

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0486.03 Kristen Forrestal x4217

HOUSE BILL 21-1007

HOUSE SPONSORSHIP

Sullivan and Ortiz,

SENATE SPONSORSHIP

Danielson and Rodriguez,

House Committees

Business Affairs & Labor
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A STATE APPRENTICESHIP REGISTRATION PROGRAM IN
102 THE DEPARTMENT OF LABOR AND EMPLOYMENT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the state apprenticeship agency (SAA) in the department of labor and employment (department) as a **type 1** agency. The executive director of the department is required to appoint a director of the SAA (director). The purpose of the SAA is to:

- Serve as the primary point of contact with the United States department of labor's office of apprenticeship concerning

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- apprentices and registered apprenticeship programs; and
Oversee apprenticeship programs, including registration, required standards for registration, quality assurance, the promotion of apprenticeships, and the provision of technical assistance.

The director shall establish the state apprenticeship council (SAC) and an interagency advisory committee on apprenticeship (IAC). The governor and the director appoint the members of the SAC and the IAC. The SAC is charged with overseeing registered apprenticeship programs for the building and construction trades in this state and ensuring compliance with state and federal laws and standards. The IAC is charged with the same responsibilities for all other apprenticeships not in the building and construction trades.

The bill requires the SAA to accept applications for registration of apprenticeship programs beginning July 1, 2023. The SAA may deregister an apprenticeship program for noncompliance with the requirements in the bill. The SAA shall conduct a hearing upon request of the SAC or the IAC regarding issues of noncompliance and deregistration.

The director of the SAA is authorized to promulgate rules to implement the state apprenticeship registration program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 15.7 to
3 title 8 as follows:

4 **ARTICLE 15.7**

5 **Apprenticeships**

6 **8-15.7-101. Definitions.** AS USED IN THIS ARTICLE 15.7, UNLESS
7 THE CONTEXT OTHERWISE REQUIRES:

8 (1) "APPRENTICE" MEANS AN INDIVIDUAL WHO IS SIXTEEN YEARS
9 OF AGE OR OLDER, EXCEPT WHEN A HIGHER MINIMUM AGE STANDARD IS
10 OTHERWISE FIXED BY LAW, AND WHO IS EMPLOYED TO LEARN AN
11 APPRENTICEABLE OCCUPATION UNDER THE STANDARDS OF
12 APPRENTICESHIP ESTABLISHED BY THIS ARTICLE 15.7.

13 (2) "APPRENTICEABLE OCCUPATION" MEANS AN OCCUPATION
14 SPECIFIED BY AN INDUSTRY THAT INVOLVES THE PROGRESSIVE

1 ATTAINMENT OF SKILLS, COMPETENCIES, AND KNOWLEDGE THAT ARE:

2 (a) CLEARLY IDENTIFIED AND COMMONLY RECOGNIZED
3 THROUGHOUT THE RELEVANT INDUSTRY OR OCCUPATION;

4 (b) CUSTOMARILY LEARNED OR ENHANCED IN A PRACTICAL WAY
5 THROUGH A STRUCTURED, SYSTEMATIC PROGRAM OF ON-THE-JOB,
6 SUPERVISED LEARNING AND RELATED INSTRUCTION TO SUPPLEMENT THE
7 LEARNING; AND

8 (c) OFFERED THROUGH A TIME-BASED, COMPETENCY-BASED, OR
9 HYBRID MODEL THAT THE DIRECTOR HAS DETERMINED MEETS THE
10 REQUIREMENTS OF THIS ARTICLE 15.7 AND 29 CFR 29 AND 30.

11 (3) "APPRENTICESHIP AGREEMENT" MEANS A WRITTEN
12 AGREEMENT BETWEEN AN APPRENTICE AND A SPONSOR.

13 (4) "APPRENTICESHIP PROGRAM" MEANS A PROGRAM THAT:

14 (a) IS ESTABLISHED BY A SPONSOR FOR TRAINING INDIVIDUALS FOR
15 ONE OR MORE APPRENTICEABLE OCCUPATIONS;

16 (b) COMBINES ON-THE-JOB TRAINING AND RELATED INSTRUCTION
17 ACCORDING TO THE SPECIFICATIONS ESTABLISHED BY FEDERAL LAW AND
18 THIS ARTICLE 15.7.

19 (5) "CERTIFICATE OF COMPLETION" MEANS A CERTIFICATE
20 AWARDED TO AN APPRENTICE IN RECOGNITION OF THE SUCCESSFUL
21 COMPLETION OF AN APPRENTICESHIP PROGRAM.

22 (6) "CERTIFICATE OF REGISTRATION" MEANS A DOCUMENT ISSUED
23 BY THE SAA TO A SPONSOR THAT INDICATES THAT THE SPONSOR'S
24 APPRENTICESHIP PROGRAM IS REGISTERED PURSUANT TO THIS ARTICLE
25 15.7.

26 (7) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
27 EMPLOYMENT.

1 (8) "DIRECTOR" MEANS THE DIRECTOR OF THE SAA.

2 (9) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
3 THE DEPARTMENT.

4 (10) "INTERAGENCY ADVISORY COMMITTEE ON APPRENTICESHIP"
5 OR "IAC" MEANS THE INTERAGENCY ADVISORY COMMITTEE ON
6 APPRENTICESHIP CREATED IN SECTION 8-15.7-104.

7 (11) "QUALITY ASSURANCE ASSESSMENT" MEANS A
8 COMPREHENSIVE REVIEW CONDUCTED BY THE SAA REGARDING ALL
9 ASPECTS OF AN APPRENTICESHIP PROGRAM'S PERFORMANCE, INCLUDING
10 DETERMINING WHETHER:

11 (a) THE APPRENTICES ARE RECEIVING ON-THE-JOB TRAINING
12 CONSISTENT WITH THE SCHEDULE OUTLINED IN THE REGISTERED
13 APPRENTICESHIP PROGRAM STANDARDS;

14 (b) SCHEDULED WAGE INCREASES ARE CONSISTENT WITH THE
15 REGISTERED APPRENTICESHIP PROGRAM STANDARDS;

16 (c) RELATED INSTRUCTION THROUGH THE APPROPRIATE
17 CURRICULUM AND DELIVERY SYSTEMS IS COMPLIANT WITH FEDERAL AND
18 STATE STANDARDS; AND

19 (d) THE SAA IS RECEIVING NOTIFICATION OF ALL NEW
20 APPRENTICES IN A REGISTERED APPRENTICESHIP PROGRAM, APPRENTICES
21 WHO LEAVE A REGISTERED APPRENTICESHIP PROGRAM, AND APPRENTICES
22 WHO COMPLETE A REGISTERED APPRENTICESHIP PROGRAM.

23 (12) "REGISTERED APPRENTICESHIP PROGRAM" MEANS AN
24 APPRENTICESHIP PROGRAM THAT IS REGISTERED BY THE SAA PURSUANT
25 TO THIS ARTICLE 15.7.

26 (13) "REGISTRATION OF AN APPRENTICESHIP PROGRAM" OR
27 "REGISTRATION OF APPRENTICESHIP PROGRAMS" MEANS THE

1 REGISTRATION BY THE SAA OF AN APPRENTICE PROGRAM THAT MEETS THE
2 BASIC STANDARDS AND REQUIREMENTS ESTABLISHED PURSUANT TO THIS
3 ARTICLE 15.7 FOR PURPOSES OF MEETING FEDERAL REQUIREMENTS, AS
4 EVIDENCED BY A CERTIFICATE OF REGISTRATION.

5 (14) "SPONSOR" MEANS AN EMPLOYER, A JOINT
6 LABOR-MANAGEMENT ORGANIZATION, A TRADE ASSOCIATION, A
7 PROFESSIONAL ASSOCIATION, A LABOR ORGANIZATION, AN EDUCATION
8 AND TRAINING PROVIDER, OR A QUALIFIED INTERMEDIARY THAT IS
9 APPLYING TO REGISTER AN APPRENTICESHIP PROGRAM.

10 (15) "STATE APPRENTICESHIP AGENCY" OR "SAA" MEANS THE
11 STATE APPRENTICESHIP AGENCY CREATED IN SECTION 8-15.7-102.

12 (16) "STATE APPRENTICESHIP COUNCIL" OR "SAC" MEANS THE
13 STATE APPRENTICESHIP COUNCIL CREATED IN SECTION 8-15.7-103.

14 **8-15.7-102. State apprenticeship agency - created - director -**
15 **powers and duties - rules.** (1) THERE IS HEREBY CREATED IN THE
16 DEPARTMENT THE STATE APPRENTICESHIP AGENCY. THE EXECUTIVE
17 DIRECTOR SHALL APPOINT A DIRECTOR OF THE SAA. THE SAA SHALL:

18 (a) SERVE AS THE PRIMARY POINT OF CONTACT WITH THE UNITED
19 STATES DEPARTMENT OF LABOR'S OFFICE OF APPRENTICESHIP;

20 (b) REGISTER AND OVERSEE APPRENTICESHIP PROGRAMS AND
21 APPRENTICESHIP AGREEMENTS;

22 (c) ISSUE CERTIFICATES OF REGISTRATION TO SPONSORS OF
23 APPRENTICESHIP PROGRAMS;

24 (d) DETERMINE REQUIRED STANDARDS FOR REGISTRATION OF AN
25 APPRENTICESHIP PROGRAM;

26 (e) PERFORM QUALITY ASSURANCE ASSESSMENTS;

27 (f) APPROVE THE APPROPRIATE IMPLEMENTATION OF AN

1 APPRENTICESHIP PROGRAM;

2 (g) MAINTAIN ADEQUATE RECORDS CONCERNING REGISTRATION
3 REQUIREMENTS, APPROVED PROGRAM STANDARDS, THE APPRENTICES IN
4 EACH REGISTERED APPRENTICESHIP PROGRAM, DEREGISTRATION ACTIONS,
5 COMPLIANCE REVIEWS AND INVESTIGATIONS, AND ANY OTHER MATTERS
6 STIPULATED BY THE UNITED STATES DEPARTMENT OF LABOR'S OFFICE OF
7 APPRENTICESHIP THAT ARE PERTINENT TO COMPLIANCE BY
8 APPRENTICESHIP PROGRAMS WITH THE REQUIREMENTS OF THIS ARTICLE
9 15.7;

10 (h) MONITOR AND EVALUATE APPRENTICESHIP PROGRAMS'
11 PERFORMANCE AND COMPLIANCE WITH FEDERAL AND STATE STANDARDS
12 AND REPORT TO THE SAC AND THE IAC ON THE OUTCOME OF QUALITY
13 ASSURANCE ASSESSMENTS;

14 (i) COMPLETE DEREGISTRATION OF APPRENTICESHIP PROGRAMS
15 THAT DO NOT MEET THE REQUIREMENTS OF THIS ARTICLE 15.7;

16 (j) REVIEW APPRENTICESHIP PROGRAMS FOR REINSTATEMENT OF
17 REGISTRATION;

18 (k) SUBMIT AN EQUAL EMPLOYMENT OPPORTUNITY IN
19 APPRENTICESHIP STATE PLAN TO THE UNITED STATES DEPARTMENT OF
20 LABOR'S OFFICE OF APPRENTICESHIP;

21 (l) PROMOTE THE ESTABLISHMENT OF REGISTERED APPRENTICESHIP
22 PROGRAMS, ENROLLMENT IN REGISTERED APPRENTICESHIP PROGRAMS,
23 AND PUBLIC AWARENESS ABOUT THE NATURE AND BENEFITS OF
24 REGISTERED APPRENTICESHIP PROGRAMS;

25 (m) PROVIDE TECHNICAL ASSISTANCE TO APPRENTICES, SPONSORS,
26 AND REGISTERED APPRENTICESHIP PROGRAMS;

27 (n) CREATE A POLICY OF RECIPROCITY WITH OTHER STATES TO

1 ENSURE THE REGISTRATION OF APPRENTICESHIP PROGRAMS;
2 (o) AWARD CERTIFICATES OF COMPLETION AND MONITOR
3 APPRENTICES WITH ACTIVE STATUS, APPRENTICESHIP COMPLETIONS, AND
4 THE ONGOING OPERATION OF REGISTERED APPRENTICESHIP PROGRAMS;
5 AND

6 (p) PROVIDE ADMINISTRATIVE SUPPORT TO THE SAC AND THE IAC
7 IN CARRYING OUT THEIR DUTIES.

8 (2) THE SAA SHALL EXERCISE ITS POWERS AND PERFORM ITS
9 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF IT WERE
10 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DESCRIBED
11 IN SECTION 24-1-105.

12 (3) THE DIRECTOR MAY PROMULGATE RULES AS NECESSARY TO
13 IMPLEMENT THIS ARTICLE 15.7, INCLUDING RULES AFFECTING THE
14 REGISTRATION, PERFORMANCE, AND LEGAL COMPLIANCE OF
15 APPRENTICESHIP PROGRAMS.

16 **8-15.7-103. State apprenticeship council - created - members**
17 **- powers and duties.** (1) THE DIRECTOR SHALL ESTABLISH THE STATE
18 APPRENTICESHIP COUNCIL TO OVERSEE REGISTERED APPRENTICESHIP
19 PROGRAMS FOR THE BUILDING AND CONSTRUCTION TRADES IN THE STATE.

20 (2) (a) THE SAC CONSISTS OF EIGHTEEN MEMBERS APPOINTED AS
21 FOLLOWS:

22 (I) THE DIRECTOR SHALL APPOINT TWELVE VOTING MEMBERS AS
23 FOLLOWS:

24 (A) FIVE REPRESENTATIVES FROM EMPLOYER ORGANIZATIONS,
25 ONE OF WHOM REPRESENTS A STATEWIDE EMPLOYER ORGANIZATION;

26 (B) FIVE REPRESENTATIVES FROM EMPLOYEE ORGANIZATIONS, ONE
27 OF WHOM REPRESENTS A STATEWIDE EMPLOYEE ORGANIZATION; AND

1 (C) TWO REPRESENTATIVES OF THE PUBLIC; AND
2 (II) THE GOVERNOR SHALL APPOINT SIX NONVOTING, EX OFFICIO
3 MEMBERS TO SERVE ON THE SAC AND THE IAC AS FOLLOWS:
4 (A) ONE REPRESENTATIVE FROM THE DEPARTMENT;
5 (B) ONE REPRESENTATIVE OF CAREER AND TECHNICAL EDUCATION
6 PROGRAMS;
7 (C) ONE REPRESENTATIVE WITH EXPERIENCE IN ECONOMIC
8 DEVELOPMENT;
9 (D) ONE REPRESENTATIVE OF TRAINING PROVIDERS;
10 (E) ONE REPRESENTATIVE OF THE STATE WORK FORCE
11 DEVELOPMENT COUNCIL CREATED IN SECTION 24-46.3-101; AND
12 (F) ONE MEMBER WHO IS INTERESTED IN PROMOTING EQUAL
13 OPPORTUNITY IN APPRENTICESHIP.
14 (b) (I) OF THE MEMBERS APPOINTED BY THE DIRECTOR, THE INITIAL
15 TERM OF OFFICE OF THREE MEMBERS FROM EMPLOYER ORGANIZATIONS,
16 TWO MEMBERS FROM EMPLOYEE ORGANIZATIONS, AND ONE
17 REPRESENTATIVE OF THE PUBLIC IS THREE YEARS, AND THE INITIAL TERM
18 OF OFFICE OF THE REMAINING SIX MEMBERS IS FOUR YEARS. THEREAFTER,
19 THE TERMS OF THE MEMBERS APPOINTED BY THE DIRECTOR ARE FOUR
20 YEARS.
21 (II) OF THE MEMBERS APPOINTED BY THE GOVERNOR, THE INITIAL
22 TERM OF OFFICE OF THE THREE MEMBERS APPOINTED PURSUANT TO
23 SUBSECTIONS (2)(a)(II)(A), (2)(a)(II)(B), AND (2)(a)(II)(C) OF THIS
24 SECTION IS THREE YEARS AND THE INITIAL TERM OF OFFICE OF THE THREE
25 MEMBERS APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(II)(D),
26 (2)(a)(II)(E), AND (2)(a)(II)(F) OF THIS SECTION IS FOUR YEARS.
27 THEREAFTER, THE TERMS OF THE MEMBERS APPOINTED BY THE GOVERNOR

1 ARE FOUR YEARS.

2 (c) THE DIRECTOR SHALL APPOINT ONE MEMBER OF THE SAC TO
3 SERVE AS THE CHAIR FOR A TERM OF TWO YEARS. THE CHAIR MAY BE
4 REAPPOINTED AS DETERMINED BY THE DIRECTOR.

5 (d) IF A MEMBER FAILS TO COMPLETE THE MEMBER'S TERM, THE
6 APPOINTING AUTHORITY SHALL APPOINT A NEW MEMBER TO COMPLETE
7 THE REMAINDER OF THE TERM.

8 (e) MEMBERS SHALL SERVE WITHOUT COMPENSATION FOR THEIR
9 SERVICE; EXCEPT THAT MEMBERS MAY RECEIVE A PER DIEM AS
10 ESTABLISHED BY THE DIRECTOR AND REIMBURSEMENT FOR TRAVEL AND
11 OTHER NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
12 OFFICIAL DUTIES.

13 (f) THE SAC:

14 (I) SHALL MEET AT LEAST QUARTERLY AND AT THE REQUEST OF
15 THE DIRECTOR AS NEEDED TO ACCOMPLISH THE OBJECTIVES OF THE SAC;

16 (II) SHALL PROVIDE TIMELY WRITTEN NOTICE OF ALL MEETINGS TO
17 THE DEPARTMENT;

18 (III) MAY DETERMINE ITS OWN PROCEDURAL RULES; AND

19 (IV) IS SUBJECT TO ARTICLE 6 OF TITLE 24.

20 (g) NO MEMBER OF THE SAC MAY RECEIVE ANY COMPENSATION
21 FROM AN APPRENTICESHIP PROGRAM.

22 (3) FOR THE BUILDING AND CONSTRUCTION TRADES, THE SAC
23 SHALL:

24 (a) REGISTER WITH AND MAINTAIN THE STANDARDS OF THE
25 UNITED STATES DEPARTMENT OF LABOR'S OFFICE OF APPRENTICESHIP AND
26 DEVELOP MINIMUM STANDARDS FOR REGISTRATION OF APPRENTICESHIP
27 PROGRAMS;

1 (b) RESOLVE CONFLICTS AND COMPLAINTS THAT ARISE BETWEEN
2 PARTIES TO AN APPRENTICESHIP AGREEMENT WHEN A CONFLICT EXISTS,
3 AFTER THE CONFLICT HAS BEEN ADDRESSED BY LOCAL ENTITIES CHARGED
4 WITH THIS FUNCTION UNDER THE RELEVANT APPRENTICESHIP PROGRAM
5 STANDARDS AND THE SAA;

6 (c) REVIEW PROGRAM PERFORMANCE STANDARDS AND MAKE
7 FINDINGS OF FACT AND DECISIONS ON ENFORCEMENT ACTIONS BASED ON
8 EACH REVIEW;

9 (d) RECOMMEND ADDITIONS AND CHANGES CONCERNING RULES
10 ABOUT APPRENTICESHIP PROGRAMS TO THE DIRECTOR;

11 (e) PROVIDE TECHNICAL AND PROFESSIONAL GUIDANCE FOR
12 IDENTIFYING AND PROMOTING BEST PRACTICES IN REGISTERED
13 APPRENTICESHIP PROGRAMS;

14 (f) DEVELOP ADMINISTRATIVE POLICIES THAT ENSURE THE SAFETY
15 AND QUALITY OF REGISTERED APPRENTICESHIP PROGRAMS AND ADDRESS,
16 AS WARRANTED, THE RELATED NEEDS OF COLORADO'S BUSINESSES, THE
17 LABOR WORKFORCE, AND COMMUNITIES;

18 (g) ADVISE THE SAA REGARDING EFFECTIVE PERFORMANCE OF
19 THE SAC'S ASSIGNED FUNCTIONS; AND

20 (h) FORMULATE POLICIES FOR THE BUILDING AND CONSTRUCTION
21 TRADES AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS
22 ARTICLE 15.7.

23 (4) THE SAC IS NOT SUBJECT TO THE SUNSET REVIEW
24 REQUIREMENTS IN SECTION 2-3-1203.

25 **8-15.7-104. Interagency advisory committee on apprenticeship**
26 **- created - members - powers and duties.** (1) THE DIRECTOR SHALL
27 ESTABLISH THE INTERAGENCY ADVISORY COMMITTEE ON APPRENTICESHIP

1 TO OVERSEE APPRENTICESHIP PROGRAMS THAT ARE NOT WITHIN THE
2 JURISDICTION OF THE SAC.

3 (2) (a) THE IAC CONSISTS OF TWELVE MEMBERS APPOINTED AS
4 FOLLOWS:

5 (I) THE DIRECTOR SHALL APPOINT SIX VOTING MEMBERS AS
6 FOLLOWS:

7 (A) TWO EMPLOYER MEMBERS OR REPRESENTATIVES OF EMPLOYER
8 ORGANIZATIONS WHO ARE FAMILIAR WITH APPRENTICEABLE OCCUPATIONS
9 THAT ARE NOT WITHIN THE JURISDICTION OF THE SAC;

10 (B) TWO EMPLOYEE MEMBERS WHO ARE FAMILIAR WITH
11 APPRENTICEABLE OCCUPATIONS THAT ARE NOT WITHIN THE JURISDICTION
12 OF THE SAC; AND

13 (C) TWO REPRESENTATIVES OF THE PUBLIC WHO ARE NEITHER
14 EMPLOYERS NOR AFFILIATED WITH ANY EMPLOYER ORGANIZATION; AND

15 (II) THE GOVERNOR SHALL APPOINT THE SIX NONVOTING, EX
16 OFFICIO MEMBERS APPOINTED PURSUANT TO SECTION 8-15.7-103 (2)(a)(II)
17 TO THE IAC.

18 (b) (I) OF THE MEMBERS APPOINTED BY THE DIRECTOR, THE INITIAL
19 TERM OF OFFICE OF ONE EMPLOYER MEMBER, ONE EMPLOYEE MEMBER,
20 AND ONE REPRESENTATIVE OF THE PUBLIC IS THREE YEARS AND THE
21 INITIAL TERM OF OFFICE OF THE REMAINING THREE MEMBERS IS FOUR
22 YEARS. THEREAFTER, THE TERMS OF THE MEMBERS ARE FOUR YEARS.

23 (II) THE TERMS OF OFFICE OF THE NONVOTING, EX OFFICIO
24 MEMBERS APPOINTED PURSUANT TO SUBSECTION (2)(a)(II) OF THIS
25 SECTION ARE THE SAME AS THE TERMS OF OFFICE OF THOSE MEMBERS AS
26 SPECIFIED IN SECTION 8-15.7-103 (2)(b)(II).

27 (III) THE DIRECTOR SHALL APPOINT ONE MEMBER OF THE IAC TO

1 SERVE AS THE CHAIR FOR A TERM OF TWO YEARS. THE CHAIR MAY BE
2 REAPPOINTED AS DETERMINED BY THE DIRECTOR.

3 (c) IF A MEMBER FAILS TO COMPLETE THE MEMBER'S TERM, THE
4 APPOINTING AUTHORITY SHALL APPOINT A NEW MEMBER TO COMPLETE
5 THE REMAINDER OF THE TERM.

6 (d) MEMBERS SHALL SERVE WITHOUT COMPENSATION FOR THEIR
7 SERVICE; EXCEPT THAT MEMBERS MAY RECEIVE A PER DIEM AS
8 ESTABLISHED BY THE DIRECTOR AND REIMBURSEMENT FOR TRAVEL AND
9 OTHER NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
10 OFFICIAL DUTIES.

11 (e) THE IAC:

12 (I) SHALL MEET AT LEAST QUARTERLY AND AT THE REQUEST OF
13 THE DIRECTOR AS NEEDED TO ACCOMPLISH THE OBJECTIVES OF THE IAC;

14 (II) SHALL PROVIDE TIMELY WRITTEN NOTICE OF ALL MEETINGS TO
15 THE DEPARTMENT;

16 (III) MAY DETERMINE ITS OWN PROCEDURAL RULES; AND

17 (IV) IS SUBJECT TO ARTICLE 6 OF TITLE 24.

18 (f) NO MEMBER OF THE IAC MAY RECEIVE ANY COMPENSATION
19 FROM AN APPRENTICESHIP PROGRAM.

20 (3) FOR ALL APPRENTICESHIPS THAT ARE NOT WITHIN THE
21 BUILDING AND CONSTRUCTION TRADES AND NOT UNDER THE JURISDICTION
22 OF THE SAC, THE IAC SHALL:

23 (a) REGISTER WITH AND MAINTAIN THE STANDARDS OF THE
24 UNITED STATES DEPARTMENT OF LABOR'S OFFICE OF APPRENTICESHIP AND
25 DEVELOP MINIMUM STANDARDS FOR REGISTRATION OF APPRENTICESHIP
26 PROGRAMS;

27 (b) RESOLVE CONFLICTS AND COMPLAINTS THAT ARISE BETWEEN

1 PARTIES TO AN APPRENTICESHIP AGREEMENT WHEN A CONFLICT EXISTS,
2 AFTER THE CONFLICT HAS BEEN ADDRESSED BY LOCAL ENTITIES CHARGED
3 WITH THIS FUNCTION UNDER THE RELEVANT APPRENTICESHIP PROGRAM
4 STANDARDS AND THE SAA;

5 (c) REVIEW PROGRAM PERFORMANCE STANDARDS AND MAKE
6 FINDINGS OF FACT AND DECISIONS ON ENFORCEMENT ACTIONS BASED ON
7 EACH REVIEW;

8 (d) RECOMMEND ADDITIONS AND CHANGES CONCERNING RULES
9 ABOUT APPRENTICESHIP PROGRAMS TO THE DIRECTOR;

10 (e) PROVIDE TECHNICAL AND PROFESSIONAL GUIDANCE FOR
11 IDENTIFYING AND PROMOTING BEST PRACTICES IN REGISTERED
12 APPRENTICESHIP PROGRAMS;

13 (f) DEVELOP ADMINISTRATIVE POLICIES THAT ENSURE THE SAFETY
14 AND QUALITY OF REGISTERED APPRENTICESHIP PROGRAMS AND ADDRESS,
15 AS WARRANTED, THE RELATED NEEDS OF COLORADO'S BUSINESSES, THE
16 LABOR WORKFORCE, AND COMMUNITIES;

17 (g) ADVISE THE SAA REGARDING EFFECTIVE PERFORMANCE OF
18 THE IAC'S ASSIGNED FUNCTIONS; AND

19 (h) FORMULATE POLICIES FOR THE TRADES WITHIN THE IAC'S
20 JURISDICTION AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF
21 THIS ARTICLE 15.7.

22 (4) THE IAC IS NOT SUBJECT TO THE SUNSET REVIEW
23 REQUIREMENTS IN SECTION 2-3-1203.

24 **8-15.7-105. Application for registration of apprenticeship**
25 **programs - diversity initiatives - deregistration - rules.** (1) ON AND
26 AFTER JULY 1, 2023, THE SAA SHALL ACCEPT APPLICATIONS FOR THE
27 REGISTRATION OF APPRENTICESHIP PROGRAMS PURSUANT TO 29 CFR 29

1 AND 30.

2 (2) EACH APPRENTICESHIP PROGRAM THAT REGISTERS WITH THE
3 SAA SHALL ADOPT A WRITTEN DIVERSITY RECRUITMENT PLAN THAT
4 ENSURES EQUAL OPPORTUNITY IN THE RECRUITMENT, SELECTION,
5 EMPLOYMENT, AND TRAINING OF APPRENTICES. THE RECRUITMENT PLAN
6 MUST INCLUDE THE ADOPTION OF FEDERAL REGULATIONS CONCERNING
7 EQUAL EMPLOYMENT UNDER 29 CFR 29 AND 30. THE SAA SHALL ENSURE
8 COMPLIANCE WITH THE FEDERAL REGULATIONS BY FILING THE EQUAL
9 EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP STATE PLAN PURSUANT TO
10 SECTION 8-15.7-102 (1)(k).

11 (3) (a) THE SAA MAY DEREGISTER AN APPRENTICESHIP PROGRAM
12 AT THE REQUEST OF THE SPONSOR OR, AFTER A HEARING PURSUANT TO
13 SECTION 8-15.7-106, FOR NONCOMPLIANCE WITH THIS ARTICLE 15.7
14 PURSUANT TO CONDITIONS AND RULES ESTABLISHED BY THE SAA.

15 (b) ANY APPRENTICESHIP PROGRAM DEREGISTERED FOR
16 NONCOMPLIANCE WITH THIS ARTICLE 15.7 OR ANY RULES PROMULGATED
17 PURSUANT TO THIS ARTICLE 15.7 MAY PRESENT EVIDENCE TO THE SAA
18 THAT THE PROGRAM IS COMPLIANT. THE APPRENTICESHIP PROGRAM'S
19 REGISTRATION MAY BE REINSTATED:

20 (I) NO EARLIER THAN ONE YEAR AFTER ISSUANCE OF THE
21 DEREGISTRATION ORDER;

22 (II) IF THE SAA DETERMINES THAT THE APPRENTICESHIP PROGRAM
23 HAS AN ACCEPTABLE SET OF STANDARDS AND IS IN COMPLIANCE WITH ALL
24 REQUIREMENTS FOR REGISTERED APPRENTICESHIP PROGRAMS UNDER THIS
25 ARTICLE 15.7; AND

26 (III) IF THE APPRENTICESHIP PROGRAM IS PREPARED TO
27 IMMEDIATELY ENROLL ONE OR MORE APPRENTICES.

1 (4) UPON REQUEST TO THE SAA, A SPONSOR MAY REVERSE A
2 VOLUNTARY DEREGISTRATION WITHIN SIX MONTHS AFTER ITS EFFECTIVE
3 DATE IF ON THAT DATE THE SAA HAD NO CURRENT GROUNDS TO INITIATE
4 INVOLUNTARY DEREGISTRATION PROCEEDINGS.

5 **8-15.7-106. Hearings.** (1) UPON REQUEST OF A HEARING BY THE
6 SAC OR THE IAC, THE SAA SHALL CONDUCT HEARINGS FOR THE PURPOSE
7 OF RESOLVING COMPLIANCE ISSUES OR DEREGISTRATION ISSUES WITH A
8 REGISTERED APPRENTICESHIP PROGRAM. WITHIN TEN DAYS AFTER
9 RECEIVING A REQUEST FOR A HEARING, THE SAA SHALL DESIGNATE A
10 HEARING OFFICER TO CONDUCT THE HEARING. THE HEARING OFFICER
11 SHALL GIVE REASONABLE NOTICE OF THE HEARING BY REGISTERED OR
12 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE SPONSOR OF THE
13 REGISTERED APPRENTICESHIP PROGRAM THAT IS THE SUBJECT OF THE
14 HEARING. THE NOTICE SHALL INCLUDE THE FOLLOWING:

- 15 (a) A TIME AND PLACE OF THE HEARING;
- 16 (b) A STATEMENT OF THE PROVISIONS WITH WHICH THE
17 REGISTERED APPRENTICESHIP PROGRAM IS ALLEGED NOT TO COMPLY; AND
- 18 (c) A CONCISE STATEMENT OF ALLEGED INSTANCES OF
19 NONCOMPLIANCE BASED ON WHICH THE HEARING WAS REQUESTED.

20 (2) THE HEARING OFFICER SHALL CONDUCT THE HEARING IN
21 ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT",
22 ARTICLE 4 OF TITLE 24. EACH PARTY HAS THE RIGHT TO COUNSEL AND A
23 FAIR OPPORTUNITY TO PRESENT THE CASE, INCLUDING
24 CROSS-EXAMINATION AS MAY BE APPROPRIATE IN THE CIRCUMSTANCES.
25 THE HEARING OFFICER SHALL:

- 26 (a) DEVELOP FINDINGS AND A RECOMMENDED DECISION ON THE
27 BASIS OF THE RECORD OF THE HEARING AND ANY RECORDS AVAILABLE TO

1 THE PARTIES AT THE TIME OF THE HEARING; AND

2 (b) PRESENT THE FINDINGS AND RECOMMENDED DECISION TO THE
3 PARTIES AND TO THE SAA WITHIN THIRTY CALENDAR DAYS AFTER THE
4 CONCLUSION OF THE HEARING. THE SAA SHALL MAKE A DETERMINATION
5 BASED ON THE FINDINGS OF THE HEARING OFFICER WHETHER TO CONTINUE
6 THE REGISTRATION OF THE APPRENTICESHIP PROGRAM, TO DEREGISTER
7 THE APPRENTICESHIP PROGRAM, OR TO IMPOSE CONDITIONS ON THE
8 APPRENTICESHIP PROGRAM IN ORDER TO CONTINUE REGISTRATION OF THE
9 PROGRAM. THE DETERMINATION OF THE SAA IS A FINAL AGENCY ACTION
10 THAT IS SUBJECT TO JUDICIAL REVIEW PURSUANT TO SECTION 24-4-106.

11 **8-15.7-107. Rules.** (1) THE DIRECTOR MAY PROMULGATE RULES
12 TO IMPLEMENT THIS ARTICLE 15.7, INCLUDING RULES THAT ADDRESS:

13 (a) THE ELIGIBILITY REQUIREMENTS FOR APPRENTICESHIP
14 PROGRAMS TO BE REGISTERED BY THE SAA;

15 (b) THE REQUIREMENTS FOR A PERSON OR ENTITY TO BE A
16 SPONSOR; AND

17 (c) THE CONDITIONS AND PROCEEDINGS FOR THE DEREGISTRATION
18 OF A REGISTERED APPRENTICESHIP PROGRAM.

19 **SECTION 2.** In Colorado Revised Statutes, 24-1-121, **add** (3)(k)
20 as follows:

21 **24-1-121. Department of labor and employment - creation.**

22 (3) The department of labor and employment consists of the following
23 divisions and programs:

24 (k) THE STATE APPRENTICESHIP AGENCY CREATED IN SECTION
25 8-15.7-102, WHICH SHALL EXERCISE ITS POWERS AND PERFORM THE
26 DUTIES AND FUNCTIONS SPECIFIED BY ARTICLE 15.7 OF TITLE 8 UNDER THE
27 DEPARTMENT OF LABOR AND EMPLOYMENT AND THE EXECUTIVE DIRECTOR

1 OF THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO THE
2 DEPARTMENT BY A **TYPE 1** TRANSFER.

3 **SECTION 3. Effective date.** This act takes effect July 1, 2021.

4 **SECTION 4. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety.