

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**REVISED**

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

LLS NO. 13-0154.01 Kristen Forrestal x4217

**SENATE BILL 13-157**

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**SENATE SPONSORSHIP**

**Heath, Tochtrop**

**HOUSE SPONSORSHIP**

**Kraft-Tharp and Exum,**

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**Senate Committees**

Business, Labor, & Technology

Appropriations

**House Committees**

Business, Labor, Economic, & Workforce  
Development

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**A BILL FOR AN ACT**

101 **CONCERNING THE CONTINUATION OF THE "COLORADO WORK SHARE**  
102 **PROGRAM".**

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**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://www.leg.state.co.us/billsummaries>.)*

**Sunset Process - Senate Business, Labor, and Technology Committee.** The "Colorado Work Share Program" (program) was created by the general assembly in 2010 to allow employees whose work hours have been reduced to collect prorated unemployment benefits as long as

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

HOUSE  
2nd Reading Unamended  
April 1, 2013

SENATE  
Amended 3rd Reading  
March 21, 2013

SENATE  
2nd Reading Unamended  
March 20, 2013

certain requirements are met by the employer and the employee.

The bill makes changes to the program to bring it into compliance with federal law, including required features of a work share plan to make it eligible for approval by the director of the division of unemployment insurance. The bill extends the program indefinitely. The bill also allows eligible employees to participate in certain job training programs. The bill repeals a mechanism that triggers a repeal of the program.

Currently, the federal government will reimburse states for unemployment compensation benefits paid under the program. The bill clarifies that the employer's account will only be charged for the unemployment compensation benefits if the federal money is not available. The bill also increases the cap on the number of weeks that employees may be paid benefits under the program from 18 to 26 weeks.

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

2           **SECTION 1.** In Colorado Revised Statutes, **repeal** 8-75-209 as  
3 follows:

4           **8-75-209. Repeal of article.** ~~(1) This article is repealed, effective~~  
5 ~~July 1, 2013. Prior to its repeal, the "Colorado Work Share Program" shall~~  
6 ~~be reviewed as provided for in section 24-34-104, C.R.S.~~

7           ~~(2) If the director finds that the provisions of this part 2 cause the~~  
8 ~~insolvency of the unemployment insurance cash fund to accelerate, the~~  
9 ~~director shall notify the revisor of statutes in writing and this part 2 shall~~  
10 ~~be repealed.~~

11           **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**  
12 (44) (q) as follows:

13           **24-34-104. General assembly review of regulatory agencies**  
14 **and functions for termination, continuation, or reestablishment.**

15 (44) The following agencies, functions, or both, shall terminate on July  
16 1, 2013:

17           (q) ~~The "Colorado Work Share Program" created in part 2 of~~  
18 ~~article 75 of title 8, C.R.S.~~

1           **SECTION 3.** In Colorado Revised Statutes, 8-75-203, **amend** (2)  
2 introductory portion, (2) (d), (3) (c), and (3) (e); **repeal** (2) (e); and **add**  
3 (2) (f), (2) (g), (2) (h), and (2) (i) as follows:

4           **8-75-203. Work share program - work share plan - eligibility**  
5 **of employer - approval - denial - repeal.** (2) An employer ~~shall~~ **MUST**  
6 submit a work share plan to the division on forms and following  
7 procedures required by the director. The director may approve a work  
8 share plan if:

9           (d) The plan applies to at least ~~ten percent~~ **TWO** of the employees  
10 in the affected unit; ~~and~~

11           (e) ~~The plan includes a strategy that restores the total number of~~  
12 ~~work hours to each participating employee to the amount of hours worked~~  
13 ~~prior to participation in the program.~~

14           (f) **THE PLAN INCLUDES A DESCRIPTION OF HOW THE PLAN**  
15 **COMPLIES WITH THE "FEDERAL UNEMPLOYMENT TAX ACT", 26 U.S.C.**  
16 **SEC. 3301 ET SEQ.;**

17           (g) **THE PLAN INCLUDES AN EXPLANATION OF HOW EMPLOYEES**  
18 **WILL BE NOTIFIED OF THE PLAN IN ADVANCE, IF NOTIFICATION IS FEASIBLE,**  
19 **OR AN EXPLANATION OF WHY IT IS NOT FEASIBLE TO NOTIFY THE**  
20 **EMPLOYEES IN ADVANCE;**

21           (h) **THE PLAN INCLUDES AN ESTIMATE OF THE NUMBER OF**  
22 **EMPLOYEES WHO WOULD BE LAID OFF IF THE EMPLOYER DID NOT**  
23 **PARTICIPATE IN THE WORK SHARE PROGRAM; AND**

24           (i) **THE PLAN INCLUDES CERTIFICATION BY THE EMPLOYER THAT**  
25 **THE TERMS OF THE WRITTEN PLAN AND IMPLEMENTATION OF THE PLAN ARE**  
26 **CONSISTENT WITH EMPLOYER OBLIGATIONS PURSUANT TO FEDERAL AND**  
27 **STATE LAW.**

1 (3) The director shall not approve a work share plan unless the  
2 employer:

3 (c) Certifies that the implementation of a shared work plan and the  
4 resulting reduction in work hours is in lieu of ~~temporary~~ layoffs that  
5 would affect at least ~~ten percent~~ TWO of the employees in the affected unit  
6 and that would result in an equivalent reduction in work hours;

7 (e) Agrees that no employee participating in the work share  
8 program shall receive, in the aggregate, more than ~~eighteen~~ TWENTY-SIX  
9 weeks of benefits; and

10 **SECTION 4.** In Colorado Revised Statutes, 8-75-204, **add** (3) as  
11 follows:

12 **8-75-204. Employee eligibility for unemployment benefits**  
13 **under the work share plan - employee eligibility for job training.**

14 (3) AN ELIGIBLE EMPLOYEE MAY PARTICIPATE IN TRAINING, INCLUDING  
15 EMPLOYER-SPONSORED TRAINING AND TRAINING FUNDED THROUGH THE  
16 FEDERAL "WORKFORCE INVESTMENT ACT OF 1998", 29 U.S.C. SEC. 2801  
17 ET SEQ., TO ENHANCE JOB SKILLS IF THE TRAINING PROGRAM HAS BEEN  
18 APPROVED BY THE DEPARTMENT OF LABOR AND EMPLOYMENT.

19 **SECTION 5.** In Colorado Revised Statutes, **amend** 8-75-208 as  
20 follows:

21 **8-75-208. Benefits payments charged to employer.** IF  
22 REIMBURSEMENT TO THE STATE FOR UNEMPLOYMENT COMPENSATION IS  
23 NOT AVAILABLE PURSUANT TO THE FEDERAL "LAYOFF PREVENTION ACT  
24 OF 2012", SUBTITLE D OF TITLE II OF PUB.L. 112-96, unemployment  
25 compensation benefits paid to an employee pursuant to this part 2 shall  
26 be charged to the account of the employer participating in the work share  
27 plan in the same manner as regular benefits pursuant to section 8-73-108

1     (3) (e) (I).

2             **SECTION 6. Effective date.** This act takes effect July 1, 2013.

3             **SECTION 7. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.