

BILL RITTER, JR.  
Governor

DONALD J. MARES  
Executive Director



DEPARTMENT OF LABOR AND EMPLOYMENT  
OFFICE OF THE EXECUTIVE DIRECTOR  
633 Seventeenth Street, Suite 1200  
Denver, Colorado 80202-3612

Received 8/10/09

August 7, 2009

Ms. Cheryl Atkinson  
Administrator  
Office of Workforce Security  
200 Constitution Avenue NW  
Room S-4231  
Washington, DC 20210

Re: Colorado's Application for the 2009 Unemployment Compensation Modernization Incentive Payments for the Base-Period Provision

Dear Ms. Atkinson:

In compliance with Unemployment Insurance Program Letter (UIPL) No. 14-09 and UIPL No. 14-09, Change 1 issued by the U.S. Department of Labor (USDOL), the Colorado Department of Labor and Employment, Unemployment Insurance Program is submitting its 2009 Application for Unemployment Compensation Modernization Incentive Payments for the Base-Period Provision for your consideration and approval.

To qualify for the first one-third of the incentive funds, Colorado modified its law to include an alternative base period. Included for your review is language from Senate Bill (SB) 09-247, which accomplished the statutory changes. SB 09-247 was signed into law and became effective July 1, 2009.

I certify that Colorado's Application for the 2009 Unemployment Compensation Modernization Incentive Payments for the Base-Period Provision, as authorized in Section 2003 of the American Recovery and Reinvestment Act of 2009, is made in good faith. I also certify that all of the changes made by SB 09-247 to the Colorado Revised Statutes are permanent and are not subject to discontinuation under any circumstances other than repeal. Colorado will use the incentive payments it receives for modernizing Colorado's unemployment insurance program to pay unemployed workers who meet the eligibility requirements on which the application is based.

Sincerely,

S.C. FOWLER, FOR

Donald J. Mares  
Executive Director

Enclosures

cc: Gerard Hildebrand, U.S. Department of Labor  
Joseph C. Juarez, U.S. Department of Labor, Regional Administrator  
Margie Shahin, U.S. Department of Labor, Dallas Regional Office  
Robert Kenyon, U.S. Department of Labor, Dallas Regional Office  
Diann Lowery, U.S. Department of Labor, Dallas Regional Office  
Ann Cole, U.S. Department of Labor, Dallas Regional Office

**COLORADO'S APPLICATION FOR UNEMPLOYMENT COMPENSATION  
MODERNIZATION INCENTIVE PAYMENTS**

**ATTACHMENT I**

**ALTERNATIVE-BASE-PERIOD MODERNIZATION INCENTIVE PAYMENT**

Senate Bill (SB) 09-247 creates an alternative base period for an unemployed individual who has not earned sufficient wages in insured work during the base period to qualify for unemployment insurance (UI) benefits.

The alternative base period differs from the base period in that the Colorado UI Program can consider wages from the last four completed calendar quarters prior to the quarter in which the claimant files a claim to determine monetary eligibility for UI benefits.

NOTE: In accordance with 8-70-103 (2), Colorado Revised Statutes, the base period is defined as the first four of the previous five completed calendar quarters prior to the quarter in which the claimant files a claim to determine monetary eligibility for UI benefits.

The effective date of SB 09-247 is July 1, 2009.

**ALTERNATIVE-BASE-PERIOD STATUTE**

The following language is quoted from SB 09-247, Sections 1 and 2, addressing the alternative-base-period provision.

**“8-70-103. Definitions.** As used in articles 70 to 82 of this title, unless the context otherwise requires:

(1.5) ‘Alternative base period’ means the last four completed calendar quarters immediately preceding the benefit year.

**8-73-102. Weekly benefit amount for total unemployment.** (1) (a) Except as otherwise provided in section 8-73-104 or subsection (2) of this section, each eligible individual who is totally unemployed in any week shall be paid, with respect to such week, benefits at the rate of sixty percent of one-twenty-sixth of the wages paid for insured work during the two consecutive quarters of the individual's base period in which such total wages were highest, computed to the next lower multiple of one dollar but not more than one-half of the average weekly earnings in all covered industries in Colorado according to the records of the division, as computed by the division in June for the ensuing twelve months beginning July 1, on the basis of the most recent available figures, and not less than twenty-five dollars.

(b) (I) If an individual does not have sufficient qualifying weeks or wages in the base period to qualify for unemployment insurance benefits, the individual shall have the option of designating that the base period shall be the alternative base period.

(II) If information regarding weeks and wages for the calendar quarter immediately preceding the first day of the benefit year is not available from the regular quarterly reports of wage information, and the division is not able to obtain the information using other means pursuant to state or federal law, the division may base the determination of eligibility for unemployment insurance benefits on the affidavit of the unemployed individual with respect to weeks and wages for that calendar quarter. The individual shall furnish payroll documentation, if available, in support of the affidavit. The division shall verify the employee's wage information. A determination of unemployment insurance benefits based on an alternative base period shall be adjusted when the quarterly report of wage information from the employer is received, if that information causes a change in the determination.”

COLORADO'S APPLICATION FOR UNEMPLOYMENT COMPENSATION  
MODERNIZATION INCENTIVE PAYMENTS

ATTACHMENT II

An Act

SENATE BILL 09-247

BY SENATOR(S) Tochtrop, Bacon, Boyd, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Hudak, Isgar, Morse, Newell, Romer, Sandoval, Schwartz, Shaffer B., Veiga;  
also REPRESENTATIVE(S) Pace, Apuan, Casso, Fischer, Frangas, Green, Kefalas, Labuda, McFadyen, Pommer, Ryden, Soper, Vigil.

CONCERNING THE EXPANSION OF BENEFITS FOR UNEMPLOYED WORKERS IN  
COLORADO, AND MAKING AN APPROPRIATION IN CONNECTION  
THEREWITH.

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

**SECTION 1.** 8-70-103, Colorado Revised Statutes, is amended BY  
THE ADDITION OF A NEW SUBSECTION to read:

**8-70-103. Definitions.** As used in articles 70 to 82 of this title,  
unless the context otherwise requires:

(1.5) "ALTERNATIVE BASE PERIOD" MEANS THE LAST FOUR  
COMPLETED CALENDAR QUARTERS IMMEDIATELY PRECEDING THE BENEFIT  
YEAR.

**SECTION 2.** 8-73-102 (1), Colorado Revised Statutes, is amended

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**COLORADO'S APPLICATION FOR UNEMPLOYMENT COMPENSATION  
MODERNIZATION INCENTIVE PAYMENTS**

**ATTACHMENT II**

to read:

**8-73-102. Weekly benefit amount for total unemployment.**

(1) (a) Except as otherwise provided in section 8-73-104 or subsection (2) of this section, each eligible individual who is totally unemployed in any week shall be paid, with respect to such week, benefits at the rate of sixty percent of one-twenty-sixth of the wages paid for insured work during the two consecutive quarters of his THE INDIVIDUAL'S base period in which such total wages were highest, computed to the next lower multiple of one dollar but not more than one-half of the average weekly earnings in all covered industries in Colorado according to the records of the division, as computed by the division in June for the ensuing twelve months beginning July 1, on the basis of the most recent available figures, and not less than twenty-five dollars.

(b) (I) IF AN INDIVIDUAL DOES NOT HAVE SUFFICIENT QUALIFYING WEEKS OR WAGES IN THE BASE PERIOD TO QUALIFY FOR UNEMPLOYMENT INSURANCE BENEFITS, THE INDIVIDUAL SHALL HAVE THE OPTION OF DESIGNATING THAT THE BASE PERIOD SHALL BE THE ALTERNATIVE BASE PERIOD.

(II) IF INFORMATION REGARDING WEEKS AND WAGES FOR THE CALENDAR QUARTER IMMEDIATELY PRECEDING THE FIRST DAY OF THE BENEFIT YEAR IS NOT AVAILABLE FROM THE REGULAR QUARTERLY REPORTS OF WAGE INFORMATION, AND THE DIVISION IS NOT ABLE TO OBTAIN THE INFORMATION USING OTHER MEANS PURSUANT TO STATE OR FEDERAL LAW, THE DIVISION MAY BASE THE DETERMINATION OF ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS ON THE AFFIDAVIT OF THE UNEMPLOYED INDIVIDUAL WITH RESPECT TO WEEKS AND WAGES FOR THAT CALENDAR QUARTER. THE INDIVIDUAL SHALL FURNISH PAYROLL DOCUMENTATION, IF AVAILABLE, IN SUPPORT OF THE AFFIDAVIT. THE DIVISION SHALL VERIFY THE EMPLOYEE'S WAGE INFORMATION. A DETERMINATION OF UNEMPLOYMENT INSURANCE BENEFITS BASED ON AN ALTERNATIVE BASE PERIOD SHALL BE ADJUSTED WHEN THE QUARTERLY REPORT OF WAGE INFORMATION FROM THE EMPLOYER IS RECEIVED, IF THAT INFORMATION CAUSES A CHANGE IN THE DETERMINATION.

**SECTION 3.** 8-73-108 (4) (r) (I), Colorado Revised Statutes, is amended, and the said 8-73-108 (4) (r) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

COLORADO'S APPLICATION FOR UNEMPLOYMENT COMPENSATION  
MODERNIZATION INCENTIVE PAYMENTS

ATTACHMENT II

**8-73-108. Benefit awards - repeal. (4) Full award.** An individual separated from a job shall be given a full award of benefits if any of the following reasons and pertinent conditions related thereto are determined by the division to have existed. The determination of whether or not the separation from employment shall result in a full award of benefits shall be the responsibility of the division. The following reasons shall be considered, along with any other factors that may be pertinent to such determination:

(r) (I) ~~Quitting~~ SEPARATING FROM a job because of domestic ~~abuse~~ VIOLENCE may be reason for a determination for a full award only if:

(A) THE WORKER REASONABLY BELIEVES THAT HIS OR HER CONTINUED EMPLOYMENT WOULD JEOPARDIZE THE SAFETY OF THE WORKER OR ANY MEMBER OF THE WORKER'S IMMEDIATE FAMILY AND PROVIDES THE DIVISION WITH SUBSTANTIATING DOCUMENTATION AS DESCRIBED IN SUB-SUBPARAGRAPH (B) OR (C) OF THIS SUBPARAGRAPH (I); OR

~~(A) (B) The worker provides the division has been provided a copy of a police report, criminal charges, protection order, medical records, or any other corroborative evidence~~ WITH AN ACTIVE OR RECENTLY ISSUED PROTECTIVE ORDER OR OTHER ORDER documenting the domestic ~~abuse~~ VIOLENCE OR A POLICE RECORD DOCUMENTING RECENT DOMESTIC VIOLENCE;  
or

~~(B) (C) The worker provides written substantiation that the worker is receiving assistance or counseling~~ THE DIVISION WITH A STATEMENT SUBSTANTIATING RECENT DOMESTIC VIOLENCE from a ~~recognized counseling entity~~ QUALIFIED PROFESSIONAL FROM WHOM THE WORKER HAS SOUGHT ASSISTANCE for THE domestic ~~abuse~~ VIOLENCE, SUCH AS A COUNSELOR, SHELTER WORKER, MEMBER OF THE CLERGY, ATTORNEY, OR HEALTH WORKER.

~~(C) (Deleted by amendment, L. 2005, p. 320, § 2, effective August 8, 2005.)~~

(IV) THE DIRECTOR OF THE DIVISION SHALL ADOPT RULES AS NECESSARY TO IMPLEMENT AND ADMINISTER THIS PARAGRAPH (r).

(V) AS USED IN THIS PARAGRAPH (r). "IMMEDIATE FAMILY" MEANS

COLORADO'S APPLICATION FOR UNEMPLOYMENT COMPENSATION  
MODERNIZATION INCENTIVE PAYMENTS

ATTACHMENT II

THE WORKER'S SPOUSE, PARENT, OR MINOR CHILD UNDER EIGHTEEN YEARS OF AGE.

**SECTION 4.** 8-73-108 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

**8-73-108. Benefit awards - repeal.** (4) **Full award.** An individual separated from a job shall be given a full award of benefits if any of the following reasons and pertinent conditions related thereto are determined by the division to have existed. The determination of whether or not the separation from employment shall result in a full award of benefits shall be the responsibility of the division. The following reasons shall be considered, along with any other factors that may be pertinent to such determination:

(u) (I) SEPARATING FROM A JOB DUE TO A CHANGE IN LOCATION OF THE EMPLOYMENT OF THE WORKER'S SPOUSE THAT NECESSITATES A NEW PLACE OF RESIDENCE FOR THE WORKER, EITHER WITHIN OR OUTSIDE COLORADO, FROM WHICH IT IS IMPRACTICAL TO COMMUTE TO THE WORKER'S PLACE OF EMPLOYMENT, AND UPON ARRIVAL AT THE NEW PLACE OF RESIDENCE, THE INDIVIDUAL IS IN ALL RESPECTS AVAILABLE FOR SUITABLE WORK. THE DIRECTOR OF THE DIVISION SHALL ADOPT RULES AS NECESSARY TO IMPLEMENT AND ADMINISTER THIS PARAGRAPH (u).

(II) ANY BENEFITS AWARDED TO THE CLAIMANT UNDER THIS PARAGRAPH (u) NORMALLY CHARGEABLE TO THE EMPLOYER SHALL BE CHARGED TO THE FUND.

(v) (I) SEPARATING FROM A JOB BECAUSE A MEMBER OF THE WORKER'S IMMEDIATE FAMILY IS SUFFERING FROM AN ILLNESS THAT REQUIRES THE WORKER TO CARE FOR THE IMMEDIATE FAMILY MEMBER FOR A PERIOD THAT EXCEEDS THE GREATER OF THE EMPLOYER'S MEDICAL LEAVE OF ABSENCE POLICY OR THE PROVISIONS OF THE FEDERAL "FAMILY AND MEDICAL LEAVE ACT OF 1993" IF THE WORKER MEETS THE FOLLOWING REQUIREMENTS:

(A) THE WORKER INFORMED HIS OR HER EMPLOYER, IF THE EMPLOYER HAS POSTED OR GIVEN ACTUAL ADVANCE NOTICE OF THE REQUIREMENT TO SO INFORM THE EMPLOYER, OF THE CONDITION OF THE

**COLORADO'S APPLICATION FOR UNEMPLOYMENT COMPENSATION  
MODERNIZATION INCENTIVE PAYMENTS**

**ATTACHMENT II**

WORKER'S IMMEDIATE FAMILY MEMBER; AND

(B) THE WORKER PROVIDES THE DIVISION, WHEN REQUESTED, A COMPETENT STATEMENT VERIFYING THE CONDITION OF THE WORKER'S IMMEDIATE FAMILY MEMBER.

(II) SEPARATING FROM A JOB BECAUSE A MEMBER OF THE WORKER'S IMMEDIATE FAMILY IS SUFFERING FROM A DISABILITY THAT REQUIRES THE WORKER TO CARE FOR THE IMMEDIATE FAMILY MEMBER FOR A PERIOD THAT EXCEEDS THE GREATER OF THE EMPLOYER'S MEDICAL LEAVE OF ABSENCE POLICY OR THE PROVISIONS OF THE FEDERAL "FAMILY AND MEDICAL LEAVE ACT OF 1993" IF THE WORKER MEETS THE FOLLOWING REQUIREMENTS:

(A) THE WORKER INFORMED HIS OR HER EMPLOYER, IF THE EMPLOYER HAS POSTED OR GIVEN ACTUAL ADVANCE NOTICE OF THE REQUIREMENT TO SO INFORM THE EMPLOYER, OF THE CONDITION OF THE WORKER'S IMMEDIATE FAMILY MEMBER; AND

(B) THE WORKER PROVIDES THE DIVISION, WHEN REQUESTED, A COMPETENT STATEMENT VERIFYING THE CONDITION OF THE WORKER'S IMMEDIATE FAMILY MEMBER.

(III) THE DIRECTOR OF THE DIVISION SHALL ADOPT RULES AS NECESSARY TO IMPLEMENT AND ADMINISTER THIS PARAGRAPH (v).

(IV) ANY BENEFITS AWARDED TO THE CLAIMANT UNDER THIS PARAGRAPH (v) NORMALLY CHARGEABLE TO THE EMPLOYER SHALL BE CHARGED TO THE FUND, AND ANY SUCH BENEFITS SHALL NOT AFFECT AN EMPLOYER'S PREMIUM.

(V) AS USED IN THIS PARAGRAPH (v):

(A) "DISABILITY" MEANS ALL TYPES OF VERIFIED DISABILITY, INCLUDING, WITHOUT LIMITATION, MENTAL AND PHYSICAL DISABILITIES; PERMANENT AND TEMPORARY DISABILITIES; AND PARTIAL AND TOTAL DISABILITIES.

(B) "ILLNESS" MEANS VERIFIED POOR HEALTH OR SICKNESS.

(C) "IMMEDIATE FAMILY MEMBER" MEANS THE WORKER'S SPOUSE,

COLORADO'S APPLICATION FOR UNEMPLOYMENT COMPENSATION  
MODERNIZATION INCENTIVE PAYMENTS

ATTACHMENT II

PARENT, OR MINOR CHILD UNDER EIGHTEEN YEARS OF AGE.

SECTION 5. 8-73-108 (5) (e) (IV) and (5) (e) (XXII), Colorado Revised Statutes, are amended to read:

**8-73-108. Benefit awards - repeal. (5) Disqualification.**  
(e) Subject to the maximum reduction consistent with federal law, and insofar as consistent with interstate agreements, if a separation from employment occurs for any of the following reasons, the employer from whom such separation occurred shall not be charged for benefits which are attributable to such employment and, because any payment of benefits which are attributable to such employment out of the fund as defined in section 8-70-103 (13) shall be deemed to have an adverse effect on such employer's account in such fund, no payment of such benefits shall be made from such fund:

(IV) Quitting to move to another area as a matter of personal preference, ~~or to maintain contiguity with another person or persons;~~ unless such move was ~~for health reasons or pursuant to the OTHER provisions of paragraph (f) of subsection (4) of this section;~~

(XXII) Quitting under conditions involving personal reasons, ~~that do not, under other provisions of this section, provide for an award of benefits, including compelling personal reasons~~ UNLESS THE PERSONAL REASONS WERE COMPELLING PURSUANT TO OTHER PROVISIONS OF SUBSECTION (4) OF THIS SECTION;

SECTION 6. Article 73 of title 8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**8-73-114. Enhanced unemployment insurance compensation benefits - eligibility - approved training programs - amount of benefits - outreach - repeal. (1) ENHANCED UNEMPLOYMENT INSURANCE COMPENSATION BENEFITS ARE AVAILABLE FOR AN UNEMPLOYMENT INSURANCE CLAIMANT ON A REGULAR STATE UNEMPLOYMENT CLAIM WHO IS ENROLLED IN AND MAKING SATISFACTORY PROGRESS, AS CERTIFIED BY THE TRAINING PROGRAM PROVIDER, IN AN APPROVED TRAINING PROGRAM.**

(2) AN APPROVED TRAINING PROGRAM SHALL PREPARE THE ELIGIBLE UNEMPLOYMENT INSURANCE CLAIMANT FOR ENTRY INTO A HIGH-DEMAND



**COLORADO'S APPLICATION FOR UNEMPLOYMENT COMPENSATION  
MODERNIZATION INCENTIVE PAYMENTS**

**ATTACHMENT II**

OCCUPATION, AN OCCUPATION THAT LEADS TO STABLE, LONG-TERM EMPLOYMENT, OR AN OCCUPATION IN THE RENEWABLE ENERGY INDUSTRY. THE DIRECTOR OF THE DIVISION SHALL IDENTIFY SUCH OCCUPATIONS BASED UPON THE RECOMMENDATIONS OF LOCAL WORK FORCE INVESTMENT BOARDS, WORKING WITH THE SECTION OF THE DIVISION RESPONSIBLE FOR LABOR MARKET INFORMATION.

(3) (a) ENHANCED UNEMPLOYMENT INSURANCE COMPENSATION BENEFITS SHALL BE PAYABLE TO AN ELIGIBLE UNEMPLOYMENT INSURANCE CLAIMANT WHO SATISFIES THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION AS FOLLOWS:

(I) THE TOTAL ENHANCED UNEMPLOYMENT INSURANCE COMPENSATION BENEFIT AMOUNT SHALL BE EQUAL TO TWENTY WEEKS OF BENEFITS ON THE REGULAR CLAIM OR FORTY PERCENT OF THE MAXIMUM BENEFIT AMOUNT ON THE REGULAR CLAIM, WHICHEVER IS LESS.

(II) THE ENHANCED UNEMPLOYMENT INSURANCE COMPENSATION BENEFIT SHALL BE PAID WEEKLY, IN ADDITION TO THE REGULAR WEEKLY BENEFIT AMOUNT, PAYABLE IN INCREMENTS EQUAL TO FIFTY PERCENT OF THE REGULAR WEEKLY BENEFIT AMOUNT, ROUNDED DOWN TO THE NEAREST WHOLE DOLLAR.

(b) ENHANCED UNEMPLOYMENT INSURANCE COMPENSATION BENEFITS SHALL NOT BE PAID PURSUANT TO THIS SECTION AFTER JUNE 30, 2012.

(4) (a) THE DIRECTOR OF THE DIVISION SHALL ADOPT RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., THAT THE DIRECTOR DEEMS NECESSARY FOR THE PROPER ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT OF FEDERAL LAW AND THIS SECTION.

(b) THE DIVISION SHALL DEVELOP AND IMPROVE OUTREACH EFFORTS TO UNEMPLOYED WORKERS, AND PARTICULARLY TRADITIONALLY UNDERSERVED POPULATIONS, TO INFORM THEM OF THE AVAILABILITY OF ENHANCED UNEMPLOYMENT INSURANCE COMPENSATION BENEFITS UNDER THIS SECTION. SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY PURSUANT TO SECTION 8-77-107, THE DIVISION IS AUTHORIZED TO EXPEND UP TO FIVE HUNDRED THOUSAND DOLLARS IN THE FEDERAL UNEMPLOYMENT TRUST FUND RECEIVED PURSUANT TO THE FEDERAL "AMERICAN RECOVERY

**COLORADO'S APPLICATION FOR UNEMPLOYMENT COMPENSATION  
MODERNIZATION INCENTIVE PAYMENTS**

**ATTACHMENT II**

AND REINVESTMENT ACT OF 2009" AND SECTION 903(g) OF THE FEDERAL "SOCIAL SECURITY ACT" TO COVER ITS ADMINISTRATIVE COSTS RELATED TO ITS OUTREACH EFFORTS.

(5) THE DIVISION IS AUTHORIZED TO PAY ENHANCED UNEMPLOYMENT INSURANCE COMPENSATION BENEFITS PURSUANT TO THIS SECTION BUT MAY NOT OBLIGATE EXPENDITURES BEYOND THE LIMITS SPECIFIED IN THIS SECTION OR AS OTHERWISE ESTABLISHED BY THE GENERAL ASSEMBLY. FOR THE 2009-2010, 2010-2011, AND 2011-2012 FISCAL YEARS, THE DIRECTOR OF THE DIVISION MAY OBLIGATE A TOTAL OF FIFTEEN MILLION DOLLARS TO BE EXPENDED OVER THOSE THREE FISCAL YEARS.

(6) BY DECEMBER 31, 2009, AND BY EACH DECEMBER 31 THEREAFTER UNTIL DECEMBER 31, 2011, THE DIVISION SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE, THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE, OR THEIR SUCCESSOR COMMITTEES, REGARDING THE STATUS OF THE ENHANCED UNEMPLOYMENT INSURANCE COMPENSATION BENEFITS PROGRAM AND THE RESULTING OUTCOMES. THE REPORT SHALL INCLUDE AT LEAST THE FOLLOWING:

(a) A DEMOGRAPHIC ANALYSIS OF PARTICIPANTS IN THE ENHANCED UNEMPLOYMENT INSURANCE COMPENSATION BENEFITS PROGRAM UNDER THIS SECTION, INCLUDING THE NUMBER OF CLAIMANTS PER NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODE AND THE GENDER, RACE, AGE, AND GEOGRAPHIC REPRESENTATION OF PARTICIPANTS;

(b) THE DURATION OF THE ENHANCED UNEMPLOYMENT INSURANCE COMPENSATION BENEFITS CLAIMED PER ELIGIBLE UNEMPLOYMENT INSURANCE CLAIMANT;

(c) AN ANALYSIS OF THE TRAINING PROVIDED TO PARTICIPANTS, INCLUDING THE OCCUPATIONAL CATEGORY SUPPORTED BY THE TRAINING, THOSE PARTICIPANTS WHO COMPLETED TRAINING IN RELATIONSHIP TO THOSE THAT DO NOT COMPLETE TRAINING, AND THE REASONS FOR NONCOMPLETION OF APPROVED TRAINING PROGRAMS;

(d) THE EMPLOYMENT AND WAGE HISTORY OF PARTICIPANTS, INCLUDING THE PRE-TRAINING AND POST-TRAINING WAGE AND WHETHER THOSE PARTICIPATING IN TRAINING RETURN TO THEIR PREVIOUS EMPLOYER

**COLORADO'S APPLICATION FOR UNEMPLOYMENT COMPENSATION  
MODERNIZATION INCENTIVE PAYMENTS**

**ATTACHMENT II**

OR OCCUPATION AFTER TRAINING;

(e) AN IDENTIFICATION AND ANALYSIS OF ADMINISTRATIVE COSTS AT BOTH THE LOCAL AND STATE LEVEL FOR ADMINISTERING THE ENHANCED UNEMPLOYMENT INSURANCE COMPENSATION BENEFITS PROGRAM.

(7) ANY ENHANCED UNEMPLOYMENT INSURANCE COMPENSATION BENEFITS AWARDED PURSUANT TO THIS SECTION TO AN ELIGIBLE UNEMPLOYMENT INSURANCE CLAIMANT THAT ARE NORMALLY CHARGEABLE TO THE EMPLOYER SHALL BE CHARGED TO THE FUND.

(8) AS USED IN THIS SECTION:

(a) (I) "APPROVED TRAINING PROGRAM" MEANS A VOCATIONAL TRAINING OR REGISTERED APPRENTICESHIP PROGRAM APPROVED BY THE DIRECTOR OF THE DIVISION THAT:

(A) IS TARGETED TO TRAINING FOR A HIGH-DEMAND OCCUPATION, AN OCCUPATION THAT WOULD BE MORE STABLE AND LONG-TERM FOR THE UNEMPLOYMENT INSURANCE CLAIMANT, OR AN OCCUPATION IN THE RENEWABLE ENERGY INDUSTRY; AND

(B) IS LIKELY TO ENHANCE THE UNEMPLOYMENT INSURANCE CLAIMANT'S MARKETABLE SKILLS AND EARNING POWER.

(II) "APPROVED TRAINING PROGRAM" DOES NOT INCLUDE ANY COURSE OF EDUCATION PRIMARILY INTENDED TO MEET THE REQUIREMENTS OF AN ASSOCIATE, BACCALAUREATE, OR HIGHER DEGREE, UNLESS THE TRAINING MEETS SPECIFIC REQUIREMENTS FOR CERTIFICATION, LICENSING, OR SPECIFIC SKILLS NECESSARY FOR THE OCCUPATION.

(b) "ELIGIBLE UNEMPLOYMENT INSURANCE CLAIMANT" MEANS AN UNEMPLOYMENT INSURANCE CLAIMANT ON A REGULAR STATE UNEMPLOYMENT CLAIM WHO IS RECEIVING BENEFITS PURSUANT TO SECTION 8-73-108 AND IS ELIGIBLE FOR ENHANCED UNEMPLOYMENT INSURANCE COMPENSATION BENEFITS PURSUANT TO THIS SECTION.

(c) "ENHANCED UNEMPLOYMENT INSURANCE COMPENSATION BENEFITS" MEANS ADDITIONAL BENEFITS PAID TO AN ELIGIBLE UNEMPLOYMENT INSURANCE CLAIMANT IN ACCORDANCE WITH THIS SECTION.

COLORADO'S APPLICATION FOR UNEMPLOYMENT COMPENSATION  
MODERNIZATION INCENTIVE PAYMENTS

ATTACHMENT II

(d) "TRAINING PROGRAM PROVIDER" MEANS A POSTSECONDARY EDUCATIONAL INSTITUTION, INCLUDING AN INSTITUTION OF HIGHER EDUCATION, A COMMUNITY OR TECHNICAL COLLEGE, AND AN OCCUPATIONAL EDUCATION PROGRAM, PROVIDING A TRAINING PROGRAM APPROVED BY THE DIVISION OR AUTHORIZED UNDER THE FEDERAL "WORKFORCE INVESTMENT ACT OF 1998", 29 U.S.C. SEC. 2801 ET SEQ., AS AMENDED.

(9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 7. Article 72 of title 8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**8-72-113. Annual report - federal stimulus moneys to expand unemployment benefits - repeal.** (1) (a) BY DECEMBER 31, 2009, AND BY EACH DECEMBER 31 THEREAFTER UNTIL FEDERAL STIMULUS MONEYS HAVE BEEN EXHAUSTED, THE DIVISION, IN CONNECTION WITH ITS REPORTING REQUIREMENTS SET FORTH IN SECTION 8-73-114 (6), SHALL REPORT ON THE TOTAL ACCUMULATED FEDERAL STIMULUS MONEYS EXPENDED AS OF DECEMBER 1 OF THE YEAR IN WHICH THE REPORT IS SUBMITTED IN CONNECTION WITH THE EXPANSION OF UNEMPLOYMENT INSURANCE BENEFITS ENACTED BY SENATE BILL 09-247 IN 2009. THE REPORT SHALL DELINEATE THE PORTIONS OF THE FEDERAL STIMULUS MONEYS EXPENDED IN CONNECTION WITH EACH AREA OF EXPANSION OF UNEMPLOYMENT INSURANCE BENEFITS ENACTED PURSUANT TO SENATE BILL 09-247.

(b) AS USED IN THIS SECTION, "FEDERAL STIMULUS MONEYS" MEANS UNEMPLOYMENT COMPENSATION MODERNIZATION INCENTIVE PAYMENTS MADE TO THE STATE'S UNEMPLOYMENT TRUST FUND IN ACCORDANCE WITH THE FEDERAL "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009", PUB.L. 111-5, FOR ENACTING UNEMPLOYMENT COMPENSATION MODERNIZATION AS REQUIRED BY THE FEDERAL ACT.

(2) (a) THIS SECTION IS REPEALED, EFFECTIVE WHEN THE STATE HAS EXHAUSTED ALL OF THE FEDERAL STIMULUS MONEYS PROVIDED TO THE STATE TO FUND THE EXPANSION OF UNEMPLOYMENT INSURANCE BENEFITS ENACTED BY SENATE BILL 09-247 IN 2009.

(b) THE DIRECTOR OF THE DIVISION SHALL NOTIFY THE REVISOR OF STATUTES, IN WRITING, WHEN THE CONDITION SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2) HAS BEEN SATISFIED.

**COLORADO'S APPLICATION FOR UNEMPLOYMENT COMPENSATION  
MODERNIZATION INCENTIVE PAYMENTS**

**ATTACHMENT II**

**SECTION 8.** 8-75-101, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**8-75-101. Definitions.** As used in this article, unless the context otherwise requires:

(4.5) "HIGH UNEMPLOYMENT PERIOD" MEANS A PERIOD IN WHICH THE SEASONALLY ADJUSTED TOTAL UNEMPLOYMENT RATE, AS DETERMINED BY THE UNITED STATES SECRETARY OF LABOR, FOR THE MOST RECENT THREE MONTHS FOR WHICH DATA FOR ALL STATES IS PUBLISHED, EQUALS OR EXCEEDS EIGHT PERCENT.

(9.5) "TOTAL UNEMPLOYMENT RATE" OR "TUR" MEANS THE PERCENTAGE DERIVED BY DIVIDING THE NUMBER OF ALL UNEMPLOYED PERSONS IN THE CIVILIAN LABOR FORCE BY THE NUMBER OF INDIVIDUALS COMPRISING THE TOTAL LABOR FORCE, INCLUDING BOTH EMPLOYED AND UNEMPLOYED INDIVIDUALS, AND THEN MULTIPLYING THAT NUMBER BY ONE HUNDRED.

**SECTION 9.** Article 75 of title 8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**8-75-108. Total unemployment rate extended benefits.** (1) WITH RESPECT TO WEEKS OF UNEMPLOYMENT BEGINNING ON OR AFTER MARCH 22, 2009, AND ENDING ON DECEMBER 5, 2009, OR FOUR WEEKS BEFORE THE LAST WEEK FOR WHICH FEDERAL SHARING IS AUTHORIZED BY SECTION 2005 (a) OF PUB.L. 111-5 AND ANY AMENDMENTS THERETO, WHICHEVER IS LATER:

(a) THERE IS AN "ON" INDICATOR FOR A WEEK OF TUR EXTENDED BENEFITS, IN THE AMOUNT DETERMINED PURSUANT TO SECTIONS 8-75-104 AND 8-75-105, IF ALL OF THE FOLLOWING APPLIES:

(I) THE SEASONALLY ADJUSTED TUR, AS DETERMINED BY THE UNITED STATES SECRETARY OF LABOR, FOR THE MOST RECENT THREE MONTHS FOR WHICH DATA FOR ALL STATES IS PUBLISHED, EQUALS OR EXCEEDS SIX AND ONE-HALF PERCENT; AND

(II) THE AVERAGE TUR IN THE STATE EQUALS OR EXCEEDS ONE HUNDRED TEN PERCENT OF THE TUR FOR EITHER OR BOTH OF THE

**COLORADO'S APPLICATION FOR UNEMPLOYMENT COMPENSATION  
MODERNIZATION INCENTIVE PAYMENTS**

**ATTACHMENT II**

CORRESPONDING THREE-MONTH PERIODS IN THE TWO PRECEDING CALENDAR YEARS.

(b) THERE IS AN "OFF" INDICATOR FOR WEEKS OF TUR EXTENDED BENEFITS IF ANY OF THE FOLLOWING APPLIES:

(I) THE TUR FALLS BELOW SIX AND ONE-HALF PERCENT; OR

(II) THE REQUIREMENTS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (1) ARE NOT SATISFIED.

(2) THE TOTAL AMOUNT OF TUR EXTENDED BENEFITS PAYABLE IN A HIGH UNEMPLOYMENT PERIOD TO AN ELIGIBLE INDIVIDUAL WITH RESPECT TO HIS OR HER APPLICABLE BENEFIT YEAR SHALL BE THE LEAST OF THE FOLLOWING AMOUNTS:

(a) EIGHTY PERCENT OF THE TOTAL AMOUNT OF REGULAR BENEFITS THAT WERE PAYABLE TO THE ELIGIBLE INDIVIDUAL UNDER ARTICLES 70 TO 82 OF THIS TITLE IN THE APPLICABLE BENEFIT YEAR; OR

(b) TWENTY TIMES THE WEEKLY BENEFIT AMOUNT THAT WAS PAYABLE TO THE ELIGIBLE INDIVIDUAL UNDER ARTICLES 70 TO 82 OF THIS TITLE FOR A WEEK OF TOTAL UNEMPLOYMENT IN THE APPLICABLE BENEFIT YEAR.

**SECTION 10. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the unemployment compensation fund, created in section 8-77-101 (1) (a), Colorado revised statutes, not otherwise appropriated, to the department of labor and employment, for allocation to the division of employment and training, for the fiscal year beginning July 1, 2009, the sum of two hundred thirty-four thousand one hundred ninety-two dollars (\$234,192), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of the Colorado unemployment insurance trust fund, created in section 8-77-102 (4), Colorado revised statutes, from moneys distributed in accordance with Section 903 (g) of the federal Social Security Act, not otherwise appropriated, to the department of labor and employment, for allocation to the division of employment and training, for

**COLORADO'S APPLICATION FOR UNEMPLOYMENT COMPENSATION  
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regional workforce center outreach, for the fiscal year beginning July 1, 2009, the sum of five hundred thousand dollars (\$500,000). This amount shall remain available until June 30, 2012.

(3) In addition to any other appropriation, there is hereby appropriated, out of the Colorado unemployment insurance trust fund, created in section 8-77-102 (4), Colorado revised statutes, from moneys distributed in accordance with Section 903 (g) of the federal Social Security Act, not otherwise appropriated, to the department of labor and employment, for allocation to the division of employment and training, for the extended benefits program, for the fiscal year beginning July 1, 2009, the sum of one million fifty-five thousand three hundred ninety-two dollars (\$1,055,392) federal funds, and 6.2 FTE.

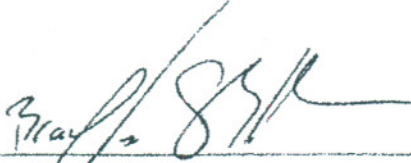
**SECTION 11. Effective date.** This act shall take effect July 1, 2009.

**SECTION 12. Safety clause.** The general assembly hereby finds,

COLORADO'S APPLICATION FOR UNEMPLOYMENT COMPENSATION  
MODERNIZATION INCENTIVE PAYMENTS

ATTACHMENT II

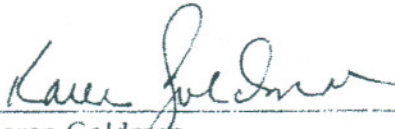
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE



Terrance D. Carroll  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Karen Goldman  
SECRETARY OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED

June 2, 2009 at 5:41 pm.



Bill Ritter, Jr.  
GOVERNOR OF THE STATE OF COLORADO