES AND CERTIFICATIONS;

(X) LEGAL SERVICES AND FEES RELATED TO EMPLOYMENT;

(XI) LANGUAGE, COMMUNICATION, INTERPRETATION, AND TRANSLATION EXPENSES;

(XII) EMERGENCY AND WORK-RELATED MEDICAL, BEHAVIORAL, AND MENTAL HEALTH, DENTAL, AND VISION SERVICES AND EXPENSES THAT IMPEDE AN INDIVIDUAL'S ABILITY TO PREPARE FOR, OBTAIN, OR RETAIN EMPLOYMENT; AND

(XIII) OTHER EXPENSES AS THEY PERTAIN TO EMPLOYMENT PREPARATION, JOB TRAINING, EMPLOYMENT PURSUIT, OR JOB RETENTION SERVICES AS DETERMINED BY THE DIRECTOR.

8-83-405. Reports required. (1) ON OR BEFORE JULY 1 OF EACH YEAR, THE ADMINISTERING ENTITY SHALL REPORT TO THE DIVISION:

(a) THE INFORMATION PROVIDED BY A SERVICE PROVIDER PURSUANT TO SECTION 8-83-404 (2);

(b) A QUALITATIVE ANALYSIS BASED ON INTERVIEWS CONDUCTED WITH SERVICE PROVIDERS STATEWIDE CONCERNING THE EFFICACY OF THE PROGRAM; AND

(c) AN ACCOUNT OF THE PROGRAM'S EXPENDITURES.

(2) ON OR BEFORE DECEMBER 1, 2021, THE DIVISION SHALL REPORT TO THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE AND THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, A COMPREHENSIVE ANALYSIS CONCERNING THE EFFICACY OF THE PROGRAM.

8-83-406. Employment support and job retention services cash fund - created. (1) (a) THE EMPLOYMENT SUPPORT AND JOB RETENTION SERVICES PROGRAM CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY. FOR THE 2019-20 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE SEVEN HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND.

(b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND REMAINS IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(c) MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PURPOSES OF THIS PART 4, TO THE EXTENT THAT IN EACH FISCAL YEAR THE GENERAL ASSEMBLY MAY ONLY APPROPRIATE UP TO TWO HUNDRED FIFTY THOUSAND DOLLARS PLUS ANY UNEXPENDED MONEY AND INTEREST ACCRUED FROM THE PREVIOUS FISCAL YEAR.

(2) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS PART 4.

(3) THE DIVISION MAY USE THE MONEY IN THE FUND FOR THE PURPOSES OF THIS PART 4, INCLUDING ADMINISTRATIVE COSTS RELATED TO THE PROGRAM. THE ADMINISTERING ENTITY MAY USE MONEY IN THE FUND TO OPERATE THE PROGRAM. THE REMAINDER OF THE MONEY MAY BE USED ONLY FOR REIMBURSEMENTS MADE PURSUANT TO SECTION 8-83-404. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE MAY EXPEND MONEY FROM THE FUND FOR THE PURPOSES OF THIS PART 4.

8-83-407. Repeal of part. THIS PART 4 IS REPEALED, EFFECTIVE SEPTEMBER 30, 2022.

SECTION 2. Appropriation. (1) For the 2019-20 state fiscal year, \$750,000 is appropriated to the employment support and job retention services program cash fund created in section 8-83-406, C.R.S. This appropriation is from the general fund. The department of labor and employment is responsible for the accounting related to this appropriation.

(2) For the 2019-20 state fiscal year, \$250,000 is appropriated to the department of labor and employment for use by the division of employment and training. This appropriation is from reappropriated funds in the job retention services program cash fund under subsection (1) of this section and is based on an assumption that the division will require an additional 0.5 FTE. To implement this act, the division may

use the appropriation for employment support and job retention services.

SECTION 3. Effective date. This act takes effect July 1, 2019.

SECTION 4. 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: May 28, 2019