



Labor and Employment

The General Assembly considered several measures related to labor and employment during the 2022 legislative session, including numerous bills on workforce development, as well as bills on wage theft, non-compete agreements, and whistleblower protection, among others.

Workforce Development

Health care workforce development. *Senate Bill 22-226* addresses support for the health-care workforce in response to the COVID-19 pandemic. The bill creates the health-care workforce resilience and retention program, the practice-based health education grant program, and the in-demand short-term health-care credentials program administered by the State Board for Community Colleges and Occupational Education.

Senate Bill 22-181 requires the Behavioral Health Administration (BHA) in the Department of Human Services to create and implement a behavioral health-care provider workforce plan. The plan requires the BHA to partner with the Department of Higher Education and work with community colleges on recruitment of, and training for, behavioral healthcare providers.

Senate Bill 22-172 establishes the Colorado rural health-care workforce initiative to expand the number of health-care professionals practicing in Colorado's rural or frontier counties.

Other Workforce Development

HB 22-1308 creates the Colorado agricultural workforce services program, including an online resource portal for agricultural employees to access information about their rights under labor laws and for agricultural employers to access information about compliance with labor laws.

Senate Bill 22-232 addresses the issue of workforce housing by creating the Middle-Income Housing Authority directed by a 14 member board appointed by the Governor. The bill authorizes the housing authority to exercise the powers necessary to acquire, construct, rehabilitate, own, operate, and finance affordable rental housing projects. The bill specifies that the state has no obligation or liability with respect to any bonds, contracts, or other obligation or liability of the authority.

Senate Bill 22-020 clarifies the job opportunities available to inmates in the Department of Corrections and amends inmate compensation, as well as clarifying permissible deductions from an inmate's account.

Employment. *HB 22-1317* addresses the issue of restrictive employment, or "non-compete," agreements, and adds them to an existing class 2 misdemeanor offense of employee intimidation. The bill also specifies exceptions for highly compensated workers and protecting trade secrets.

Labor and Employment (cont'd)

House Bill 22-1367 extends the period of notice by the Colorado Civil Rights Commission of a hearing on a discrimination complaint, expands the definition of "employee," and extends the time limit to file a charge with the commission from six months to 300 days after an alleged discriminatory or unfair employment practice occurred.

Senate Bill 22-234 makes changes to the unemployment compensation system including making permanent what was a temporary increase in partial unemployment benefits. The bill further allows an individual to receive recovery benefits regardless of the individual's immigration status if the individual meets certain conditions, and requires an employer to provide an employee with certain information about unemployment compensation upon the employee's separation from employment.

Labor

Senate Bill 22-161 updates and modifies laws pertaining to the payment of wages and employee misclassification. The bill changes notice requirements prior to an employer deducting from the employee's wages and creates automatic penalties on employers for failure to pay past due wages, including

increased amounts if an employee shows that the employer's failure or refusal to pay was willful, and recovery of attorney's fees in certain circumstances. The bill also creates a new worker and employee protection enforcement unit in the Department of Law to investigate and enforce wage theft, unemployment insurance, and misclassification of employees claims.

Senate Bill 22-097 expands whistleblower protections for workers who raise any workplace health and safety concerns, rather than limiting those protections only to concerns raised related to a public health emergency.

Two other notable bills dealing with labor include *House Bill 22-1383*, which expands career and technical education and vocational training programs in designated youth facilities for juveniles in custody of the Division of Youth Services within the Colorado Department of Human Services, and *House Bill 22-1196*, which requires an equity, diversity, and inclusion task force housed within the Department of Personnel and Administration to contract for a pay equity study to assess, and provide recommendations to alleviate, pay inequities specific to gender, race, and other protected classes for employees in the state personnel system.