

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0787.01 Christy Chase x2008

SENATE BILL 23-261

SENATE SPONSORSHIP

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Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE DIRECT CARE WORKFORCE**
102 **STABILIZATION BOARD TO DEVELOP RECOMMENDATIONS**
103 **REGARDING DIRECT CARE WORKERS, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

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 direct care workforce stabilization board (board) in the department of labor and employment (department) to review the direct care industry, which is the industry of workers who

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

provide home-based or community-based direct care to individuals who require assistance in accomplishing activities of daily living. The bill directs the board, at least once every 2 years, to review the direct care industry and develop recommendations for:

- Minimum employment standards for direct care workers based on information gathered through an investigation of the direct care industry market; and
- Improving state communications with direct care workers about their rights and the obligations of direct care employers.

The board must conduct public hearings to engage direct care workers, direct care employers, and direct care consumers in the development of the standards and recommendations for improved communications. The executive director of the department may direct the board to review minimum direct care employment standards more frequently.

The board must report any recommendations approved by at least 6 board members to the governor and specified committees of the general assembly by September 1, 2024, and at least every 2 years thereafter. Direct care employers are prohibited from retaliating against direct care workers for participating in board meetings and activities. The board is subject to a sunset review and repeal on September 1, 2029.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 7.5 to title
3 8 as follows:

4 **ARTICLE 7.5**

5 **Direct Care Workforce Stabilization Board**

6 **8-7.5-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 7.5 IS
7 THE "DIRECT CARE WORKFORCE STABILIZATION BOARD ACT".

8 **8-7.5-102. Definitions.** AS USED IN THIS ARTICLE 7.5, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "BOARD" MEANS THE DIRECT CARE WORKFORCE STABILIZATION
11 BOARD CREATED IN SECTION 8-7.5-103.

12 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
13 EMPLOYMENT CREATED IN SECTION 24-1-121.

- 1 (3) "DIRECT CARE CONSUMER" MEANS:
- 2 (a) A HOME CARE CONSUMER;
- 3 (b) AN ELIGIBLE PERSON, AS DEFINED IN SECTION 25.5-6-1101 (4),
- 4 INCLUDING AN ELIGIBLE PERSON WHO PARTICIPATES IN THE
- 5 CONSUMER-DIRECTED CARE SERVICE MODEL PURSUANT TO PART 11 OF
- 6 ARTICLE 6 OF TITLE 25.5; OR
- 7 (c) AN ELIGIBLE PERSON WITH A DISABILITY, AS DEFINED IN
- 8 SECTION 25.5-6-1302 (2).
- 9 (4) (a) "DIRECT CARE EMPLOYER" MEANS:
- 10 (I) A HOME CARE EMPLOYER; OR
- 11 (II) A PROVIDER AGENCY OR ORGANIZATION THAT PROVIDES
- 12 DIRECT CARE SERVICES.
- 13 (b) "DIRECT CARE EMPLOYER" DOES NOT INCLUDE AN ELIGIBLE
- 14 PERSON, AS DEFINED IN SECTION 25.5-6-1101 (4), WHO PARTICIPATES IN
- 15 THE CONSUMER-DIRECTED CARE SERVICE MODEL PURSUANT TO PART 11
- 16 OF ARTICLE 6 OF TITLE 25.5.
- 17 (5) "DIRECT CARE INDUSTRY" MEANS THE INDUSTRY IN WHICH
- 18 DIRECT CARE WORKERS DELIVER DIRECT CARE SERVICES TO DIRECT CARE
- 19 CONSUMERS IN COLORADO.
- 20 (6) "DIRECT CARE SERVICES" MEANS:
- 21 (a) PERSONAL CARE SERVICES; OR
- 22 (b) ANY SERVICES DESCRIBED IN PARTS 3 TO 13 OF ARTICLE 6 OF
- 23 TITLE 25.5 THAT DO NOT REQUIRE THE INDIVIDUAL PROVIDING THE
- 24 SERVICES TO BE LICENSED OR CERTIFIED BY THE STATE OR THE FEDERAL
- 25 GOVERNMENT IN ORDER TO PERFORM THE SERVICES.
- 26 (7) "DIRECT CARE WORKER" MEANS:
- 27 (a) A HOME CARE WORKER;

1 (b) AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF A DIRECT
2 CARE EMPLOYER, AS DEFINED IN SUBSECTION (4)(a)(II) OF THIS SECTION,
3 WHO PROVIDES DIRECT CARE SERVICES TO DIRECT CARE CONSUMERS, AS
4 DEFINED IN SUBSECTION (3)(b) OF THIS SECTION; OR

5 (c) AN INDIVIDUAL WHO PROVIDES DIRECT CARE SERVICES TO
6 DIRECT CARE CONSUMERS, AS DEFINED IN SUBSECTION (3)(c) OF THIS
7 SECTION.

8 (8) "EMPLOYER ORGANIZATION" MEANS:

9 (a) AN ORGANIZATION EXEMPT FROM FEDERAL INCOME TAXATION
10 UNDER SECTION 501 (c)(6) OF THE FEDERAL "INTERNAL REVENUE CODE
11 OF 1986", 26 U.S.C. SEC. 501, AS AMENDED, THAT REPRESENTS DIRECT
12 CARE EMPLOYERS; OR

13 (b) AN ENTITY SELECTED BY AND REPRESENTING EMPLOYERS.

14 (9) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
15 THE DEPARTMENT.

16 (10) "HOME CARE CONSUMER" MEANS A HOME CARE CONSUMER,
17 AS DEFINED IN SECTION 25-27.5-102 (4), WHO RECEIVES PERSONAL CARE
18 SERVICES.

19 (11) "HOME CARE EMPLOYER" MEANS A HOME CARE AGENCY, AS
20 DEFINED IN SECTION 25-27.5-102 (3), OR OTHER ENTITY THAT EMPLOYS
21 HOME CARE WORKERS.

22 (12) "HOME CARE WORKER" MEANS A WORKER PROVIDING
23 PERSONAL CARE SERVICES TO A HOME CARE CONSUMER.

24 (13) "PERSONAL CARE SERVICES" HAS THE SAME MEANING AS SET
25 FORTH IN SECTION 25-27.5-102 (6).

26 (14) "WORKER ORGANIZATION" MEANS AN ORGANIZATION THAT:

27 (a) IS EXEMPT FROM FEDERAL INCOME TAXATION UNDER SECTION

1 501 (c)(3), (c)(4), (c)(5), OR (c)(6) OF THE FEDERAL "INTERNAL REVENUE
2 CODE OF 1986", 26 U.S.C. SEC. 501, AS AMENDED;

3 (b) IS NOT DOMINATED, CONTROLLED, OR FUNDED BY ANY DIRECT
4 CARE EMPLOYER; AND

5 (c) HAS AT LEAST TWO YEARS OF DEMONSTRATED EXPERIENCE
6 ENGAGING AND ADVOCATING FOR DIRECT CARE WORKERS.

7 **8-7.5-103. Direct care workforce stabilization board - creation**
8 **- membership - repeal.** (1) **Board creation.** THE DIRECT CARE
9 WORKFORCE STABILIZATION BOARD IS CREATED IN THE DEPARTMENT AS
10 A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND EXERCISES ITS
11 POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS UNDER THE
12 DEPARTMENT AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

13 (2) **Board membership.** (a) THE BOARD CONSISTS OF FIFTEEN
14 MEMBERS APPOINTED AS FOLLOWS:

15 (I) THE EXECUTIVE DIRECTOR SHALL APPOINT THE FOLLOWING
16 MEMBERS TO THE BOARD:

17 (A) A REPRESENTATIVE OF THE DEPARTMENT;

18 (B) FOUR MEMBERS REPRESENTING DIRECT CARE EMPLOYERS OR
19 EMPLOYER ORGANIZATIONS, INCLUDING AT LEAST ONE MEMBER THAT
20 SERVES A RURAL OR FRONTIER AREA OF THE STATE;

21 (C) FOUR MEMBERS REPRESENTING DIRECT CARE WORKERS OR
22 WORKER ORGANIZATIONS, INCLUDING AT LEAST ONE MEMBER FROM A
23 RURAL OR FRONTIER AREA OF THE STATE; AND

24 (D) FOUR MEMBERS REPRESENTING DIRECT CARE CONSUMERS WHO
25 RECEIVE DIRECT CARE SERVICES FROM DIRECT CARE WORKERS, INCLUDING
26 ONE MEMBER FROM AN ORGANIZATION REPRESENTING INDIVIDUALS WITH
27 DISABILITIES AND AT LEAST ONE MEMBER FROM A RURAL OR FRONTIER

1 AREA OF THE STATE;

2 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
3 CARE POLICY AND FINANCING SHALL APPOINT A REPRESENTATIVE OF THE
4 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO SERVE ON THE
5 BOARD; AND

6 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
7 HEALTH AND ENVIRONMENT SHALL APPOINT A REPRESENTATIVE OF THE
8 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO SERVE ON THE
9 BOARD.

10 (b) THE APPOINTING AUTHORITIES SHALL MAKE INITIAL
11 APPOINTMENTS TO THE BOARD BY OCTOBER 1, 2023. TO THE EXTENT
12 POSSIBLE, THE APPOINTING AUTHORITIES SHALL APPOINT BOARD MEMBERS
13 WHO REPRESENT COLORADO'S DIVERSITY WITH REGARD TO ETHNICITY,
14 RACE, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER
15 EXPRESSION, DISABILITY, AGE, AND SOCIOECONOMIC BACKGROUND.

16 (3) **Terms.** (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(a)(II)
17 OF THIS SECTION, MEMBERS OF THE BOARD SERVE THREE-YEAR TERMS OF
18 OFFICE AND SHALL NOT SERVE MORE THAN TWO CONSECUTIVE TERMS OF
19 OFFICE.

20 (II) TO ENSURE STAGGERED TERMS OF OFFICE:

21 (A) THE INITIAL TERM OF OFFICE OF ONE MEMBER INITIALLY
22 APPOINTED PURSUANT TO SUBSECTION (2)(a)(I)(B) OF THIS SECTION, OF
23 ONE MEMBER INITIALLY APPOINTED PURSUANT TO SUBSECTION (2)(a)(I)(C)
24 OF THIS SECTION, AND OF ONE MEMBER INITIALLY APPOINTED PURSUANT
25 TO SUBSECTION (2)(a)(I)(D) OF THIS SECTION IS ONE YEAR; AND

26 (B) THE INITIAL TERM OF OFFICE OF ONE MEMBER INITIALLY
27 APPOINTED PURSUANT TO SUBSECTION (2)(a)(I)(B) OF THIS SECTION, OF

1 ONE MEMBER INITIALLY APPOINTED PURSUANT TO SUBSECTION (2)(a)(I)(C)
2 OF THIS SECTION, AND OF ONE MEMBER INITIALLY APPOINTED PURSUANT
3 TO SUBSECTION (2)(a)(I)(D) OF THIS SECTION IS TWO YEARS.

4 (III) SUBSECTION (3)(a)(II) OF THIS SECTION AND THIS SUBSECTION
5 (3)(a)(III) ARE REPEALED, EFFECTIVE SEPTEMBER 1, 2024.

6 (b) IF A VACANCY OCCURS ON THE BOARD, THE APPOINTING
7 AUTHORITY FOR THE VACANT POSITION SHALL FILL THE POSITION ON THE
8 BOARD FOR THE REMAINDER OF THE UNEXPIRED TERM WITH A MEMBER
9 QUALIFIED FOR THE VACATED POSITION.

10 (4) **Board chair.** THE BOARD SHALL ELECT BY A MAJORITY VOTE
11 A MEMBER OF THE BOARD TO SERVE AS THE CHAIR OF THE BOARD.

12 (5) **Meetings and hearings.** (a) THE BOARD SHALL CONVENE ITS
13 FIRST MEETING NO LATER THAN NOVEMBER 15, 2023, AND SHALL MEET AT
14 LEAST QUARTERLY THEREAFTER AND AT OTHER TIMES AS DETERMINED BY
15 THE CHAIR FOR PURPOSES OF DEVELOPING RECOMMENDATIONS FOR
16 MINIMUM DIRECT CARE EMPLOYMENT STANDARDS PURSUANT TO SECTION
17 8-7.5-104.

18 (b) IN ADDITION TO THE MEETINGS DESCRIBED IN SUBSECTION
19 (5)(a) OF THIS SECTION, THE BOARD SHALL HOST PUBLIC HEARINGS AS
20 DESCRIBED IN SECTION 8-7.5-104 (2)(c) TO ENGAGE WITH AND OBTAIN
21 INPUT FROM DIRECT CARE WORKERS, DIRECT CARE EMPLOYERS, AND
22 DIRECT CARE CONSUMERS.

23 (6) **Voting.** THE BOARD MAY TAKE ACTION, INCLUDING ACTION TO
24 RECOMMEND MINIMUM DIRECT CARE EMPLOYMENT STANDARDS UNDER
25 SECTION 8-7.5-104, ONLY UPON THE AFFIRMATIVE VOTE OF AT LEAST
26 EIGHT MEMBERS OF THE BOARD.

27 (7) **Staffing.** THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT TO

1 THE BOARD AS NEEDED.

2 (8) **No compensation - expense reimbursement.** MEMBERS OF
3 THE BOARD SERVE WITHOUT COMPENSATION BUT ARE ENTITLED TO
4 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN
5 PERFORMING THEIR DUTIES UNDER THIS ARTICLE 7.5.

6 **8-7.5-104. Duties of the board - recommendations for**
7 **minimum direct care employment standards - analysis of market**
8 **conditions - public outreach - report.** (1) (a) (I) BY SEPTEMBER 1,
9 2024, AND EVERY TWO YEARS THEREAFTER, THE BOARD SHALL DEVELOP
10 RECOMMENDATIONS FOR MINIMUM DIRECT CARE EMPLOYMENT
11 STANDARDS THAT ARE REASONABLY NECESSARY OR APPROPRIATE TO
12 PROTECT AND ENSURE THE HEALTH AND WELFARE OF DIRECT CARE
13 WORKERS WITHOUT IMPEDING THE DIGNITY AND INDEPENDENCE OF DIRECT
14 CARE CONSUMERS. THE RECOMMENDATIONS MUST INCLUDE, AS
15 APPROPRIATE, STANDARDS FOR COMPENSATION, WORKING HOURS, AND
16 OTHER WORKING CONDITIONS FOR DIRECT CARE WORKERS. THE BOARD
17 SHALL ALSO DEVELOP RECOMMENDATIONS ON HOW THE STATE CAN
18 BETTER COMMUNICATE INFORMATION TO DIRECT CARE WORKERS ABOUT
19 THEIR RIGHTS AND ABOUT THE OBLIGATIONS OF DIRECT CARE EMPLOYERS.

20 (II) NOTWITHSTANDING SECTION 8-7.5-103 (6) AND SUBSECTION
21 (1)(c) OF THIS SECTION, THE BOARD MAY EXTEND ANY
22 RECOMMENDATIONS FOR MINIMUM DIRECT CARE EMPLOYMENT
23 STANDARDS DEVELOPED PURSUANT TO THIS SECTION TO ADDITIONAL
24 TYPES OF WORKERS WHO ARE DETERMINED TO PROVIDE SERVICES THAT
25 ARE DIRECT CARE IN NATURE WITHIN COLORADO'S LONG-TERM CARE
26 DELIVERY SYSTEM IF DEEMED APPROPRIATE BY THE MEMBERS OF THE
27 BOARD APPOINTED PURSUANT TO SECTION 8-7.5-103 (2)(a)(I)(A),

1 (2)(a)(II), AND (2)(a)(III).

2 (b) ANY STANDARDS RECOMMENDED BY THE BOARD PURSUANT TO
3 THIS ARTICLE 7.5 MUST BE AT LEAST AS PROTECTIVE OF OR BENEFICIAL TO
4 DIRECT CARE WORKERS AS ANY OTHER APPLICABLE STATE STATUTE OR
5 RULE.

6 (c) AS SPECIFIED IN SECTION 8-7.5-103 (6), THE BOARD SHALL NOT
7 MAKE ANY RECOMMENDATION THAT DOES NOT RECEIVE THE AFFIRMATIVE
8 VOTE OF AT LEAST EIGHT VOTING MEMBERS OF THE BOARD.

9 (2) (a) IN DEVELOPING RECOMMENDATIONS FOR MINIMUM DIRECT
10 CARE EMPLOYMENT STANDARDS, THE BOARD SHALL:

11 (I) INVESTIGATE THE MARKET CONDITIONS OF THE DIRECT CARE
12 INDUSTRY IN RELATION TO THE COLORADO LABOR MARKET, INCLUDING
13 EXISTING WAGES, BENEFITS, WORKING HOURS, AND OTHER WORKING
14 CONDITIONS OF DIRECT CARE WORKERS AND CHALLENGES TO DIRECT CARE
15 EMPLOYERS THROUGHOUT THE STATE AND IN SPECIFIC AREAS OF THE
16 STATE SPECIFIED BY THE BOARD;

17 (II) INVESTIGATE OTHER DIRECT CARE INDUSTRY MODELS,
18 INCLUDING DIRECT-CARE-WORKER-OWNED OPPORTUNITIES AND THE
19 IMPACT OF ACCESS TO WORKER ORGANIZATIONS;

20 (III) INVESTIGATE THE IMPACTS OF RACIAL AND ECONOMIC
21 INJUSTICES ON DIRECT CARE WORKERS AND THE DIRECT CARE CONSUMERS
22 TO WHOM THEY PROVIDE DIRECT CARE SERVICES;

23 (IV) HOST PUBLIC MEETINGS IN ACCORDANCE WITH SUBSECTION
24 (2)(c) OF THIS SECTION FOR PURPOSES OF ENGAGING WITH AND OBTAINING
25 INPUT FROM DIRECT CARE WORKERS, DIRECT CARE EMPLOYERS, AND
26 DIRECT CARE CONSUMERS; AND

27 (V) ENDEAVOR TO DEVELOP MINIMUM DIRECT CARE EMPLOYMENT

1 STANDARDS THAT MEET OR EXCEED THE EXISTING INDUSTRY CONDITIONS
2 THAT APPLY TO A MAJORITY OF DIRECT CARE WORKERS IN THE STATE OR
3 IN SPECIFIED AREAS OF THE STATE.

4 (b) THE BOARD SHALL CONSIDER THE FOLLOWING INFORMATION IN
5 DEVELOPING RECOMMENDATIONS FOR MINIMUM DIRECT CARE
6 EMPLOYMENT STANDARDS:

7 (I) DATA CONCERNING WAGE RATES, BENEFITS, WORKING HOURS,
8 AND OTHER WORKING CONDITIONS, WHICH DATA IS COLLECTED BY OR
9 SUBMITTED TO THE BOARD AND RELATES TO DIRECT CARE WORKERS IN
10 THE STATE OR IN THE AREAS SPECIFIED BY THE BOARD;

11 (II) STATEMENTS SHOWING WAGE RATES PAID TO, BENEFITS
12 PROVIDED TO, AND WORKING HOURS AND OTHER WORKING CONDITIONS OF
13 DIRECT CARE WORKERS IN THE AREAS SPECIFIED BY THE BOARD;

14 (III) SIGNED COLLECTIVE BARGAINING AGREEMENTS APPLICABLE
15 TO DIRECT CARE WORKERS IN THE STATE OR IN THE AREAS SPECIFIED BY
16 THE BOARD;

17 (IV) TESTIMONY AND INFORMATION PROVIDED BY CURRENT AND
18 FORMER DIRECT CARE WORKERS, WORKER ORGANIZATIONS, DIRECT CARE
19 EMPLOYERS, EMPLOYER ORGANIZATIONS, AND DIRECT CARE CONSUMERS;

20 (V) LOCAL JURISDICTION MINIMUM DIRECT CARE EMPLOYMENT
21 STANDARDS;

22 (VI) ANY RECOMMENDATIONS AND FINDINGS FROM PREVIOUS AND
23 EXISTING WORKING GROUPS THAT THE BOARD CONSIDERS RELEVANT,
24 INCLUDING ANY DIRECT CARE WORKFORCE COLLABORATIVE STAKEHOLDER
25 GROUPS CONVENED BY THE DEPARTMENT OF HEALTH CARE POLICY AND
26 FINANCING AND THE HOME CARE ADVISORY COMMITTEE CREATED IN
27 SECTION 25-27.5-104 (3);

1 (VII) INFORMATION SUBMITTED BY OR OBTAINED FROM STATE AND
2 LOCAL GOVERNMENT AGENCIES; AND

3 (VIII) ANY OTHER INFORMATION PERTINENT TO THE
4 DETERMINATION OF MINIMUM DIRECT CARE EMPLOYMENT STANDARDS.

5 (c) (I) THE BOARD SHALL ENDEAVOR TO ENGAGE AS MANY DIRECT
6 CARE WORKERS AS POSSIBLE IN INVESTIGATING THE DIRECT CARE
7 INDUSTRY MARKET CONDITIONS AND IN DEVELOPING RECOMMENDATIONS
8 FOR MINIMUM DIRECT CARE EMPLOYMENT STANDARDS AND IMPROVED
9 COMMUNICATIONS. TO FACILITATE OUTREACH TO DIRECT CARE WORKERS
10 AND DIRECT CARE CONSUMERS, THE BOARD SHALL DEVELOP A PUBLIC
11 EDUCATION AND COMMUNICATION PLAN IN ORDER TO INFORM DIRECT
12 CARE WORKERS AND DIRECT CARE CONSUMERS OF THE BOARD, ITS
13 PURPOSE, ITS MEETINGS AND HEARINGS, AND THE RIGHT OF DIRECT CARE
14 WORKERS AND DIRECT CARE CONSUMERS TO PARTICIPATE IN THE BOARD'S
15 MEETINGS AND HEARINGS, ITS MARKET CONDITIONS INVESTIGATION, AND
16 ITS DEVELOPMENT OF RECOMMENDATIONS FOR MINIMUM DIRECT CARE
17 EMPLOYMENT STANDARDS. THE PLAN MUST INCLUDE AN OPTION FOR
18 DIRECT CARE WORKERS AND DIRECT CARE CONSUMERS TO INDICATE AN
19 INTEREST IN RECEIVING ONGOING COMMUNICATIONS FROM THE BOARD
20 ABOUT OPPORTUNITIES FOR ENGAGEMENT WITH THE BOARD.

21 (II) FOR PURPOSES OF FACILITATING ENGAGEMENT WITH AND
22 INPUT FROM DIRECT CARE WORKERS, DIRECT CARE EMPLOYERS, AND
23 DIRECT CARE CONSUMERS, THE BOARD SHALL HOST AT LEAST FOUR PUBLIC
24 HEARINGS BEFORE FINALIZING ITS INITIAL RECOMMENDATIONS FOR
25 MINIMUM DIRECT CARE EMPLOYMENT STANDARDS. THE BOARD SHALL:

26 (A) SCHEDULE PUBLIC HEARINGS AT VARIABLE TIMES OF THE DAY
27 AND DAYS OF THE WEEK THROUGHOUT THE YEAR, INCLUDING AT LEAST

1 ONE MEETING SCHEDULED ON A WEEKEND, ONE MEETING SCHEDULED IN
2 THE EVENING, AND ONE MEETING SCHEDULED IN THE MORNING;

3 (B) PROVIDE NOTICE OF EACH HEARING, INCLUDING THE DATE,
4 TIME, AND LOCATION OF THE HEARING AND THE NAME AND CONTACT
5 INFORMATION FOR EACH MEMBER OF THE BOARD, AT LEAST THIRTY DAYS
6 IN ADVANCE OF THE HEARING AND SHALL ENLIST ASSISTANCE FROM THE
7 DEPARTMENT OF LABOR AND EMPLOYMENT AND THE DEPARTMENT OF
8 HEALTH CARE POLICY AND FINANCING, AS WELL AS EMPLOYER
9 ORGANIZATIONS, WORKER ORGANIZATIONS, CONSUMER ADVOCACY
10 GROUPS, AND OTHER STAKEHOLDERS IN THE DIRECT CARE INDUSTRY, TO
11 PROVIDE NOTICE OF THE HEARING TO DIRECT CARE WORKERS, DIRECT CARE
12 EMPLOYERS, DIRECT CARE CONSUMERS, AND OTHER INTERESTED PARTIES;
13 AND

14 (C) INCLUDE IN THE NOTICE AN OPTION FOR DIRECT CARE
15 WORKERS AND DIRECT CARE CONSUMERS TO INDICATE AN INTEREST IN
16 RECEIVING ONGOING COMMUNICATIONS FROM THE BOARD REGARDING THE
17 ACTIVITIES OF THE BOARD AND OPPORTUNITIES FOR DIRECT CARE
18 WORKERS AND DIRECT CARE CONSUMERS TO PARTICIPATE IN HEARINGS
19 AND TO PROVIDE INPUT TO THE BOARD. A DEPARTMENT OR OTHER ENTITY
20 THAT RECEIVES AN INDICATION OF INTEREST FROM A DIRECT CARE
21 WORKER OR A DIRECT CARE CONSUMER SHALL FORWARD THAT
22 INFORMATION TO THE BOARD.

23 (3) (a) BY SEPTEMBER 1, 2024, THE BOARD SHALL REPORT ANY
24 RECOMMENDATIONS FOR INITIAL STANDARDS FOR DIRECT CARE WORKER
25 COMPENSATION, WORKING HOURS, AND OTHER WORKING CONDITIONS,
26 INCLUDING RECOMMENDATIONS FOR LEGISLATION OR ADMINISTRATIVE
27 RULES OR ORDERS, THAT THE BOARD APPROVES IN ACCORDANCE WITH

1 SECTION 8-7.5-103 (6) TO THE GOVERNOR AND TO THE BUSINESS AFFAIRS
2 AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
3 BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE, OR
4 THEIR SUCCESSOR COMMITTEES.

5 (b) NO LATER THAN TWO YEARS AFTER THE BOARD REPORTS ITS
6 INITIAL MINIMUM DIRECT CARE EMPLOYMENT STANDARDS
7 RECOMMENDATIONS PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION,
8 AND AT LEAST ONCE EVERY TWO YEARS THEREAFTER, THE BOARD SHALL
9 CONDUCT A REVIEW OF THE DIRECT CARE INDUSTRY AND DEVELOP
10 RECOMMENDATIONS IN ACCORDANCE WITH SUBSECTIONS (1) AND (2) OF
11 THIS SECTION. THE BOARD SHALL REPORT ITS RECOMMENDATIONS AS
12 SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION.

13 (c) IN ADDITION TO THE BOARD'S BIENNIAL REVIEW OF THE DIRECT
14 CARE INDUSTRY PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION, THE
15 EXECUTIVE DIRECTOR MAY CONVENE THE BOARD AT OTHER TIMES TO
16 CONDUCT A REVIEW OF MINIMUM DIRECT CARE EMPLOYMENT STANDARDS
17 IF THE EXECUTIVE DIRECTOR DETERMINES THAT A REVIEW IS NECESSARY.

18 (4) NOTHING IN THIS SECTION:

19 (a) LIMITS THE RIGHTS OF PARTIES TO A COLLECTIVE BARGAINING
20 AGREEMENT TO BARGAIN AND AGREE WITH RESPECT TO DIRECT CARE
21 EMPLOYMENT STANDARDS;

22 (b) DIMINISHES THE OBLIGATION OF A DIRECT CARE EMPLOYER TO
23 COMPLY WITH ANY CONTRACT, COLLECTIVE BARGAINING AGREEMENT, OR
24 EMPLOYMENT BENEFIT PROGRAM OR PLAN THAT MEETS OR EXCEEDS, AND
25 DOES NOT CONFLICT WITH, ANY MINIMUM DIRECT CARE EMPLOYMENT
26 STANDARDS ENACTED INTO LAW OR ADOPTED BY RULE; OR

27 (c) DIMINISHES THE RIGHTS OF AN ELIGIBLE PERSON, AS DEFINED

1 IN SECTION 25.5-6-1101 (4), PARTICIPATING IN THE CONSUMER-DIRECTED
2 CARE SERVICE MODEL PURSUANT TO PART 11 OF ARTICLE 6 OF TITLE 25.5
3 TO CONTROL AND MANAGE THE ELIGIBLE PERSON'S SERVICES, INCLUDING
4 THE RIGHT TO HIRE, FIRE, SCHEDULE, AND SET WAGES FOR DIRECT CARE
5 WORKERS WHO PROVIDE DIRECT CARE SERVICES TO THE ELIGIBLE PERSON
6 WITHIN PARAMETERS SET IN CURRENT STATE AND LOCAL LAW.

7 **8-7.5-105. Notice to direct care workers - duty of direct care**
8 **employers - posting on state websites - board review and**
9 **recommendations - rules.** (1) (a) STARTING JANUARY 1, 2025, EACH
10 DIRECT CARE EMPLOYER SHALL ANNUALLY PROVIDE A NOTICE TO DIRECT
11 CARE WORKERS EMPLOYED BY THE DIRECT CARE EMPLOYER INFORMING
12 THE DIRECT CARE WORKERS OF THE FOLLOWING:

13 (I) THE RIGHTS OF DIRECT CARE WORKERS AND THE OBLIGATIONS
14 OF DIRECT CARE EMPLOYERS PROVIDED UNDER THIS ARTICLE 7.5,
15 INCLUDING THEIR RIGHTS TO PARTICIPATE IN PUBLIC HEARINGS THAT THE
16 BOARD CONDUCTS AND TO PROVIDE WRITTEN OR ORAL TESTIMONY TO THE
17 BOARD;

18 (II) ALL CURRENT MINIMUM DIRECT CARE EMPLOYMENT
19 STANDARDS AND ANY LOCAL JURISDICTION MINIMUM DIRECT CARE
20 EMPLOYMENT STANDARDS; AND

21 (III) THE CONTACT INFORMATION FOR, AND A STATEMENT THAT
22 THE DIRECT CARE WORKER MAY CONTACT, THE DEPARTMENT FOR
23 ASSISTANCE AND INFORMATION REGARDING THE RIGHTS AND OBLIGATIONS
24 UNDER THIS ARTICLE 7.5 AND ANY STANDARDS DESCRIBED IN SUBSECTION
25 (1)(a)(II) OF THIS SECTION.

26 (b) A DIRECT CARE EMPLOYER SHALL PROVIDE THE NOTICE
27 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION USING THE SAME MEANS

1 THAT THE DIRECT CARE EMPLOYER USES TO PROVIDE OTHER
2 WORK-RELATED NOTICES TO DIRECT CARE WORKERS.

3 (c) (I) THE BOARD SHALL MAKE AVAILABLE TO DIRECT CARE
4 EMPLOYERS A TEMPLATE OR SAMPLE NOTICE THAT SATISFIES THE
5 REQUIREMENTS OF THIS SECTION AND RULES ADOPTED BY THE
6 DEPARTMENT PURSUANT TO THIS TITLE 8 REGARDING OTHER REQUIRED
7 EMPLOYER NOTICES PERTAINING TO WAGES, PAY EQUITY, LABOR
8 CONDITIONS, AND FAMILY AND MEDICAL LEAVE BENEFITS. DIRECT CARE
9 EMPLOYERS SHALL PROVIDE THE BOARD WITH COPIES OF ANY NOTICES
10 GIVEN TO DIRECT CARE WORKERS PURSUANT TO THIS SECTION.

11 (II) THE BOARD SHALL PROVIDE, IN AN ACCESSIBLE FORMAT, THE
12 TEMPLATE OR SAMPLE NOTICE DESCRIBED IN SUBSECTION (1)(c)(I) OF THIS
13 SECTION TO AN ELIGIBLE PERSON, AS DEFINED IN SECTION 25.5-6-1101 (4),
14 PARTICIPATING IN THE CONSUMER-DIRECTED CARE SERVICE MODEL
15 PURSUANT TO PART 11 OF ARTICLE 6 OF TITLE 25.5.

16 (2) THE DEPARTMENT OF LABOR AND EMPLOYMENT, THE
17 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, AND THE
18 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL POST THE
19 NOTICE DESCRIBED IN SUBSECTION (1) OF THIS SECTION ON THEIR
20 RESPECTIVE PUBLIC-FACING WEBSITES.

21 (3) (a) THE BOARD SHALL REVIEW THE MANNER IN WHICH DIRECT
22 CARE WORKERS ARE INFORMED OF THEIR RIGHTS AND THE OBLIGATIONS OF
23 DIRECT CARE EMPLOYERS UNDER THIS ARTICLE 7.5 AND UNDER OTHER
24 APPLICABLE STATE STATUTES AND RULES AND SHALL MAKE
25 RECOMMENDATIONS TO THE DEPARTMENT OF LABOR AND EMPLOYMENT,
26 THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, AND THE
27 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT ON METHODS TO

1 IMPROVE THE STATE'S ABILITY TO COMMUNICATE WITH DIRECT CARE
2 WORKERS REGARDING THE WORKERS' RIGHTS AND THE OBLIGATIONS OF
3 DIRECT CARE EMPLOYERS.

4 (b) THE DEPARTMENTS SPECIFIED IN SUBSECTION (3)(a) OF THIS
5 SECTION SHALL REVIEW THE BOARD RECOMMENDATIONS AND ADOPT OR
6 AMEND ANY RULES THE DEPARTMENTS DETERMINE WOULD IMPROVE THE
7 TRANSMISSION OF INFORMATION TO DIRECT CARE WORKERS.

8 **8-7.5-106. Retaliation.** (1) A DIRECT CARE EMPLOYER SHALL NOT
9 RETALIATE AGAINST A DIRECT CARE WORKER, INCLUDING TAKING
10 RETALIATORY PERSONNEL ACTION, FOR:

11 (a) EXERCISING ANY RIGHT AFFORDED TO THE DIRECT CARE
12 WORKER UNDER THIS ARTICLE 7.5; OR

13 (b) PARTICIPATING IN ANY PROCESS OR PROCEEDING UNDER THIS
14 ARTICLE 7.5, INCLUDING BOARD HEARINGS, INVESTIGATIONS, OR OTHER
15 PROCEEDINGS.

16 (2) A DIRECT CARE EMPLOYER SHALL NOT RETALIATE AGAINST A
17 DIRECT CARE CONSUMER FOR ADVOCATING FOR A DIRECT CARE WORKER
18 OR ASSISTING A DIRECT CARE WORKER IN REPORTING MISCONDUCT TO THE
19 DEPARTMENT. RETALIATION INCLUDES DROPPING A DIRECT CARE
20 CONSUMER FROM SERVICES BECAUSE THE DIRECT CARE CONSUMER
21 ADVOCATED FOR DIRECT CARE WORKERS.

22 **8-7.5-107. Repeal of article - subject to review.** THIS ARTICLE
23 7.5 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029. BEFORE THE REPEAL,
24 THE BOARD IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION
25 24-34-104.

26 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add**
27 (30)(a)(VIII) as follows:

1 **24-34-104. General assembly review of regulatory agencies**
2 **and functions for repeal, continuation, or reestablishment - legislative**
3 **declaration - repeal.** (30) (a) The following agencies, functions, or both,
4 are scheduled for repeal on September 1, 2029:

5 (VIII) THE DIRECT CARE WORKFORCE STABILIZATION BOARD
6 CREATED IN ARTICLE 7.5 OF TITLE 8.

7 **SECTION 3. Appropriation.** (1) For the 2023-24 state fiscal
8 year, \$81,912 is appropriated to the department of labor and employment
9 for use by the executive directors' office. This appropriation is from the
10 general fund. To implement this act, the office may use this appropriation
11 as follows:

12 (a) \$23,747 for personal services, which amount is based on an
13 assumption that the office will require an additional 0.4 FTE; and

14 (b) \$58,165 for operating expenses.

15 **SECTION 4. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2024 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.