

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

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, AND, IN**
103 **CONNECTION 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 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

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.*

HOUSE
Amended 2nd Reading
May 11, 2021

1 SPECIFIED BY AN INDUSTRY THAT INVOLVES THE PROGRESSIVE
2 ATTAINMENT OF SKILLS, COMPETENCIES, AND KNOWLEDGE THAT ARE:

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

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

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

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

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

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

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

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

23 (6) "CERTIFICATE OF REGISTRATION" MEANS A DOCUMENT ISSUED
24 BY THE SAA TO A SPONSOR THAT INDICATES THAT THE SPONSOR'S
25 APPRENTICESHIP PROGRAM IS REGISTERED PURSUANT TO THIS ARTICLE
26 15.7.

27 (7) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND

1 EMPLOYMENT.

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

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

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

8 (11) QUALIFIED INTERMEDIARY" MEANS AN ENTITY THAT
9 DEMONSTRATES EXPERTISE IN CONNECTING EMPLOYERS OR
10 APPRENTICESHIP PROGRAM PARTICIPANTS TO REGISTERED APPRENTICESHIP
11 PROGRAMS OR IN CONVENING STAKEHOLDERS TO DEVELOP REGISTERED
12 APPRENTICESHIP PROGRAMS AND SERVES EMPLOYERS AND
13 APPRENTICESHIP PROGRAM PARTICIPANTS BY:

14 (a) CONNECTING EMPLOYERS TO PROGRAMS UNDER THE NATIONAL
15 APPRENTICESHIP SYSTEM;

16 (b) ASSISTING IN THE DESIGN AND IMPLEMENTATION OF
17 APPRENTICESHIP PROGRAMS, INCLUDING CURRICULUM DEVELOPMENT AND
18 DELIVERY FOR RELATED INSTRUCTION;

19 (c) SUPPORTING ENTITIES, SPONSORS, OR APPRENTICESHIP
20 PROGRAM ADMINISTRATORS IN MEETING AND REPORTING THE
21 REQUIREMENTS OF THIS ARTICLE 15.7;

22 (d) PROVIDING PROFESSIONAL DEVELOPMENT ACTIVITIES, SUCH AS
23 TRAINING TO MENTORS;

24 (e) SUPPORTING THE RECRUITMENT, RETENTION, AND
25 APPRENTICESHIP PROGRAM COMPLETION OF POTENTIAL APPRENTICESHIP
26 PROGRAM PARTICIPANTS, INCLUDING NONTRADITIONAL PARTICIPANTS AND
27 APPRENTICESHIP POPULATIONS AND INDIVIDUALS WITH BARRIERS TO

1 EMPLOYMENT;

2 (f) DEVELOPING AND PROVIDING PERSONALIZED APPRENTICESHIP
3 PROGRAM PARTICIPANT SUPPORTS, INCLUDING PARTNERING WITH
4 ORGANIZATIONS TO PROVIDE ACCESS TO OR REFERRALS FOR SUPPORTIVE
5 SERVICES AND FINANCIAL ADVISING;

6 (g) PROVIDING SERVICES, RESOURCES, AND SUPPORTS FOR THE
7 DEVELOPMENT, DELIVERY, EXPANSION, OR IMPROVEMENT OF
8 APPRENTICESHIP PROGRAMS UNDER THE NATIONAL APPRENTICESHIP
9 SYSTEM; OR

10 (h) SERVING AS AN APPRENTICESHIP PROGRAM SPONSOR

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

15 (a) THE APPRENTICES ARE RECEIVING ON-THE-JOB TRAINING
16 CONSISTENT WITH THE SCHEDULE OUTLINED IN THE REGISTERED
17 APPRENTICESHIP PROGRAM STANDARDS;

18 (b) SCHEDULED WAGE INCREASES ARE CONSISTENT WITH THE
19 REGISTERED APPRENTICESHIP PROGRAM STANDARDS;

20 (c) RELATED INSTRUCTION THROUGH THE APPROPRIATE
21 CURRICULUM AND DELIVERY SYSTEMS IS COMPLIANT WITH FEDERAL AND
22 STATE STANDARDS; AND

23 (d) THE SAA IS RECEIVING NOTIFICATION OF ALL NEW
24 APPRENTICES IN A REGISTERED APPRENTICESHIP PROGRAM, APPRENTICES
25 WHO LEAVE A REGISTERED APPRENTICESHIP PROGRAM, AND APPRENTICES
26 WHO COMPLETE A REGISTERED APPRENTICESHIP PROGRAM.

27 (13) "REGISTERED APPRENTICESHIP PROGRAM" MEANS AN

1 APPRENTICESHIP PROGRAM THAT IS REGISTERED BY THE SAA PURSUANT
2 TO THIS ARTICLE 15.7.

3 (14) "REGISTRATION OF AN APPRENTICESHIP PROGRAM" OR
4 "REGISTRATION OF APPRENTICESHIP PROGRAMS" MEANS THE
5 REGISTRATION BY THE SAA OF AN APPRENTICE PROGRAM THAT MEETS THE
6 BASIC STANDARDS AND REQUIREMENTS ESTABLISHED PURSUANT TO THIS
7 ARTICLE 15.7 FOR PURPOSES OF MEETING FEDERAL REQUIREMENTS, AS
8 EVIDENCED BY A CERTIFICATE OF REGISTRATION.

9 (15) "SPONSOR" MEANS AN EMPLOYER, A JOINT
10 LABOR-MANAGEMENT ORGANIZATION, A TRADE ASSOCIATION, A
11 PROFESSIONAL ASSOCIATION, A LABOR ORGANIZATION, AN EDUCATION
12 AND TRAINING PROVIDER, OR A QUALIFIED INTERMEDIARY THAT IS
13 APPLYING TO REGISTER AN APPRENTICESHIP PROGRAM.

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

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

18 **8-15.7-102. State apprenticeship agency - created - director -**
19 **powers and duties - rules.** (1) THERE IS HEREBY CREATED IN THE
20 DEPARTMENT THE STATE APPRENTICESHIP AGENCY. THE EXECUTIVE
21 DIRECTOR SHALL APPOINT A DIRECTOR OF THE SAA. THE SAA SHALL:

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

24 (b) ACCELERATE NEW APPRENTICESHIP PROGRAM GROWTH ON A
25 GEOGRAPHICALLY DIVERSE BASIS, ESPECIALLY IN HIGH-DEMAND
26 OCCUPATIONS, WHILE ENSURING QUALITY STANDARDS;

27 (c) ENCOURAGE THE DEVELOPMENT OF AND ASSIST IN THE

1 ESTABLISHMENT OF APPRENTICESHIP PROGRAMS AND PROMOTE
2 ENROLLMENT IN APPRENTICESHIP PROGRAMS BY PROVIDING TECHNICAL
3 AND COMPLIANCE ASSISTANCE TO SPONSORS, APPRENTICES, AND
4 APPRENTICESHIP PROGRAMS AND ENSURING PROGRAM COMPLIANCE WITH
5 APPRENTICESHIP STANDARDS;

6 (d) REGISTER AND OVERSEE APPRENTICESHIP PROGRAMS AND
7 APPRENTICESHIP AGREEMENTS;

8 (e) ISSUE CERTIFICATES OF REGISTRATION TO EXISTING
9 APPRENTICESHIP PROGRAMS;

10 (f) ISSUE CERTIFICATES OF REGISTRATION TO SPONSORS OF
11 APPRENTICESHIP PROGRAMS;

12 (g) DETERMINE REQUIRED STANDARDS FOR REGISTRATION OF AN
13 APPRENTICESHIP PROGRAM;

14 (h) PERFORM QUALITY ASSURANCE ASSESSMENTS;

15 (i) APPROVE THE APPROPRIATE IMPLEMENTATION OF AN
16 APPRENTICESHIP PROGRAM;

17 (j) MAINTAIN ADEQUATE RECORDS CONCERNING REGISTRATION
18 REQUIREMENTS, APPROVED PROGRAM STANDARDS, THE APPRENTICES IN
19 EACH REGISTERED APPRENTICESHIP PROGRAM, DEREGISTRATION ACTIONS,
20 COMPLIANCE REVIEWS AND INVESTIGATIONS, AND ANY OTHER MATTERS
21 STIPULATED BY THE UNITED STATES DEPARTMENT OF LABOR'S OFFICE OF
22 APPRENTICESHIP THAT ARE PERTINENT TO COMPLIANCE BY
23 APPRENTICESHIP PROGRAMS WITH THE REQUIREMENTS OF THIS ARTICLE
24 15.7;

25 (k) MONITOR AND EVALUATE APPRENTICESHIP PROGRAMS'
26 PERFORMANCE AND COMPLIANCE WITH FEDERAL AND STATE STANDARDS
27 AND REPORT TO THE SAC AND THE IAC ON THE OUTCOME OF QUALITY

1 ASSURANCE ASSESSMENTS;

2 (l) COMPLETE DEREGISTRATION OF APPRENTICESHIP PROGRAMS
3 THAT DO NOT MEET THE REQUIREMENTS OF THIS ARTICLE 15.7;

4 (m) REVIEW APPRENTICESHIP PROGRAMS FOR REINSTATEMENT OF
5 REGISTRATION;

6 (n) SUBMIT AN EQUAL EMPLOYMENT OPPORTUNITY IN
7 APPRENTICESHIP STATE PLAN TO THE UNITED STATES DEPARTMENT OF
8 LABOR'S OFFICE OF APPRENTICESHIP;

9
10 (o) CREATE A POLICY OF RECIPROCITY WITH OTHER STATES TO
11 ENSURE THE REGISTRATION OF APPRENTICESHIP PROGRAMS;

12 (p) AWARD CERTIFICATES OF COMPLETION AND MONITOR
13 APPRENTICES WITH ACTIVE STATUS, APPRENTICESHIP COMPLETIONS, AND
14 THE ONGOING OPERATION OF REGISTERED APPRENTICESHIP PROGRAMS;
15 AND

16 (q) PROVIDE ADMINISTRATIVE SUPPORT TO THE SAC AND THE IAC
17 IN CARRYING OUT THEIR DUTIES.

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

22 (3) THE SAA MUST FOLLOW ALL GUIDANCE DOCUMENTS ISSUED
23 BY THE UNITED STATES DEPARTMENT OF LABOR'S OFFICE OF
24 APPRENTICESHIP.

25 (4) THE DIRECTOR MAY PROMULGATE RULES AS NECESSARY TO
26 IMPLEMENT THIS ARTICLE 15.7, INCLUDING RULES AFFECTING THE
27 REGISTRATION, PERFORMANCE, AND LEGAL COMPLIANCE OF

1 APPRENTICESHIP PROGRAMS.

2 **8-15.7-103. State apprenticeship council - created - members**

3 **- powers and duties.** (1) THE DIRECTOR SHALL ESTABLISH THE STATE
4 APPRENTICESHIP COUNCIL TO OVERSEE REGISTERED APPRENTICESHIP
5 PROGRAMS FOR THE BUILDING AND CONSTRUCTION TRADES IN THE STATE.

6 (2) (a) THE SAC CONSISTS OF SIXTEEN MEMBERS APPOINTED AS
7 FOLLOWS:

8 (I) THE DIRECTOR SHALL APPOINT TEN VOTING MEMBERS FAMILIAR
9 WITH APPRENTICEABLE OCCUPATIONS AS FOLLOWS:

10 (A) FOUR REPRESENTATIVES FROM EMPLOYER ORGANIZATIONS,
11 ONE OF WHOM REPRESENTS A STATEWIDE EMPLOYER ORGANIZATION, ONE
12 OF WHOM REPRESENTS AN EMPLOYER INVOLVED WITH AN APPRENTICESHIP
13 PROGRAM TARGETING POPULATIONS WITH BARRIERS TO EMPLOYMENT,
14 AND ONE OF WHOM REPRESENTS A STATEWIDE ORGANIZATION OF GENERAL
15 AND SPECIALTY COMMERCIAL CONSTRUCTION CONTRACTORS THAT IS
16 KNOWLEDGEABLE ABOUT REGISTERED APPRENTICESHIP PROGRAMS;

17 (B) FOUR REPRESENTATIVES FROM EMPLOYEE ORGANIZATIONS,
18 ONE OF WHOM REPRESENTS A STATEWIDE EMPLOYEE ORGANIZATION; AND

19 (C) TWO REPRESENTATIVES OF THE PUBLIC; AND

20 (II) THE GOVERNOR SHALL APPOINT SIX NONVOTING, EX OFFICIO
21 MEMBERS TO SERVE ON THE SAC AND THE IAC AS FOLLOWS:

22 (A) ONE REPRESENTATIVE FROM THE DEPARTMENT;

23 (B) ONE REPRESENTATIVE OF CAREER AND TECHNICAL EDUCATION
24 PROGRAMS;

25 (C) ONE REPRESENTATIVE WITH EXPERIENCE IN ECONOMIC
26 DEVELOPMENT;

27 (D) ONE REPRESENTATIVE OF TRAINING PROVIDERS;

1 (E) ONE REPRESENTATIVE OF THE STATE WORK FORCE
2 DEVELOPMENT COUNCIL CREATED IN SECTION 24-46.3-101; AND

3 (F) ONE MEMBER WHO IS INTERESTED IN PROMOTING EQUAL
4 OPPORTUNITY IN APPRENTICESHIP.

5 (b) (I) OF THE MEMBERS APPOINTED BY THE DIRECTOR, THE INITIAL
6 TERM OF OFFICE OF THREE MEMBERS FROM EMPLOYER ORGANIZATIONS,
7 TWO MEMBERS FROM EMPLOYEE ORGANIZATIONS, AND ONE
8 REPRESENTATIVE OF THE PUBLIC IS THREE YEARS, AND THE INITIAL TERM
9 OF OFFICE OF THE REMAINING FOUR MEMBERS IS FOUR YEARS.
10 THEREAFTER, THE TERMS OF THE MEMBERS APPOINTED BY THE DIRECTOR
11 ARE FOUR YEARS.

12 (II) OF THE MEMBERS APPOINTED BY THE GOVERNOR, THE INITIAL
13 TERM OF OFFICE OF THE THREE MEMBERS APPOINTED PURSUANT TO
14 SUBSECTIONS (2)(a)(II)(A), (2)(a)(II)(B), AND (2)(a)(II)(C) OF THIS
15 SECTION IS THREE YEARS AND THE INITIAL TERM OF OFFICE OF THE THREE
16 MEMBERS APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(II)(D),
17 (2)(a)(II)(E), AND (2)(a)(II)(F) OF THIS SECTION IS FOUR YEARS.
18 THEREAFTER, THE TERMS OF THE MEMBERS APPOINTED BY THE GOVERNOR
19 ARE FOUR YEARS.

20 (c) THE DIRECTOR SHALL APPOINT ONE MEMBER OF THE SAC TO
21 SERVE AS THE CHAIR FOR A TERM OF TWO YEARS. A CHAIR MAY BE
22 APPOINTED TO SERVE NO MORE THAN TWO FULL TERMS.

23 (d) IF A MEMBER FAILS TO COMPLETE THE MEMBER'S TERM, THE
24 APPOINTING AUTHORITY SHALL APPOINT A NEW MEMBER TO COMPLETE
25 THE REMAINDER OF THE TERM.

26 (e) MEMBERS SHALL SERVE WITHOUT COMPENSATION FOR THEIR
27 SERVICE; EXCEPT THAT MEMBERS MAY RECEIVE A PER DIEM AS

1 ESTABLISHED BY THE DIRECTOR AND REIMBURSEMENT FOR TRAVEL AND
2 OTHER NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
3 OFFICIAL DUTIES.

4 (f) THE SAC:

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

7 (II) SHALL PROVIDE TIMELY WRITTEN NOTICE OF ALL MEETINGS TO
8 THE DEPARTMENT;

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

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

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

13 (3) FOR THE BUILDING AND CONSTRUCTION TRADES, THE SAC
14 SHALL:

15 (a) REGISTER WITH AND MAINTAIN THE STANDARDS OF THE
16 UNITED STATES DEPARTMENT OF LABOR'S OFFICE OF APPRENTICESHIP AND
17 DEVELOP MINIMUM STANDARDS FOR REGISTRATION OF APPRENTICESHIP
18 PROGRAMS;

19 (b) RESOLVE CONFLICTS AND COMPLAINTS THAT ARISE BETWEEN
20 PARTIES TO AN APPRENTICESHIP AGREEMENT WHEN A CONFLICT EXISTS,
21 AFTER THE CONFLICT HAS BEEN ADDRESSED BY LOCAL ENTITIES CHARGED
22 WITH THIS FUNCTION UNDER THE RELEVANT APPRENTICESHIP PROGRAM
23 STANDARDS AND THE SAA;

24 (c) REVIEW PROGRAM PERFORMANCE STANDARDS AND MAKE
25 FINDINGS OF FACT AND DECISIONS ON ENFORCEMENT ACTIONS BASED ON
26 EACH REVIEW;

27 (d) RECOMMEND ADDITIONS AND CHANGES CONCERNING RULES

1 ABOUT APPRENTICESHIP PROGRAMS TO THE DIRECTOR;

2 (e) PROVIDE TECHNICAL AND PROFESSIONAL GUIDANCE FOR
3 IDENTIFYING AND PROMOTING BEST PRACTICES IN REGISTERED
4 APPRENTICESHIP PROGRAMS;

5 (f) DEVELOP ADMINISTRATIVE POLICIES THAT ENSURE THE SAFETY
6 AND QUALITY OF REGISTERED APPRENTICESHIP PROGRAMS AND ADDRESS,
7 AS WARRANTED, THE RELATED NEEDS OF COLORADO'S BUSINESSES, THE
8 LABOR WORKFORCE, AND COMMUNITIES;

9 (g) PROVIDE AN ANNUAL REPORT TO THE EXECUTIVE DIRECTOR
10 WITH APPRENTICESHIP DATA DISAGGREGATED BY AGE OF POPULATION,
11 RACE, GENDER, VETERAN STATUS, DISABILITY, AND INDUSTRY;

12 (h) ADVISE THE SAA REGARDING EFFECTIVE PERFORMANCE OF
13 THE SAC'S ASSIGNED FUNCTIONS; AND

14 (i) FORMULATE POLICIES FOR THE BUILDING AND CONSTRUCTION
15 TRADES AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS
16 ARTICLE 15.7.

17

18 **8-15.7-104. Interagency advisory committee on apprenticeship**
19 **- created - members - powers and duties.** (1) THE DIRECTOR SHALL
20 ESTABLISH THE INTERAGENCY ADVISORY COMMITTEE ON APPRENTICESHIP
21 TO OVERSEE APPRENTICESHIP PROGRAMS THAT ARE NOT WITHIN THE
22 JURISDICTION OF THE SAC.

23 (2) (a) THE IAC CONSISTS OF FOURTEEN MEMBERS APPOINTED AS
24 FOLLOWS:

25 (I) THE DIRECTOR SHALL APPOINT EIGHT VOTING MEMBERS WHO
26 REPRESENT, AND ARE REGULARLY EVALUATED TO ENSURE THAT THE
27 REPRESENTATION ALIGNS WITH, HIGH-DEMAND JOBS, AS STATED IN THE

1 ANNUAL COLORADO TALENT REPORT PREPARED PURSUANT TO SECTION
2 24-46.3-103 (3), AS FOLLOWS:

3 (A) THREE REPRESENTATIVES OF EMPLOYER ORGANIZATIONS THAT
4 ARE NOT WITHIN THE BUILDING AND CONSTRUCTION TRADES; AT LEAST
5 ONE OF WHOM REPRESENTS AN EMPLOYER INVOLVED WITH A PROGRAM
6 EXPLICITLY TARGETING POPULATIONS WITH BARRIERS TO EMPLOYMENT,
7 INCLUDING WOMEN, PEOPLE OF COLOR, EX-OFFENDERS, AND PERSONS WITH
8 DISABILITIES; ONE OF WHOM REPRESENTS YOUTH WITH BARRIERS TO
9 EMPLOYMENT; AND ONE OF WHOM REPRESENTS OUT-OF-SCHOOL YOUTH;

10 (B) THREE REPRESENTATIVES FROM EMPLOYEE ORGANIZATIONS
11 THAT ARE NOT WITHIN THE BUILDING AND CONSTRUCTION TRADES;

12 (C) ONE REPRESENTATIVE FROM A QUALIFIED INTERMEDIARY; AND

13 (D) ONE MEMBER OF THE PUBLIC.

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

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

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

26 (III) THE DIRECTOR SHALL APPOINT ONE MEMBER OF THE IAC TO
27 SERVE AS THE CHAIR FOR A TERM OF TWO YEARS. A CHAIR MAY BE

1 APPOINTED TO SERVE NO MORE THAN TWO FULL TERMS.

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

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

10 (e) THE IAC:

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

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

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

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

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

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

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

26 (b) RESOLVE CONFLICTS AND COMPLAINTS THAT ARISE BETWEEN
27 PARTIES TO AN APPRENTICESHIP AGREEMENT WHEN A CONFLICT EXISTS,

1 AFTER THE CONFLICT HAS BEEN ADDRESSED BY LOCAL ENTITIES CHARGED
2 WITH THIS FUNCTION UNDER THE RELEVANT APPRENTICESHIP PROGRAM
3 STANDARDS AND THE SAA;

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

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

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

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

16 (g) PROVIDE AN ANNUAL REPORT TO THE EXECUTIVE DIRECTOR
17 WITH APPRENTICESHIP DATA DISAGGREGATED BY AGE OF POPULATION,
18 RACE, GENDER, VETERAN STATUS, DISABILITY, AND INDUSTRY;

19 (h) ADVISE THE SAA REGARDING EFFECTIVE PERFORMANCE OF
20 THE IAC'S ASSIGNED FUNCTIONS; AND

21 (i) FORMULATE POLICIES FOR THE INDUSTRIES WITHIN THE IAC'S
22 JURISDICTION AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF
23 THIS ARTICLE 15.7.

24 **18-15.7-105. Joint resolution committee of the SAC and IAC-**
25 **created - members powers - duties. (1) THE CHAIRS OF THE SAC AND**
26 **THE IAC SHALL ESTABLISH AN AD HOC JOINT RESOLUTION COMMITTEE OF**
27 **THE SAC AND IAC, REFERRED TO IN THIS SECTION AS THE "AD HOC**

1 COMMITTEE". THE AD HOC COMMITTEE CONSISTS OF TWO MEMBERS FROM
2 BOTH THE IAC AND THE SAC APPOINTED BY THE DIRECTOR. THE AD HOC
3 COMMITTEE SHALL RESOLVE CONFLICTS THAT ARISE BETWEEN THE SAC
4 AND THE IAC AND SHALL DEFINE THE JURISDICTION OF THE SAC AND THE
5 IAC.

6 (2) THE AD HOC COMMITTEE OF THE SAC AND THE IAC SHALL:

7 (a) PUBLISH A STATEMENT DEFINING THE SAC'S JURISDICTION OF
8 THE BUILDING AND CONSTRUCTION TRADES, AND UPDATE THE STATEMENT
9 PERIODICALLY AS NECESSARY AS DETERMINED BY THE AD HOC
10 COMMITTEE; AND

11 (b) RESOLVE CONFLICTS AND COMPLAINTS THAT ARISE BETWEEN
12 THE SAC AND THE IAC AS DETERMINED BY THE AD HOC COMMITTEE.

13 (3) IF THERE IS A TIE AMONG THE AD HOC COMMITTEE MEMBERS IN
14 DETERMINING A RESOLUTION TO A CONFLICT, THE DIRECTOR SHALL BREAK
15 THE TIE. A DECISION OF THE AD HOC COMMITTEE IS FINAL.

16 (4) THE SAC HAS JURISDICTION OVER APPRENTICESHIP PROGRAMS
17 FOR OCCUPATIONS IN THE BUILDING AND CONSTRUCTION TRADES. FOR
18 PURPOSES OF THIS SECTION, OCCUPATIONS ARE IN THE BUILDING AND
19 CONSTRUCTION TRADES IF EITHER:

20 (a) WORKERS IN THE OCCUPATION PERFORM CONSTRUCTION,
21 RECONSTRUCTION, RENOVATION, ALTERATION, DEMOLITION, PAINTING,
22 REPAIR, OR MAINTENANCE WORK FOR ROADS, HIGHWAYS, BUILDINGS,
23 STRUCTURES, INDUSTRIAL FACILITIES, OR IMPROVEMENTS OF ANY TYPE; OR

24 (b) APPRENTICES IN THE APPRENTICESHIP PROGRAM WILL BE
25 EMPLOYED BY LICENSED CONTRACTORS.

26

27 **8-15.7-106. Application for registration of apprenticeship**

1 **programs - diversity initiatives - deregistration - rules.** (1) ON AND
2 AFTER JULY 1, 2023, THE SAA SHALL ACCEPT APPLICATIONS FOR THE
3 REGISTRATION OF APPRENTICESHIP PROGRAMS PURSUANT TO 29 CFR 29
4 AND 30.

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

14 (3) (a) THE SAA MAY DEREGISTER AN APPRENTICESHIP PROGRAM
15 AT THE REQUEST OF THE SPONSOR OR, AFTER A HEARING PURSUANT TO
16 SECTION 8-15.7-107, FOR NONCOMPLIANCE WITH THIS ARTICLE 15.7
17 PURSUANT TO CONDITIONS AND RULES ESTABLISHED BY THE SAA.

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

23 (I) NO EARLIER THAN ONE YEAR AFTER ISSUANCE OF THE
24 DEREGISTRATION ORDER;

25 (II) IF THE SAA DETERMINES THAT THE APPRENTICESHIP PROGRAM
26 HAS AN ACCEPTABLE SET OF STANDARDS AND IS IN COMPLIANCE WITH ALL
27 REQUIREMENTS FOR REGISTERED APPRENTICESHIP PROGRAMS UNDER THIS

1 ARTICLE 15.7; AND

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

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

8 **8-15.7-107. Hearings.** (1) UPON REQUEST OF A HEARING BY THE
9 SAC OR THE IAC, THE SAA SHALL CONDUCT HEARINGS FOR THE PURPOSE
10 OF RESOLVING COMPLIANCE ISSUES OR DEREGISTRATION ISSUES WITH A
11 REGISTERED APPRENTICESHIP PROGRAM. WITHIN TEN DAYS AFTER
12 RECEIVING A REQUEST FOR A HEARING, THE SAA SHALL DESIGNATE A
13 HEARING OFFICER TO CONDUCT THE HEARING. THE HEARING OFFICER
14 SHALL GIVE REASONABLE NOTICE OF THE HEARING BY REGISTERED OR
15 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE SPONSOR OF THE
16 REGISTERED APPRENTICESHIP PROGRAM THAT IS THE SUBJECT OF THE
17 HEARING. THE NOTICE SHALL INCLUDE THE FOLLOWING:

18 (a) A TIME AND PLACE OF THE HEARING;

19 (b) A STATEMENT OF THE PROVISIONS WITH WHICH THE
20 REGISTERED APPRENTICESHIP PROGRAM IS ALLEGED NOT TO COMPLY; AND

21 (c) A CONCISE STATEMENT OF ALLEGED INSTANCES OF
22 NONCOMPLIANCE BASED ON WHICH THE HEARING WAS REQUESTED.

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

1 THE HEARING OFFICER SHALL:

2 (a) DEVELOP FINDINGS AND A RECOMMENDED DECISION ON THE
3 BASIS OF THE RECORD OF THE HEARING AND ANY RECORDS AVAILABLE TO
4 THE PARTIES AT THE TIME OF THE HEARING; AND

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

14 **8-15.7-108. Rules.** (1) THE DIRECTOR MAY PROMULGATE RULES
15 TO IMPLEMENT THIS ARTICLE 15.7, INCLUDING RULES THAT ADDRESS:

16 (a) THE ELIGIBILITY REQUIREMENTS FOR APPRENTICESHIP
17 PROGRAMS TO BE REGISTERED BY THE SAA;

18 (b) THE REQUIREMENTS FOR A PERSON OR ENTITY TO BE A
19 SPONSOR;

20 (c) THE CONDITIONS AND PROCEEDINGS FOR CURING
21 NONCOMPLIANCE WITH THIS ARTICLE 15.7 AND FOR THE DEREGISTRATION
22 OF A REGISTERED APPRENTICESHIP PROGRAM; AND

23 (d) GRIEVANCE PROCEDURES FOR COMPLAINTS NOT UNDER THE
24 JURISDICTION OF THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY
25 COMMISSION, INCLUDING COMPLAINTS CONCERNING APPRENTICES NOT
26 MOVING THROUGH AN APPRENTICESHIP PROGRAM IN A TIMELY MANNER
27 AND INSUFFICIENT ON-THE-JOB TRAINING OR CLASSROOM TIME.

1 **8-15.7-109. Repeal of article.** THIS ARTICLE 15.7 IS REPEALED,
2 EFFECTIVE SEPTEMBER 1, 2029. BEFORE THE REPEAL, THE FUNCTIONS OF
3 THE DIRECTOR ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH
4 SECTION 24-34-104.

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

7 **24-1-121. Department of labor and employment - creation.**

8 (3) The department of labor and employment consists of the following
9 divisions and programs:

10 (k) THE STATE APPRENTICESHIP AGENCY CREATED IN SECTION
11 8-15.7-102, WHICH SHALL EXERCISE ITS POWERS AND PERFORM THE
12 DUTIES AND FUNCTIONS SPECIFIED BY ARTICLE 15.7 OF TITLE 8 UNDER THE
13 DEPARTMENT OF LABOR AND EMPLOYMENT AND THE EXECUTIVE DIRECTOR
14 OF THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO THE
15 DEPARTMENT BY A **TYPE 1** TRANSFER.

16 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **add**
17 (30)(a)(VII) as follows:

18 **24-34-104. General assembly review of regulatory agencies**
19 **and functions for repeal, continuation, or reestablishment - legislative**
20 **declaration - repeal.** (30) (a) The following agencies, functions, or both,
21 are scheduled for repeal on September 1, 2029:

22 (VII) THE STATE APPRENTICESHIP AGENCY CREATED IN ARTICLE
23 15.7 OF TITLE 8.

24 **SECTION 4. Appropriation.** (1) For the 2021-22 state fiscal
25 year, \$485,249 is appropriated to the department of labor and
26 employment. This appropriation is from the general fund. To implement
27 this act, the department may use this appropriation as follows:

1 (a) \$321,579 for use by the state apprenticeship agency for
2 program costs, which amount is based on an assumption that the agency
3 will require an additional 3.1 FTE;

4 (b) \$85,072 for the purchase of legal services; and

5 (c) \$78,598 for the purchase of information technology services.

6 (2) For the 2021-22 state fiscal year, \$85,072 is appropriated to
7 the department of law. This appropriation is from reappropriated funds
8 received from the department of labor and employment under subsection
9 (1)(b) of this section and is based on an assumption that the department
10 of law will require an additional 0.4 FTE. To implement this act, the
11 department of law may use this appropriation to provide legal services for
12 the department of labor and employment.

13 (3) For the 2021-22 state fiscal year, \$78,598 is appropriated to
14 the office of the governor for use by the office of information technology.
15 This appropriation is from reappropriated funds received from the
16 department of labor and employment under subsection (1)(c) of this
17 section and is based on an assumption that the office will require an
18 additional 0.1 FTE. To implement this act, the office may use this
19 appropriation to provide information technology services for the
20 department of labor and employment.

21 **SECTION 5. Effective date.** This act takes effect July 1, 2021.

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