

SB095\_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB21-095 be amended as follows:

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.

23 Page 3, before line 1 insert:

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

26           **8-84-301. Definitions.** As used in this part 3, unless the context  
27 otherwise requires:

28           (1) "Agency partners" means the department, the department of  
29 health care policy and financing, the department of education, the  
30 department of higher education, ~~and~~ the department of human services,  
31 THE COLORADO OFFICE OF EMPLOYMENT FIRST, JFK PARTNERS WITHIN  
32 THE DEPARTMENT OF PEDIATRICS OF THE UNIVERSITY OF COLORADO  
33 SCHOOL OF MEDICINE, AND THE UNIVERSITY OF COLORADO ANSCHUTZ  
34 MEDICAL CAMPUS.

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

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

8           **(8) Hiring preference pilot program for persons with**  
9 **disabilities.** (a) (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
10 LABOR AND EMPLOYMENT, IN COLLABORATION WITH THE STATE  
11 PERSONNEL DIRECTOR, SHALL DEVELOP AND IMPLEMENT A HIRING  
12 PREFERENCE PILOT PROGRAM FOR PERSONS WITH DISABILITIES APPLYING  
13 FOR A POSITION IN THE DEPARTMENT.

14           (II) WHEN THE DEPARTMENT USES A NONNUMERICAL METHOD  
15 UNDER THE PILOT PROGRAM FOR THE COMPARATIVE ANALYSIS OF  
16 CANDIDATES FOR A POSITION IN THE DEPARTMENT, THE DEPARTMENT  
17 SHALL ADD ALL APPLICANTS WHO ARE ELIGIBLE FOR THE PREFERENCE FOR  
18 PEOPLE WITH DISABILITIES AND WHO MEET ALL MINIMUM AND SPECIAL  
19 QUALIFICATIONS UNDER THIS SUBSECTION (8) TO THE REFERRAL LIST FOR  
20 INTERVIEW.

21           (III) WHEN THE DEPARTMENT USES A NUMERICAL METHOD UNDER  
22 THE PILOT PROGRAM FOR THE COMPARATIVE ANALYSIS OF CANDIDATES  
23 FOR A POSITION IN THE DEPARTMENT, THE DEPARTMENT SHALL ADD FIVE  
24 POINTS TO THE FINAL SCORE OF THE APPLICANT WHEN ALL ELEMENTS OF  
25 THE SELECTION PROCESS ARE COMPLETED, BUT PRIOR TO REFERRAL OF AN  
26 APPLICANT FOR INTERVIEW FOR THE POSITION.

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

29           (A) MEETS THE MINIMUM QUALIFICATIONS OR ANY OTHER  
30 REQUIREMENTS FOR THE POSITION;

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

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

38           (V) AN APPLICANT MAY BE GIVEN BOTH THE VETERAN'S  
39 PREFERENCE AND A DISABILITY PREFERENCE, BUT AN APPLICANT IS NOT  
40 ELIGIBLE FOR BOTH A DISABLED VETERAN'S PREFERENCE AND A DISABILITY  
41 PREFERENCE.

42           (b) THE PILOT PROGRAM IS NOT AVAILABLE TO A CANDIDATE  
43 SEEKING A PROMOTION OR TO A PERSON CURRENTLY EMPLOYED BY THE  
44 STATE.

45           (c) WHEN THE PILOT PROGRAM IS DEVELOPED UNDER THIS

1 SUBSECTION (8):  
2 (I) THE STATE PERSONNEL DIRECTOR SHALL ADOPT OR AMEND  
3 RULES AS NECESSARY TO ENABLE THE IMPLEMENTATION OF THE PILOT  
4 PROGRAM;  
5 (II) THE DEPARTMENT SHALL IMPLEMENT THE PILOT PROGRAM NO  
6 LATER THAN JANUARY 1, 2023;  
7 (III) THE STATE PERSONNEL DIRECTOR MAY ALLOW OTHER  
8 PRINCIPAL DEPARTMENTS TO IMPLEMENT THE PILOT PROGRAM FOR  
9 APPOINTMENTS TO POSITIONS WITHIN THOSE DEPARTMENTS; AND  
10 (IV) THE PILOT PROGRAM MAY NOT BE USED BY ANY PRINCIPAL  
11 DEPARTMENT AFTER DECEMBER 31, 2027.  
12 (d) BY NOVEMBER 1, 2027, ANY PRINCIPAL DEPARTMENT THAT  
13 PARTICIPATES IN THE PILOT PROGRAM SHALL SUBMIT A REPORT TO THE  
14 STATE PERSONNEL DIRECTOR. THE STATE PERSONNEL DIRECTOR SHALL  
15 COMPILE ALL REPORTS AND SUBMIT ONE FINAL REPORT TO THE HOUSE  
16 BUSINESS AFFAIRS AND LABOR COMMITTEE AND THE SENATE BUSINESS,  
17 LABOR, AND TECHNOLOGY COMMITTEE, OR ANY SUCCESSOR COMMITTEES.  
18 THE REPORT MUST INCLUDE AT LEAST THE FOLLOWING INFORMATION:  
19 (I) THE PERIOD WHEN THE PILOT PROGRAM WAS USED BY THE  
20 DEPARTMENT;  
21 (II) THE NUMBER OF APPLICANTS FOR APPOINTMENTS WITHIN THE  
22 DEPARTMENT THAT OPTED TO PARTICIPATE IN THE PILOT PROGRAM;  
23 (III) THE NUMBER OF PERSONS WITH DISABILITIES WHO WERE  
24 APPOINTED TO POSITIONS WITHIN THE DEPARTMENT; AND  
25 (IV) ANY OTHER DETERMINING FACTORS OF DATA THAT MAY  
26 AFFECT THE IMPLEMENTATION OF A PERMANENT PROGRAM.  
27 (e) AS USED IN THIS SUBSECTION (8):  
28 (I) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND  
29 EMPLOYMENT.  
30 (II) "PILOT PROGRAM" MEANS THE HIRING PREFERENCE PILOT  
31 PROGRAM, CREATED IN THIS SUBSECTION (8), FOR PEOPLE WITH  
32 DISABILITIES.  
33 (f) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE DECEMBER 31,  
34 2027."

35 Renumber succeeding sections accordingly.

36 Page 1, line 105, strike "AGENCIES." and substitute "AGENCIES AND  
37 CREATING A HIRING PREFERENCE PILOT PROGRAM FOR PEOPLE WITH  
38 DISABILITIES."

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