



Notice of Proposed Rulemaking

Office of the Future of Work State Apprenticeship Agency Rules 7 CCR 1108-1

Date & Time of Public Hearing: Monday, April 24, 2023 from 1:00 - 4:00 p.m.

I. Notice

As required by the State Administrative Procedure Act found at Section 24-4-103, C.R.S., the Office of the Future of Work (OFW) gives notice of proposed rulemaking. This proposed permanent rulemaking hearing is scheduled for **April 24, 2023, from 1:00 - 4:00 p.m.** and will only be conducted in a **virtual** setting.

How to Participate in the Hearing

Participants have two options to testify or listen to the hearing, anytime between 1:00-4:00 p.m.:

- a) To participate online, visit this link: <https://us06web.zoom.us/j/84826204293>
- b) To participate by phone, call US +1 (719) 359-4580 and when prompted, enter Meeting ID 848 2620 4293

Staff will stay until 4:00 pm, or longer if by that time anyone still wishes to speak, to assure opportunity for anyone who may wish to attend. You need not arrive by a particular time or stay the entire meeting.

II. Subject

House Bill 21-1007 established the State Apprenticeship Agency (SAA) and set a statutory deadline of July 1, 2023 for the SAA to begin registering apprenticeship programs in Colorado as part of the National Registered Apprenticeship system.

The purpose of these rules is to exercise the authority of the Director of the State Apprenticeship Agency to enforce and implement rules affecting the registration, performance, and legal compliance of apprenticeship programs in Colorado.

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

III. Statutory Authority

The specific statutory authority under which the State Apprenticeship Agency shall adopt these rules is set forth in § 8-15.7-102 and 8-15.7-108, C.R.S.

IV. Copies of the Notice, Proposed Rules, and the Statement of Basis, Purpose & Authority

The notice of hearing, the proposed rules, and the proposed statement of basis, purpose and authority are available for review at OFW's website at

<https://apprenticeship.colorado.gov/about/apprenticeship-legislation-policy>.

If there are changes made to the proposed rules prior to the hearing, the updated proposed rule will be available to the public and posted on OFW's website by April 21, 2023.

Please note that the proposed rule changes being considered are subject to further changes and modifications after the public hearing and the deadline for the submission of written comments.

V. Opportunity to testify and submit written comments

OFW strives to make the rulemaking process inclusive to all. Everyone will have the opportunity to testify and provide written comments concerning the proposed rule. Interested and affected parties are welcome to testify and submit written comments, or simply listen to the hearing.

The format of the hearing will proceed as follows:

- The Director opens the hearing and provides a brief introduction of the hearing procedures.
- The Policy Advisor will establish that the CDLE met all the procedural requirements of the Administrative Procedure Act.
- The Policy Advisor will present a summary of the proposed rules.
- Participants will have the opportunity to give testimony regarding the proposed rules.

Testimony

The testimony phase of each hearing will proceed as follows:

- The Policy Advisor will identify the participants who wish to testify during the hearing using the raised hand feature on Zoom.
- To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

Staff will stay until 4:00 pm, or longer if by that time anyone still wishes to speak, to assure opportunity for anyone who may wish to attend. You need not arrive by a particular time or stay the entire meeting.

Written Comments

All interested and affected parties are strongly encouraged to submit their written comments on the proposed changes using this [form](#). **The deadline to submit written comments is April 26, 2023 at 5:00 p.m.**

Additionally, prior to the hearing, we will post all written comments that have been received to OFW's website at <https://apprenticeship.colorado.gov/about/apprenticeship-legislation-policy>. All written comments will be added to the official rulemaking record and may be subject to disclosure.

VI. Recording of the Hearing

The hearing will be recorded. After the hearing concludes, the recording will be available on OFW's website at <https://apprenticeship.colorado.gov/about/apprenticeship-legislation-policy>.

VII. Special Accommodations

If you need special accommodations, including language translation, please contact OFW's Policy Advisor at katez.anderson@state.co.us by April 10, 2023.

VIII. Contact Information

Please contact OFW's Policy Advisor at katez.anderson@state.co.us if you have any questions.



STATEMENT OF BASIS, PURPOSE, SPECIFIC STATUTORY AUTHORITY, AND FINDINGS

State Apprenticeship Agency Rules, 7 CCR 1108-1 (2023), as proposed March 14, 2023

I. BASIS: The Director (“Director”) of the State Apprenticeship Agency (“SAA”) has authority to adopt rules and regulations on registered apprenticeship, under the authority listed in Part II, which is incorporated into Part I as well.

II. SPECIFIC STATUTORY AUTHORITY: The Director is authorized to adopt rules and regulations to enforce, execute, apply, and interpret Article 15.7 of Title 8, C.R.S. (2022) by C.R.S. §§ 8-15.7-102 and -108. These rules are intended to be consistent with the requirements of Colorado’s Administrative Procedures Act, C.R.S. §§ 24-4-101, et seq.

III. FINDINGS, JUSTIFICATIONS, AND REASONS FOR ADOPTION. Pursuant to C.R.S. § 24-4-103(4)(b), the Director finds as follows: (A) demonstrated need exists for these rules, as detailed in the findings in Part IV, which are incorporated into this finding as well; (B) proper statutory authority exists for the rules, as detailed in the list of statutory authority in Part II, which is incorporated into this finding as well; (C) to the extent practicable, the rules are clearly stated so that their meaning will be understood by any party required to comply; (D) the rules do not conflict with other provisions of law; and (E) any duplicating or overlapping has been minimized and is explained by the SAA.

IV. SPECIFIC FINDINGS FOR ADOPTION. The Director’s specific findings for adoption (the “Findings”) are as follows.

(A) Broad Purpose of Rules

C.R.S. Title 8, Article 15.7 (§ 8-15.7-101 to -108), establishes the State Apprenticeship Agency (“SAA”) within the Colorado Department of Labor and Employment (“CDLE”), the Director of which is responsible for promulgating rules as necessary to implement Article 15.7, including rules affecting the registration, performance, and legal compliance of apprenticeship programs (§ 8-15.7-102 (4)); and the eligibility requirements for registered apprenticeship programs, the requirements to be a sponsor, the conditions and proceedings for curing noncompliance, and grievance procedures for complaints (§ 8-15.7-108(1)(a)-(d)).

The SAA is a type 1 entity, as defined in C.R.S. § 24-1-105, and exercises its powers and performs its duties and functions under the Department. The SAA shall accept applications for the registration of apprenticeship programs statutorily by July 1, 2023.

In order for the SAA to begin registering apprenticeship programs that are federally recognized by the national apprenticeship system, the SAA must be authorized by the U.S. Department of Labor’s Office of Apprenticeship (“OA”) as a SAA that meets the requirements of regulations promulgated by the Secretary of Labor under the National Apprenticeship Act, 29 U.S.C. 50, specifically § 29 C.F.R. 29.13. These rules pertain to those statutory provisions contained in Article 15.7 of Title 8 and detail how the SAA will operate in conformity with the regulations promulgated by the Secretary of Labor under the National Apprenticeship Act, 29 U.S.C. 50.

These rules are needed imminently for the OA to accord recognition to the SAA and to establish the SAA’s authority to register apprenticeship programs by the statutory effective date. The promulgation of these Rules does not preclude any later implementation and/or rulemaking as to the SAA’s authority under the Administrative Procedure Act, C.R.S. § 24-4-103.

(B) Rules 1.1-1.3: Authority, Purpose, and Definitions

Rules 1.1 and 1.2 detail the statutory authority of the Director to promulgate rules and the relationship of these Rules to relevant statutes. Rule 1.3 defines key terms used in this proposed rule. Most definitions are from the

federal regulations that govern the national registered apprenticeship system (§ 29 C.F.R. 29.2). Some definitions that are specific to Colorado are from C.R.S. § 8-15.7-101.

(C) Rule 1.4: Duties of the Colorado State Apprenticeship Agency and the State Apprenticeship Council

This rule lists the SAA's duties and clarifies the responsibilities of the SAA relative to the State Apprenticeship Council ("SAC").

(D) Rule 1.5: Standards, Criteria, and Requirements for Apprenticeship Program Registration and/or Approval

This rule establishes the requirements and procedures to register an apprenticeship program with the SAA, the criteria for apprenticeable occupations, the standards for registered apprenticeship in the state, and the performance standards for registered apprenticeship programs.

(E) Rule 1.6: The Colorado SAA State Plan for Equal Opportunity in Apprenticeship

This section of the rule contains the state's plan for equal opportunity in apprenticeship. Each SAA is required to have a State Plan for Equal Opportunity in Apprenticeship that conforms with § 29 C.F.R. 30.

The plan promotes equal opportunity for apprentices and applicants for apprenticeship in registered apprenticeship programs by prohibiting discrimination based on the following protected bases: race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, disability, creed, gender identity, gender expression, ancestry, pregnancy or childbirth (or related conditions), and any other basis protected by federal, state, or local law. The plan also prescribes affirmative action efforts sponsors must take to ensure equal opportunity for apprentices and applicants for registered apprenticeship. The plan sets forth the equal opportunity obligations of sponsors, the contents of affirmative action programs, procedures for the filing and processing of complaints, and enforcement procedures. The plan also establishes procedures for deregistration of an apprenticeship program in the event of noncompliance with the plan.

In addition to federal regulations governing equal opportunity in apprenticeship, the plan includes the relationship to relevant state laws, including the Colorado Anti-Discrimination Act (C.R.S. § 24-34-402 to -402.5).

(F) Rule 1.7: Apprenticeship Agreement Contents and Approval Process

This rule defines the requirements for individual agreements with apprentices and lists the components of the agreement.

(G) Rule 1.8: Policies Related to Reciprocal Approval for Federal purposes by the SAA to Apprentices, Apprenticeship Programs and Standards that are Registered in Other States

This rule establishes the criteria for an apprentice or apprenticeship program that is registered with the OA or another SAA to be recognized, or granted reciprocal approval, by Colorado's SAA.

(H) Rule 1.9: Policies Regulating the Cancellation and/ or Deregistration of Registered Apprenticeship Programs, and for the Temporary Suspension, Cancellation, and/or Deregistration of Apprenticeship Agreements

This rule defines the policies for the cancellation or deregistration of registered apprenticeship programs, and for the temporary suspension, cancellation, or deregistration of individual apprenticeship agreements.