

HB1004_L.009

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, Economic, & Workforce

Development.

HB13-1004 be amended as follows:

1 Amend the Appropriations Committee Report, dated April 1, 2013, page
2 1, strike lines 1 through 20 and substitute:

3 "Amend the Business, Labor, Economic and Workforce Development
4 Committee Report, dated February 7, 2013, strike pages 1 through 3 and
5 substitute:

6 "Amend the printed bill, strike everything below the enacting clause and
7 substitute:

8 "SECTION 1. In Colorado Revised Statutes, add part 11 to
9 article 2 of title 26 as follows:

10 **26-2-1101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
11 HEREBY FINDS AND DECLARES:

12 (a) TRANSITIONAL JOBS HAVE PROVEN TO BE AN EFFECTIVE POLICY
13 RESPONSE TO STUBBORNLY HIGH UNEMPLOYMENT RATES AND THE
14 DIFFICULTIES THAT MANY SMALLER EMPLOYERS FACE IN FILLING JOB
15 VACANCIES AND EXPANDING JOB OPPORTUNITIES. TRANSITIONAL JOBS
16 HAVE HELPED TO:

17 (I) STABILIZE INDIVIDUALS AND FAMILIES WITH EARNED INCOME;

18 (II) STIMULATE LOCAL ECONOMIES THROUGH WAGES PAID;

19 (III) CONTRIBUTE TO THE ECONOMIC HEALTH OF EMPLOYERS;

20 (IV) PROVIDE UNEMPLOYED AND UNDEREMPLOYED ADULTS AN
21 OPPORTUNITY TO EXPERIENTIALLY LEARN, MODEL, AND PRACTICE
22 SUCCESSFUL WORKPLACE BEHAVIORS THAT WILL HELP THEM TO GET AND
23 KEEP UNSUBSIDIZED EMPLOYMENT;

24 (V) BUILD WORK HISTORIES AND REFERENCES FOR PARTICIPANTS
25 TO MORE EASILY MOVE INTO UNSUBSIDIZED AND STABLE EMPLOYMENT;

26 (VI) ADDRESS BARRIERS TO WORK THAT HAVE KEPT THE
27 UNEMPLOYED AND UNDEREMPLOYED OUT OF THE REGULAR LABOR
28 MARKET; AND

29 (VII) REDUCE RECIDIVISM AND PUBLIC COSTS.

30 (b) COLORADO HAS ALREADY DEMONSTRATED THE VALUE OF
31 TRANSITIONAL JOBS THROUGH ITS SUCCESSFUL HIRE COLORADO
32 INITIATIVE. OPERATED WITH FEDERAL FUNDS FROM OCTOBER 2009
33 THROUGH SEPTEMBER 2010, HIRE COLORADO PROVIDED TRANSITIONAL
34 JOBS TO OVER ONE THOUSAND SEVEN HUNDRED UNEMPLOYED
35 COLORADANS, ENABLING THEM TO DO PRODUCTIVE, WAGE-PAYING WORK



1 FOR LOCAL GOVERNMENTS, NON-PROFIT AGENCIES, AND FOR-PROFIT
2 EMPLOYERS. ACCORDING TO DATA FROM THE COLORADO DEPARTMENT OF
3 HUMAN SERVICES, HIRE COLORADO HELPED NEARLY SEVENTY-FIVE
4 PERCENT OF ITS PARTICIPANTS TO MOVE INTO UNSUBSIDIZED
5 EMPLOYMENT. IN STATES WHOSE TRANSITIONAL JOBS PROGRAMS FOCUSED
6 ON THOSE WITH THE MOST ACUTE JOB SEARCH CHALLENGES, NEARLY FIFTY
7 PERCENT, AN UNUSUALLY HIGH SUCCESS RATE FOR SUCH A POPULATION,
8 MOVED INTO UNSUBSIDIZED WORK.

9 (c) WHILE NATIONALLY UNEMPLOYMENT IS FALLING SLOWLY AND
10 ALTHOUGH COLORADO'S UNEMPLOYMENT RATE IS BETTER THAN THE
11 NATIONAL AVERAGE, COLORADANS STILL FACE DIFFICULTY IN FINDING
12 FULL-TIME JOBS. ACCORDING TO A RECENT ANALYSIS, NEARLY TWO
13 HUNDRED THOUSAND COLORADANS ARE "OFFICIALLY" UNEMPLOYED, BUT
14 THERE ARE FEWER THAN SEVENTY-FIVE THOUSAND JOB OPENINGS. AT THE
15 SAME TIME THAT UNEMPLOYED AND UNDEREMPLOYED COLORADANS
16 STRUGGLE TO FIND EMPLOYMENT IN THE FACE OF THIS JOB SHORTAGE,
17 MANY EMPLOYERS HAVE FOUND IT DIFFICULT TO FILL THE JOB VACANCIES
18 THEY DO HAVE. TRANSITIONAL JOBS ARE PART OF THE SOLUTION TO BOTH
19 UNEMPLOYMENT AND UNFILLED JOB VACANCIES.

20 **26-2-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "EMPLOYER OF RECORD" MEANS AN ORGANIZATION THAT HAS
23 BEEN SELECTED BY THE STATE DEPARTMENT TO BE RESPONSIBLE FOR
24 PROVIDING THE FOLLOWING EMPLOYER SERVICES, IN AN EFFECTIVE AND
25 EFFICIENT MANNER AND AT THE LOWEST COST, WITH RESPECT TO
26 TRANSITIONAL JOB WORKERS WHO PERFORM WORK FOR A HOST SITE
27 EMPLOYER:

28 (a) PAYMENT OF WAGES TO A TRANSITIONAL JOB WORKER, UPON
29 RECEIPT FROM THE HOST SITE EMPLOYER OF CERTIFICATION, IN THE
30 MANNER PRESCRIBED BY THE STATE DEPARTMENT, THAT THE
31 TRANSITIONAL JOB WORKER HAS WORKED A SPECIFIED NUMBER OF HOURS;

32 (b) WITHHOLDING AND PAYMENT OF PAYROLL TAXES, INCLUDING
33 FICA, MEDICARE, AND, IF APPLICABLE, UNEMPLOYMENT INSURANCE
34 TAXES, TO THE APPROPRIATE FEDERAL AND STATE AGENCIES;

35 (c) PROVISION, IF APPLICABLE, OF WORKER'S COMPENSATION
36 COVERAGE;

37 (d) PREPARATION AND DISTRIBUTION OF FEDERAL AND STATE TAX
38 FORMS, INCLUDING W-2 AND I-9 FORMS; AND

39 (e) PROVISION OF SUCH OTHER FORMAL EMPLOYER FUNCTIONS AS
40 THE DEPARTMENT OF HUMAN SERVICES MAY PRESCRIBE.

41 (2) "HOST SITE EMPLOYER" MEANS THE EMPLOYER THAT AGREES



- 1 WITH THE LOCAL AGENCY CONTRACTOR TO BE RESPONSIBLE FOR:
- 2 (a) SELECTING, TRAINING, AND SUPERVISING A TRANSITIONAL JOBS
3 WORKER;
- 4 (b) CERTIFYING TO THE EMPLOYER OF RECORD, IN THE MANNER
5 PRESCRIBED BY THE DEPARTMENT OF HUMAN SERVICES, THE NUMBER OF
6 HOURS THAT THE TRANSITIONAL JOBS WORKER HAS WORKED FOR THE
7 EMPLOYER; AND
- 8 (c) COOPERATING WITH THE LOCAL AGENCY CONTRACTOR IN
9 FACILITATING THE MOVEMENT OF THE TRANSITIONAL JOBS WORKER INTO
10 UNSUBSIDIZED EMPLOYMENT; EXCEPT THAT THE HOST SITE EMPLOYER
11 SHALL NOT BE REQUIRED TO OFFER UNSUBSIDIZED EMPLOYMENT TO THE
12 TRANSITIONAL JOBS WORKER.
- 13 (3) "LOCAL AGENCY CONTRACTOR" MEANS THE GOVERNMENTAL,
14 NON-PROFIT, OR FOR-PROFIT ORGANIZATIONS THAT THE STATE
15 DEPARTMENT HAS CHOSEN, THROUGH A COMPETITIVE REQUEST FOR
16 PROPOSALS AND CONTRACTING PROCESS, TO BE RESPONSIBLE FOR
17 ADMINISTERING THE TRANSITIONAL JOBS PROGRAM AT THE LOCAL LEVEL,
18 INCLUDING:
- 19 (a) OUTREACH TO PROSPECTIVE TRANSITIONAL JOBS WORKERS;
- 20 (b) RECRUITMENT OF POTENTIAL TRANSITIONAL JOBS WORKERS;
- 21 (c) ORIENTATION OF TRANSITIONAL JOBS WORKERS;
- 22 (d) PROVISION TO TRANSITIONAL JOBS WORKERS OF ACCESS TO
23 CASE MANAGEMENT;
- 24 (e) PROVISION OF JOB COACHING TO TRANSITIONAL JOBS WORKERS,
25 BOTH PRIOR TO AND FOLLOWING THEIR SELECTION BY HOST SITES
26 EMPLOYERS;
- 27 (f) INTRODUCTION OF TRANSITIONAL JOBS WORKERS TO HOST SITES
28 EMPLOYERS;
- 29 (g) ONGOING COMMUNICATION WITH HOST SITE EMPLOYERS
30 CONCERNING WORKPLACE ISSUES WITH THE GOAL THAT EARLY
31 IDENTIFICATION AND PROMPT RESOLUTION WILL HELP TRANSITIONAL JOBS
32 WORKERS TO SUCCEED ON THE JOB AND MOVE INTO UNSUBSIDIZED
33 EMPLOYMENT; AND
- 34 (h) COLLECTION OF DATA REQUIRED BY THE STATE DEPARTMENT,
35 INCLUDING UTILIZATION OF THE COMMON STATEWIDE DATA COLLECTION
36 SYSTEM IDENTIFIED BY THE STATE DEPARTMENT FOR DATA REPORTING
37 AND DOCUMENTATION OF TRANSITIONAL JOBS PROGRAM OUTCOMES AND
38 PERFORMANCE.

39 **26-2-1103. Transitional jobs programs.** (1) THE STATE
40 DEPARTMENT SHALL ADMINISTER A TRANSITIONAL JOBS PROGRAM. THE
41 TRANSITIONAL JOBS PROGRAM MUST:



1 (a) SEEK TO OFFER THE OPPORTUNITY TO WORK IN TRANSITIONAL
2 JOBS TO AT LEAST ONE THOUSAND EIGHT HUNDRED ELIGIBLE INDIVIDUALS
3 FROM JULY 1, 2013, THROUGH DECEMBER 30, 2014;

4 (b) TO THE GREATEST EXTENT POSSIBLE, PROVIDE PRIORITY
5 TRANSITIONAL JOB OFFERS TO THE FOLLOWING GROUPS OF ELIGIBLE
6 INDIVIDUALS, WITH THE HIGHEST PRIORITY BEING GIVEN TO INDIVIDUALS
7 MEETING ALL OF THE FOLLOWING CATEGORIES:

8 (I) NON-CUSTODIAL PARENTS;
9 (II) VETERANS; OR
10 (III) DISPLACED WORKERS THAT ARE FIFTY YEARS OF AGE OR
11 OLDER;

12 (c) PAY ELIGIBLE WORKERS AT LEAST THE APPLICABLE MINIMUM
13 WAGE; AND

14 (d) PLACE TRANSITIONAL JOB WORKERS, TO THE GREATEST EXTENT
15 FEASIBLE, WITH HOST SITE EMPLOYERS THAT ARE SMALL AND
16 MEDIUM-SIZED FIRMS THAT HAVE NO MORE THAN FIFTY
17 FULL-TIME-EQUIVALENT EMPLOYEES.

18 (2) TO BE ELIGIBLE FOR A TRANSITIONAL JOB, AN INDIVIDUAL
19 MUST:

20 (a) BE A LEGAL UNITED STATES RESIDENT OR OTHERWISE
21 LAWFULLY PRESENT AND ELIGIBLE FOR WORK IN THE UNITED STATES;

22 (b) BE A RESIDENT OF COLORADO;

23 (c) BE AT LEAST EIGHTEEN YEARS OF AGE;

24 (d) NOT BE INCARCERATED AND BE ABLE TO WORK;

25 (e) HAVE A FAMILY INCOME OF BELOW ONE HUNDRED FIFTY
26 PERCENT OF THE FEDERAL POVERTY LEVEL, AS ADJUSTED FOR FAMILY SIZE;

27 (f) BE UNEMPLOYED OR UNDEREMPLOYED FOR NO MORE THAN
28 TWENTY HOURS PER WEEK, FOR AT LEAST FOUR CONSECUTIVE WEEKS; AND

29 (g) DEMONSTRATE THAT HE OR SHE HAS ACTIVELY SOUGHT
30 EMPLOYMENT UTILIZING THE PUBLIC WORKFORCE SYSTEM.

31 (3) AN INDIVIDUAL WHO IS ELIGIBLE FOR A TRANSITIONAL JOB
32 UNDER SUBSECTION (2) OF THIS SECTION MAY BE OFFERED A
33 TRANSITIONAL JOB, SUBJECT TO THE AVAILABILITY OF FUNDS, ON THE
34 FOLLOWING TERMS:

35 (a) THE TRANSITIONAL JOB MAY NOT DISPLACE ANY EXISTING
36 EMPLOYEE, OR RESULT IN FILLING A JOB FROM WHICH AN EMPLOYEE WAS
37 RECENTLY TERMINATED, OR INVOLVE THE TRANSITIONAL JOB WORKER IN
38 A LABOR DISPUTE;

39 (b) THE TRANSITIONAL JOB MUST PAY AT LEAST THE APPLICABLE
40 MINIMUM WAGE, AND THE WAGE MAY BE INCREASED WITH FUNDS
41 PROVIDED BY THE HOST SITE OR A THIRD PARTY;



1 (c) THE TRANSITIONAL JOB MUST PROVIDE NO FEWER THAN EIGHT
2 HOURS OF WORK PER WEEK OF TRANSITIONAL JOB WORK AND MAY
3 PROVIDE UP TO FORTY HOURS OF WORK PER WEEK OF TRANSITIONAL JOB
4 WORK;

5 (d) EACH TRANSITIONAL JOB MAY PROVIDE UP TO THIRTY TOTAL
6 WEEKS OF TRANSITIONAL JOB WORK, NOT TO EXCEED THREE PLACEMENTS
7 AS A TRANSITIONAL JOB WORKER WITH UP TO THREE HOST SITES; EXCEPT
8 THAT, SUBJECT TO GUIDELINES PROVIDED BY THE STATE DEPARTMENT, A
9 LOCAL AGENCY CONTRACTOR MAY OFFER AND PROVIDE AN INDIVIDUAL
10 WHO REMAINS ELIGIBLE FOR A TRANSITIONAL JOB ADDITIONAL WEEKS OF
11 TRANSITIONAL JOB WORK; AND

12 (e) THE INDIVIDUAL EMPLOYED IN A TRANSITIONAL JOB MUST
13 DEMONSTRATE THAT HE OR SHE IS ACTIVELY SEEKING EMPLOYMENT
14 UTILIZING THE PUBLIC WORKFORCE SYSTEM.

15 (4) THE TRANSITIONAL JOBS PROGRAM MUST OPERATE
16 THROUGHOUT COLORADO, BUT, BASED ON THE AVAILABILITY OF FUNDING,
17 THE STATE DEPARTMENT MAY:

18 (a) PHASE IN THE TRANSITIONAL JOBS PROGRAM IN 2013 AND 2014
19 OR OVER A LONGER TIME PERIOD AS DETERMINED NECESSARY BY THE
20 STATE DEPARTMENT; OR

21 (b) LIMIT THE TRANSITIONAL JOBS PROGRAMS TO URBAN AND
22 RURAL COUNTIES DESIGNATED BY THE STATE DEPARTMENT BASED ON
23 CRITERIA RELATING TO UNEMPLOYMENT, POVERTY, AND OTHER FACTORS
24 THAT THE STATE DEPARTMENT IDENTIFIES.

25 (5) THE STATE DEPARTMENT SHALL:

26 (a) REQUIRE DATA REPORTING AND PERFORMANCE OUTCOMES;

27 (b) EVALUATE THE OUTCOMES OF THE TRANSITIONAL JOBS
28 PROGRAM AND PRESENT THE RESULTS OF ITS EVALUATION IN A TIMELY
29 AND STRUCTURED MANNER; AND

30 (c) RIGOROUSLY MONITOR ALL CONTRACTS AND ENSURE FULL
31 COMPLIANCE BY ALL CONTRACTORS WITH THEIR CONTRACTUAL
32 OBLIGATIONS.

33 (6) THE STATE DEPARTMENT SHALL USE A COMPETITIVE REQUEST
34 FOR PROPOSAL PROCESS TO SELECT LOCAL AGENCY CONTRACTORS AND
35 SHALL NEGOTIATE CONTRACTS WITH THE GOVERNMENT OR NON-PROFIT OR
36 FOR-PROFIT ORGANIZATIONS THAT SUBMIT THE STRONGEST PROPOSALS.

37 (7) THE STATE DEPARTMENT MAY OFFER INCENTIVES TO LOCAL
38 AGENCY CONTRACTORS FOR HIGH PERFORMANCE.

39 (8) THE STATE DEPARTMENT SHALL:

40 (a) DETERMINE THE MOST EFFECTIVE AND EFFICIENT PROCESS AND
41 MECHANISMS TO PROVIDE EMPLOYER OF RECORD SERVICES;



1 (b) ESTABLISH STANDARDS AND PROCEDURES FOR CONSIDERING
2 AND APPROVING THE APPLICATIONS OF ORGANIZATIONS THAT APPLY TO
3 FUNCTION AS EMPLOYERS OF RECORD; AND

4 (c) APPROVE THE APPLICATIONS OF THOSE ORGANIZATIONS THAT
5 APPLY TO BE EMPLOYERS OF RECORD IF THE STATE DEPARTMENT
6 DETERMINES THE ORGANIZATIONS WILL MEET ALL APPLICABLE STANDARDS
7 IN THE MOST EFFECTIVE AND EFFICIENT MANNER AND AT THE LOWEST
8 COST.

9 (9) AN ORGANIZATION MAY SUBMIT AN APPLICATION TO BE AN
10 EMPLOYER OF RECORD, A LOCAL AGENCY CONTRACTOR, OR BOTH. THE
11 STATE DEPARTMENT SHALL REVIEW AND MAKE DECISIONS ABOUT THE
12 APPLICATION OF AN ORGANIZATION TO BE AN EMPLOYER OF RECORD IN
13 THE SAME MANNER, AND USING THE SAME CRITERIA, REGARDLESS OF
14 WHETHER THE ORGANIZATION PREVIOUSLY NEVER WAS, PREVIOUSLY WAS,
15 CURRENTLY IS, PREVIOUSLY APPLIED TO BE, OR IS CURRENTLY APPLYING
16 TO BE A LOCAL AGENCY CONTRACTOR. THE STATE DEPARTMENT SHALL
17 REVIEW AND MAKE DECISIONS ABOUT THE APPLICATION OF AN
18 ORGANIZATION TO BE A LOCAL AGENCY CONTRACTOR IN THE SAME
19 MANNER, AND USING THE SAME CRITERIA, REGARDLESS OF WHETHER THE
20 ORGANIZATION NEVER WAS, PREVIOUSLY WAS, CURRENTLY IS, PREVIOUSLY
21 APPLIED TO BE, OR IS CURRENTLY APPLYING TO BE AN EMPLOYER OF
22 RECORD. AN EMPLOYER OF RECORD OR A LOCAL AGENCY CONTRACTOR,
23 CONSISTENT WITH CRITERIA THAT THE STATE DEPARTMENT MAY
24 ESTABLISH, MAY ALSO SERVE AS A HOST SITE EMPLOYER.

25 (10) THE STATE DEPARTMENT SHALL UTILIZE ANY MONEYS FOR
26 THE TRANSITIONAL JOBS PROGRAM IN THE FOLLOWING MANNER:

27 (a) TRANSITIONAL JOBS PROGRAM MONEYS MUST BE USED TO
28 REIMBURSE THE EMPLOYER OF RECORD FOR THE FOLLOWING
29 WAGE-RELATED COSTS FOR EACH INDIVIDUAL WHO WORKS IN A
30 TRANSITIONAL JOB:

31 (I) WAGE COSTS EQUAL TO THE NUMBER OF HOURS OF
32 TRANSITIONAL JOBS WORK PERFORMED FOR AND CERTIFIED BY A HOST SITE
33 EMPLOYER TIMES THE AGREED UPON WAGE, WHICH WAGE MUST BE AT
34 LEAST THE APPLICABLE MINIMUM WAGE BUT MAY BE DEFINED BY THE
35 FUNDING SOURCE; AND

36 (II) ALL RESULTING PAYROLL TAXES, INCLUDING THE EMPLOYER
37 OF RECORD'S SHARE OF FICA TAXES, MEDICARE TAXES, ANY APPLICABLE
38 UNEMPLOYMENT INSURANCE TAXES, AND ANY APPLICABLE WORKER'S
39 COMPENSATION COSTS.

40 (b) THE HOST SITE OR A THIRD PARTY MAY INCREASE THE WAGE
41 PER HOUR OR OTHER COMPENSATION THAT AN INDIVIDUAL EMPLOYED IN



1 A TRANSITIONAL JOB RECEIVES AND SHALL BE RESPONSIBLE FOR ALL
2 WAGES, PAYROLL TAX, AND OTHER COSTS ASSOCIATED WITH THE
3 INCREASE.

4 (c) TRANSITIONAL JOBS PROGRAM MONEYS ALSO SHALL BE USED
5 TO PAY FOR:

6 (I) ADMINISTRATIVE COSTS INCURRED BY THE STATE
7 DEPARTMENT, INCLUDING PAYMENTS TO EMPLOYERS OF RECORD; AND

8 (II) PAYMENTS TO COMPETITIVELY SELECTED LOCAL
9 CONTRACTING AGENCIES, PURSUANT TO THEIR CONTRACTS, FOR PROGRAM
10 AND ADMINISTRATIVE COSTS ACTUALLY INCURRED.

11 **26-2-1104. Repeal.** THIS PART 11 IS REPEALED, EFFECTIVE JULY
12 1, 2017.

13 **SECTION 2. Appropriation.** In addition to any other
14 appropriation, there is hereby appropriated, out of any moneys in the
15 general fund not otherwise appropriated, to the department of human
16 services, for the fiscal year beginning July 1, 2013, the sum of
17 \$2,400,000, or so much thereof as may be necessary, for the transitional
18 jobs program related to the implementation of this act.

19 **SECTION 3. Effective date.** This act takes effect July 1, 2013.

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

23 Page 1, line 101, strike "2013." and substitute "2013, AND, IN
24 CONNECTION THEREWITH, ESTABLISHING A TRANSITIONAL JOBS
25 PROGRAM AND MAKING AN APPROPRIATION."."

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