

SENATE COMMITTEE OF REFERENCE REPORT

March 22, 2021

Chair of Committee

Date

Committee on Business, Labor, & Technology.

After consideration on the merits, the Committee recommends the following:

SB21-095 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. Legislative declaration. (1) The general
3 assembly hereby finds that:

4 (a) Persons with disabilities represent a talented population that
5 has long been and continues to be underemployed, underutilized, and
6 often denied employment opportunities within state government;

7 (b) The state of Colorado should be a model employer of persons
8 with disabilities and serve as an example for private employers to follow
9 by creating programs and enacting policies that increase the inclusion of
10 persons with disabilities in the state workforce;

11 (c) In many cases, an individual's experience as a person with a
12 disability is an underappreciated asset in considering the person for state
13 employment; and

14 (d) It is a strategic priority of the employment first advisory
15 partnership to support the implementation of a state hiring program for
16 persons with disabilities.

17 (2) Therefore, the general assembly intends to create a hiring
18 preference pilot program for persons with disabilities to encourage state
19 agencies to increase the number of employed persons with disabilities and
20 improve the state's practices on recruiting and hiring persons with
21 disabilities."

22 Renumber succeeding sections accordingly.



1 Page 3, before line 1 insert:

2 "SECTION 5. In Colorado Revised Statutes, 8-84-301, **amend**
3 (1) as follows:

4 **8-84-301. Definitions.** As used in this part 3, unless the context
5 otherwise requires:

6 (1) "Agency partners" means the department, the department of
7 health care policy and financing, the department of education, the
8 department of higher education, ~~and~~ the department of human services,
9 THE COLORADO OFFICE OF EMPLOYMENT FIRST, JFK PARTNERS WITHIN
10 THE DEPARTMENT OF PEDIATRICS OF THE UNIVERSITY OF COLORADO
11 SCHOOL OF MEDICINE, AND THE UNIVERSITY OF COLORADO ANSCHUTZ
12 MEDICAL CAMPUS.

13 **SECTION 6.** In Colorado Revised Statutes, 24-50-112.5, **amend**
14 (1)(b)(I); and **add** (8) as follows:

15 **24-50-112.5. Selection system - definitions - rules - report -**
16 **repeal.** (1) (b) (I) Appointments and promotions to positions shall be
17 based on a fair and open comparative analysis of candidates based on
18 objective criteria. Selections shall be made without regard to race, color,
19 creed, religion, national origin, ancestry, age, sexual orientation, marital
20 status, or political affiliation and without regard to sex or disability except
21 as otherwise provided by law OR SUBSECTION (8) OF THIS SECTION.

22 (8) **Hiring preference pilot program for persons with**
23 **disabilities.** (a) (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
24 LABOR AND EMPLOYMENT, IN COLLABORATION WITH THE STATE
25 PERSONNEL DIRECTOR, SHALL DEVELOP AND IMPLEMENT A HIRING
26 PREFERENCE PILOT PROGRAM FOR PERSONS WITH DISABILITIES APPLYING
27 FOR A POSITION IN THE DEPARTMENT.

28 (II) WHEN THE DEPARTMENT USES A NONNUMERICAL METHOD
29 UNDER THE PILOT PROGRAM FOR THE COMPARATIVE ANALYSIS OF
30 CANDIDATES FOR A POSITION IN THE DEPARTMENT, THE DEPARTMENT
31 SHALL ADD ALL APPLICANTS WHO ARE ELIGIBLE FOR THE PREFERENCE FOR
32 PEOPLE WITH DISABILITIES AND WHO MEET ALL MINIMUM AND SPECIAL
33 QUALIFICATIONS UNDER THIS SUBSECTION (8) TO THE REFERRAL LIST FOR
34 INTERVIEW.

35 (III) WHEN THE DEPARTMENT USES A NUMERICAL METHOD UNDER
36 THE PILOT PROGRAM FOR THE COMPARATIVE ANALYSIS OF CANDIDATES
37 FOR A POSITION IN THE DEPARTMENT, THE DEPARTMENT SHALL ADD FIVE
38 POINTS TO THE FINAL SCORE OF THE APPLICANT WHEN ALL ELEMENTS OF
39 THE SELECTION PROCESS ARE COMPLETED, BUT PRIOR TO REFERRAL OF AN



1 APPLICANT FOR INTERVIEW FOR THE POSITION.

2 (IV) AN APPLICANT IS ELIGIBLE FOR A PREFERENCE UNDER THIS
3 SUBSECTION (8) IF THE CANDIDATE:

4 (A) MEETS THE MINIMUM QUALIFICATIONS OR ANY OTHER
5 REQUIREMENTS FOR THE POSITION;

6 (B) IS A PERSON WITH A DISABILITY, AS DEFINED IN THE FEDERAL
7 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET
8 SEQ., AS AMENDED, WHO HAS VOLUNTARILY IDENTIFIED AS A PERSON WITH
9 A DISABILITY ON THE APPLICATION FOR THE POSITION AND WHO HAS
10 REQUESTED TO PARTICIPATE IN THE PILOT PROGRAM; AND

11 (C) SUBMITS PROOF OF A DISABILITY IN A FORM AND MANNER
12 SPECIFIED UNDER THE PILOT PROGRAM.

13 (V) AN APPLICANT MAY BE GIVEN BOTH THE VETERAN'S
14 PREFERENCE AND A DISABILITY PREFERENCE, BUT AN APPLICANT IS NOT
15 ELIGIBLE FOR BOTH A DISABLED VETERAN'S PREFERENCE AND A DISABILITY
16 PREFERENCE.

17 (b) THE PILOT PROGRAM IS NOT AVAILABLE TO A CANDIDATE
18 SEEKING A PROMOTION OR TO A PERSON CURRENTLY EMPLOYED BY THE
19 STATE.

20 (c) WHEN THE PILOT PROGRAM IS DEVELOPED UNDER THIS
21 SUBSECTION (8):

22 (I) THE STATE PERSONNEL DIRECTOR SHALL ADOPT OR AMEND
23 RULES AS NECESSARY TO ENABLE THE IMPLEMENTATION OF THE PILOT
24 PROGRAM;

25 (II) THE DEPARTMENT SHALL IMPLEMENT THE PILOT PROGRAM NO
26 LATER THAN JANUARY 1, 2023;

27 (III) THE STATE PERSONNEL DIRECTOR MAY ALLOW OTHER
28 PRINCIPAL DEPARTMENTS TO IMPLEMENT THE PILOT PROGRAM FOR
29 APPOINTMENTS TO POSITIONS WITHIN THOSE DEPARTMENTS; AND

30 (IV) THE PILOT PROGRAM MAY NOT BE USED BY ANY PRINCIPAL
31 DEPARTMENT AFTER DECEMBER 31, 2027.

32 (d) BY NOVEMBER 1, 2027, ANY PRINCIPAL DEPARTMENT THAT
33 PARTICIPATES IN THE PILOT PROGRAM SHALL SUBMIT A REPORT TO THE
34 STATE PERSONNEL DIRECTOR. THE STATE PERSONNEL DIRECTOR SHALL
35 COMPILE ALL REPORTS AND SUBMIT ONE FINAL REPORT TO THE HOUSE
36 BUSINESS AFFAIRS AND LABOR COMMITTEE AND THE SENATE BUSINESS,
37 LABOR, AND TECHNOLOGY COMMITTEE, OR ANY SUCCESSOR COMMITTEES.
38 THE REPORT MUST INCLUDE AT LEAST THE FOLLOWING INFORMATION:

39 (I) THE PERIOD WHEN THE PILOT PROGRAM WAS USED BY THE
40 DEPARTMENT;

41 (II) THE NUMBER OF APPLICANTS FOR APPOINTMENTS WITHIN THE



1 DEPARTMENT THAT OPTED TO PARTICIPATE IN THE PILOT PROGRAM;
2 (III) THE NUMBER OF PERSONS WITH DISABILITIES WHO WERE
3 APPOINTED TO POSITIONS WITHIN THE DEPARTMENT; AND
4 (IV) ANY OTHER DETERMINING FACTORS OF DATA THAT MAY
5 AFFECT THE IMPLEMENTATION OF A PERMANENT PROGRAM.
6 (e) AS USED IN THIS SUBSECTION (8):
7 (I) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
8 EMPLOYMENT.
9 (II) "PILOT PROGRAM" MEANS THE HIRING PREFERENCE PILOT
10 PROGRAM, CREATED IN THIS SUBSECTION (8), FOR PEOPLE WITH
11 DISABILITIES.
12 (f) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE DECEMBER 31,
13 2027."

14 Renumber succeeding sections accordingly.

15 Page 1, line 105, strike "AGENCIES." and substitute "AGENCIES AND
16 CREATING A HIRING PREFERENCE PILOT PROGRAM FOR PEOPLE WITH
17 DISABILITIES."

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