

Minimum Wage

Department of Labor and Employment, Division of Labor Standards & Statistics
COLORADO OVERTIME & MINIMUM PAY STANDARDS ORDER ("COMPS Order") #38, POSTER & NOTICE
 Division of Labor Standards & Statistics

Effective 1/1/23; must update annually; new poster available each mid-December

Colorado Minimum Wage: \$13.65/hour, or \$10.63 for Tipped Employees, in 2023 (Rule 3)

- The minimum wage is adjusted each year for inflation, so the above amounts are for only 2023
- All employees must be paid at least the minimum wage (unless exempt in Rule 2), whether paid hourly or another way (salary, commission, piecework, etc.), except unaccompanied minors can be paid 15% under full minimum wage
- Use the highest standard if other labor laws also apply, such as Denver's minimum wage (\$17.29 in 2023)

Overtime: 1½ times regular pay rates for hours over 40 weekly, 12 daily, or 12 consecutive (Rule 4)

- Overtime is required each week over 40 hours, or day over 12, even if 2 or more weeks or days average fewer hours
- Employees cannot provide time off ("comp time") instead of time-and-a-half premium pay for overtime hours
- Key variations/exceptions (all detailed in Rules 2.3-2.4):
 - Modified overtime in a small number of health care jobs; exemption for certain heavy vehicle drivers
 - No 40-hour weekly overtime in downhill ski/snowboard jobs (but 56-hour overtime for many under federal pay)
 - Agriculture, as of 1/11/22: overtime after 60 hours; half-hour paid break in days over 12 hours, extra day over 15

Meal Periods: 30 minutes uninterrupted and duty-free, for shifts over 5 hours (Rule 1.5)

- Can be unpaid, but only if employees are completely relieved of all duties, and allowed to pursue personal activities
- If work makes uninterrupted meal periods impractical, eating on-duty must be permitted, and the time must be paid
- To the extent practical, meal periods must be at least 1 hour after starting and 1 hour before ending shifts

Rest Periods: 10 minutes, paid, every 4 hours (Rule 5.2)

#Work Hours:	Up to 2	>2, up to 6	>6, up to 10	>10, up to 14	>14, up to 18	>18, up to 22	>22
#Rest Periods:	0	1	2	3	4	5	6

- Need not be off-site, but must be in minimum wage, and should be in the middle of the 4 hours to the extent practical
- Rest periods are time worked for inclusion wage and overtime purposes, and if employers do not authorize and permit rest periods, they must pay extra for time that would have been rest periods, including for non-hourly-paid employees
- Key variations/exemptions:
 - In some circumstances, 10-minute rest periods can be divided into two 5-minute periods (Rule 5.2.1)
 - Agriculture: certain work requires more breaks; other is exempt (Rules 2.3, & Agricultural Labor Conditions Rules)

Time Worked: Pay for time employers allow performing labor/service for their benefit (Rule 1.5)

- All time on premises, on duty, or at workplaces (but not just letting off-duty employees be on-premises), including:
 - putting on/removing work clothes/gear (but not clothes worn outside work), cleanup/setup, or other off-dock duty
 - waiting for assignments at work, or checking in or sharing work-related information,
 - security/facial screening, or clocking/incoming in or out, or
 - waiting for any of the above tasks.
- Travel for employer benefit is time worked; normal home/work travel is not (details in Rule 1.9.2)
- Sleep time, if sufficiently uninterrupted and lengthy, can be excluded in certain situations (details in Rule 1.9.3).

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

Public Health Rights

Department of Labor and Employment

COLORADO
 Department of Labor and Employment

Colorado Workplace Public Health Rights Poster: PAID LEAVE, WHISTLEBLOWING, & PROTECTIVE EQUIPMENT
Updated July 14, 2023; may be updated periodically

THE HEALTHY FAMILIES & WORKPLACES ACT ("HFWA"); Paid Leave Rights
Coverage: All Colorado employees, of any size, must provide paid leave

- All employees earn 1 hour of paid leave per 30 hours worked ("accrued leave"), up to 48 hours a year.
- Employees are required to be paid their regular pay rate during leave, and the employer must continue their benefits.
- Up to 48 hours of unused accrued leave carries over for use during the next year.
- For details on specific situations (irregular hours, non-hourly pay, etc.), see Wage Protection Rule 3.5, 7 (CD 1100-7).
- Up to 80 hours of supplemental leave applies in a public health emergency (PHE), until 4 weeks after the PHE ends.**

Employees can use accrued leave for the following safety or health needs:

- a mental or physical illness, injury, or health condition that prevents work, including diagnosis or preventive care;
- domestic abuse, sexual assault, or criminal harassment leading to health, relocation, legal, or other services needs;
- caring for a family member experiencing a condition described in category (1) or (2);
- grieving, funeral/memorial attendance, or financial/legal needs after a death of a family member;
- due to imminent weather, power/head/water loss, or other unexpected occurrence, the employees needs to either (a) evacuate their residence, or (b) care for a family member whose school or place of care was closed; or
- in a PHE, a public official closed the workplace, or the school or place of care of the employee's child.

Employer Policies (Notice, Documentation; Incremental Use; Privacy; and Paid Leave Records)

- Written notice and posters.** Employers must (1) provide notice to new employees no later than their other onboarding documentation/posters, and (2) display updated posters, and provide updated notices to current employees by end of year.
- Notice for "reasonable" leave.** Employers may adopt "reasonable procedures" in writing as to how employees should provide notice if they require "reasonable" leave, but **cannot deny paid leave** for noncompliance with such a policy.
- An employer can require documentation to show that accrued leave was for a qualifying reason only if leave was for four or more consecutive work days (or days when an employee would have worked, not calendar days).**
- Documentation is not required to take accrued leave, but can be required as soon as an employee returns to work or registers from work (voluntarily or forced).** No documentation can be required for PHE leave.
- To document leave for an employee (or an employee's family member's) health-related need,** an employer may provide: (1) a document from a health or social services provider if services were received and a document can be obtained in reasonable time and without added expense; otherwise (2) the employee's own writing.
- Documentation as to domestic abuse, sexual assault, or criminal harassment** can be a document or writing under (1) above (e.g. legal or shelter services provider) or (2) above, or legal document (restraining order, police report, etc.)
- If an employer reasonably deems an employee's documentation deficient,** the employer must: (A) notify the employee within seven days of either receiving the documentation or the employee's return to work or separation (whichever is sooner), and (B) give the employee at least seven days to cure the deficiency.
- Incremental Use.** Depending on employer policy, employees can use leave in either hourly or six-minute increments.

Employer Privacy. Employers cannot require employees to disclose "details" about an employee's (or their family's) HFWA-related health or safety information; such information must be treated as a confidential medical record.

Records must be retained and provided upon request. Employers must provide documentation of the current amount of paid leave employees have (1) available for use, and (2) already used during the current benefit year, including any supplemental PHE leave. Information may be requested once per month or when the need for HFWA leave arises.

Retaliation or Interference with HFWA Rights

- Paid leave cannot be counted as an "absence"** that may result in firing or another kind of adverse action.
- An employee can't be required to find a "replacement worker" or job coverage when taking paid leave.**
- An employer cannot fire, threaten, or otherwise retaliate against, or interfere with use of leave by,** an employee who: (1) requests or takes HFWA leave; (2) informs or assists another person in exercising HFWA rights; (3) files a HFWA complaint; or (4) cooperates/assists in investigation of a HFWA violation.
- If an employer's reasonable, good-faith HFWA complaint, request, or other activity is incorrect,** an employer need not agree or grant it, but cannot act against the employee for it. Employees can face consequences for misusing leave.

PROTECTED HEALTH/SAFETY EXPRESSION & WHISTLEBLOWING ("PHEW"):
Worker Rights to Express Workplace Health/Safety Concerns & Use Protective Equipment

Coverage: All Employees and Employers, Plus Certain Independent Contractors

PHEW covers not just "employees" and "employers," but all "principals" (an employer or a business with at least 5 independent contractors) and "workers" (employees or independent contractor working for a "principal").

Worker Rights to Express Workplace Health/Safety Violations:

- It is unlawful to **retaliate against, or interfere with,** the following acts:
 - raising workplace concerns, including informally, to the principal, other workers, the government, or the public, about workplace violations of government health or safety rules, or a significant workplace health or safety threat;
 - opposing or testifying, assisting, or participating in an investigation or proceeding about retaliation for, or interference with, the above-listed conduct;
- A principal need not address a worker's PHEW-related concern, but it still cannot take the worker other action against the worker for raising such a concern, as long as the concern was reasonable and in good faith.

Workers' Rights to Use Their Own Personal Protective Equipment ("PPE"):

- A worker must be allowed to **voluntarily wear their own PPE** (mask, faceguard, gloves, etc.) if the PPE (1) provides **more protection** than equipment provided at the workplace, (2) is **recommended** by a government health agency (federal, state, or local), and (3) does not make the worker **unable to do the job**.

COMPLAINT RIGHTS (under both HFWA & PHEW)

- Report violations to the Division as complaints or anonymous tips, or file in court after exhausting pre-lawuit remedies.

This Poster summarizes two Colorado workplace public health laws: C.R.S. § 8-13.3-401 et seq. (paid leave), and C.R.S. § 8-14.4-101 et seq. (health and safety whistleblowing) including amendments current as of the date of this poster; it does not cover other health or safety laws, rules, and orders, including under the Federal Occupational Safety and Health Act (OSHA), from the Colorado Department of Public Health and Environment (CDPHE), or the Colorado Department of Health and Safety. Contact those agencies for such health and safety information.

**In a PHE, employees gain additional hours of leave for inability to work, testing, quarantining, caring for family in such situations, and related needs. No PHE is now in effect; this poster will be updated if one is declared. This poster must be displayed where easily accessible to workers, shared with remote workers, provided in other languages as needed, and replaced with any annually updated versions. This Poster is a summary and cannot be relied on as a complete labor law information. For all rules, fact sheets, translations, questions, or complaints, contact: DIVISION OF LABOR STANDARDS & STATISTICS, ColoradoLaborLaw.gov, cdle_labor_standards@state.co.us, 303-316-8441 / 888-390-7936.

Employment Security Act

NOTICE TO WORKERS

YOU HAVE THE RIGHT TO BE:

- Properly classified as an employee or an independent contractor
- Paid accurately and timely for the services you perform

There are resources available to you if you believe you are being subject to improper classification or inaccurate payment practices by your employer. For more information, go to WorkRight.cde.ca

Employers are required to follow the law when paying hourly wages, overtime, and properly covering you for unemployment insurance and workers' compensation purposes. As a worker, you have certain rights as an employee vs. independent contractor.

Improper classification (often called misclassification) of employees as independent contractors and other labor law violations create many problems, both for law-abiding businesses and for workers in Colorado.

If you believe you have been **improperly classified** as an independent contractor and are really performing duties that fit the criteria of an employee, visit colorado.gov/cde/ltr/etm or call us at 303-316-9100 or 1-800-388-5315. To be classified as an employee, you must meet the criteria in Colorado Revised Statute § 8-70-115. You can read the law online and find out more at colorado.gov/ProperClassification.

As an employee, you are entitled to unemployment insurance benefits if you become unemployed through no fault of your own. **Your employer contributes to unemployment insurance and cannot deduct this from your wages.**

If you become unemployed and wish to file for unemployment insurance benefits, go to colorado.gov and click on File a Claim. If you have hours of work and pay are reduced, you may be entitled to partial unemployment benefits.

If you cannot access a computer, call one of the following numbers: 303-316-9000 (Denver metro area) or 1-800-388-5315 (outside Denver metro area); hearing impaired 303-316-9034 (TDD) (Denver metro area) or 1-800-896-7780 (TDD) (outside Denver metro area).

EMPLOYERS ARE REQUIRED BY LAW TO POST THIS NOTICE

Colorado Employment Security Act, § 8-74-101(2); Regulation Concerning Employment Security 7.3.1 through 7.3.5

Employers can download copies of this poster at colorado.gov/employers, then click on Forms / Publications.

COLORE

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COLORADO

Department of Labor and Employment

IT STARTS WITH YOU

Building a better Colorado

Discrimination

Department of Regulatory Agencies,
 Colorado Civil Rights Division

Colorado Law Prohibits Discrimination in: EMPLOYMENT

C.R.S. § 24-34-401 et seq.

IT SHALL BE A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE:
 TO REFUSE TO HIRE, TO DISCHARGE, TO PROMOTE OR DENOTE, TO HARBOR during the course of employment, or to discriminate IN MATTERS OF COMPENSATION, TERMS, CONDITIONS, OR PRIVILEGES of employment,

BECAUSE OF:
 DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, RELIGION, AGE, NATIONAL ORIGIN or ANCESTRY, MARITAL STATUS, or, in certain circumstances, MARITAL STATUS TO A CONSUMER.

REASONABLE ACCOMMODATIONS FOR DISABILITIES:
 An employee with a disability is entitled to a reasonable accommodation(s) which is necessary to perform the essential functions of the job. An accommodation is not reasonable if its provision would result in an undue hardship on the employer's business.

PREGNANT WORKERS FAIRNESS ACT — C.R.S. § 24-34-402.3
 An employee with a health condition(s) related to pregnancy or physical recovery from childbirth is entitled to a reasonable accommodation(s) necessary to perform the essential functions of the job. An accommodation is not reasonable if its provision would result in an undue hardship on the employer's business.

RETALIATION PROHIBITED — C.R.S. § 24-34-402(e)
 It is a discriminatory act to retaliate against a person who opposes a discriminatory practice or who participates in a discrimination investigation, proceeding or hearing.

SHARING WAGE INFORMATION PROTECTED — C.R.S. § 24-34-402(i)
 An employer shall not discharge, discipline, discriminate against, coerce, intimidate, threaten, or interfere with an employee or person due to an inquiry, disclosure or discussion of wages. An employer shall not require an employee to waive the right to disclose wage information.

CROWN Act of 2020:
 Discrimination on the basis of one's size includes hair texture, hair type, or a protective hairstyle commonly or historically associated with race, such as braids, locs, twists, tight curls or curls, cornrows, Bantu knots, Afros, and headwraps, etc. 9/13/20.

TO FILE A COMPLAINT OF DISCRIMINATION, OR FOR MORE INFORMATION CONTACT THE COLORADO CIVIL RIGHTS DIVISION:
 1560 BROADWAY, LOBBY WELCOME CENTER, SUITE # 110, DENVER, CO 80202
 MAIN PHONE: 303-694-2997; HOTLINE/ESPANOL: 720-432-4294; TOLL FREE: 800-262-4845; TDD: 800-262-4845; RELAY: 877-334-2000; 303-694-7936; EMAIL: ccrd@colorado.gov; ccrd.org

CLAIMS ASSERTING EMPLOYMENT DISCRIMINATION MUST BE FILED AS A FORMAL COMPLAINT WITHIN 300-DAYS* FROM NOTICE OF THE EMPLOYMENT ACTION.

***With respect to discriminatory Employment Incidents occurring on or before August 9, 2022, a statutory six (6) month filing deadline applies.**

Division Director, Aubrey Elenis, Esq. ccrd.colorado.gov REV. 08/2023

Payday

COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT
 DIVISION OF LABOR STANDARDS AND STATISTICS

www.colorado.gov/cde/labor

NOTICE OF PAYDAYS

In accordance with 8-4-107, C.R.S.:

- Every employer shall post and keep posted conspicuously at the place of work if practicable, or otherwise where it can be seen as employees come or go to their places of work, or at the office or agency for payment kept by the employer a notice specifying the regular paydays and the time and place of payment, in accordance with the provisions of section 8-4-105, and also any changes concerning them which occur from time to time.
- Pay periods can be no greater duration than a calendar month or 30 days, whichever is longer. Payday must occur no later than 10 days following the close of each pay period.

8-4-103, C.R.S.

EMPLOYEES ARE PAID ON REGULAR PAYDAYS AS FOLLOWS:

Tue: _____

Fri: _____

This form is provided as a courtesy by the Colorado Division of Labor Standards and Statistics. Other Notice of Paydays Posters may be acceptable provided that they contain the elements and information required by 8-4-107, C.R.S.

FAMLI

Department of Labor and Employment

COLORADO Family and Medical Leave Insurance Program (FAMLI)

Department of Labor and Employment

2023 FAMLI Program Notice

Deductions from Employee Wages start January 1, 2023

- The employee share of FAMLI premiums is set at 0.45% of employee wages through 2024. For 2023 and beyond, the director of the FAMLI Division sets the premium rate according to a formula based on the necessary value of the fund each year. Employees with a total of five or more employees nationwide must also contribute an additional 0.45% of wages for a total of 0.9%, but employers with one or fewer employees are only responsible for sending the 0.45% employee share to the FAMLI Division.
- Starting in 2023, employers may begin deducting up to 0.45% from employees' wages for FAMLI contributions.** This can be done through a simple payroll deduction, and employers will notice the deduction on their regular paychecks. Employers are responsible for collecting those deductions and sending them into the FAMLI Division on behalf of their employees once a quarter.

Benefits start January 1, 2024

- Starting in 2024, paid family and medical leave benefits are available to most Colorado employees who have a qualifying condition and who earned \$200 over the previous year for work performed in Colorado.
- The qualifying conditions for paid family and medical leave are:
 - Caring for a new child during the first year after their birth, adoption, or foster care placement of that child.
 - Caring for a family member with a serious health condition.
 - Caring for your own serious health condition.
 - Making arrangements for a family member's military deployment.
 - Obtaining legal housing, care, and/or legal assistance in response to domestic violence, stalking, sexual assault, or sexual abuse.
- Covered employees are entitled to up to 12 weeks of paid family and medical leave per year. Individuals with serious health conditions caused by pregnancy complications or childbirth circumstances are entitled to up to 4 more weeks of paid family and medical leave per year for a total of 16 weeks.
- Leave may be taken continuously, intermittently, or in the form of a reduced schedule.
- Leave will be paid at a rate of up to 90% of the employee's average weekly wage, based on a sliding scale. Employees may estimate their benefits by using the benefits calculator available at famli.colorado.gov.
- You don't have to work for your employer's minimum amount of time in order to qualify for paid family and medical leave benefits.
- If FAMLI leave is used for a reason that also qualifies as leave under the federal FMLA, then the leave will also count as FMLA leave used.

Employer may choose to use sick leave or other paid time off before using FAMLI benefits, but they are not required to do so.

Filing Claims

- Employees and employers may mutually agree to supplement FAMLI benefits with sick leave or other paid time off in order to provide full wage replacement.
- Employees will not be able to file for benefits until the last quarter of 2023. Benefits will be available starting January 2024. Instructions on how to apply for benefits will be available on famli.colorado.gov in the last quarter of 2023.
- Employees or their designated representatives apply for FAMLI benefits by submitting an application, along with required documentation, directly to the FAMLI Division. Employers cannot make employees apply for FAMLI benefits. Applications may be submitted in advance of the absence from work, and in some circumstances, they may be submitted after the absence has begun.
- Approved applications will be paid by the FAMLI Division within two weeks after the claim is properly filed, and every two weeks thereafter for the duration of the approved leave.
- Employees can appeal claim determinations to the FAMLI Division.
- Individuals who attempt to defraud the FAMLI program may be disqualified from receiving benefits.

Job protection and continued benefits

- Employees must maintain health care benefits for employees while they are on FAMLI leave, and both the employer and the employee remain responsible for paying for those benefits in the same amounts as before the leave began.
- An employee who has worked for the employer at least 180 days is entitled to return to the same position, or an equivalent position, upon their return from FAMLI leave.

Retaliation, Discrimination, and Interference Prohibited

- Employees may not interfere with employees' rights under FAMLI, and may not discriminate or retaliate against them for exercising those rights.
- Employers who suffer retaliation, discrimination, or interference may file suit in court, or may file a complaint with the FAMLI Division.

Other Important Information

- An employer may offer a private plan that provides the same benefits as the state FAMLI plan, and imposes no additional costs or restrictions. Private plans must be approved by the FAMLI Division.
- STATE OF COLORADO 8/8/26
- Employees and employers are encouraged to report FAMLI violations to the FAMLI Division.

NOTICE

IF YOU ARE INJURED ON THE JOB, YOU HAVE RIGHTS UNDER THE COLORADO WORKERS' COMPENSATION ACT. YOUR EMPLOYER IS REQUIRED BY LAW TO HAVE WORKERS' COMPENSATION INSURANCE. THE COST OF THE INSURANCE IS PAID ENTIRELY BY YOUR EMPLOYER. IF YOUR EMPLOYER DOES NOT HAVE WORKERS' COMPENSATION INSURANCE, YOU STILL HAVE RIGHTS UNDER THE LAW. IT IS AGAINST THE LAW FOR YOUR EMPLOYER TO HAVE A POLICY CONTRARY TO THE REPORTING REQUIREMENTS SET FORTH IN THE COLORADO WORKERS' COMPENSATION ACT. YOUR EMPLOYER IS INSURED THROUGH:

(Please write or type your insurance carrier name and contact information here.)

IF YOU ARE INJURED ON THE JOB, NOTIFY YOUR EMPLOYER AS SOON AS YOU ARE ABLE, AND REPORT YOUR INJURY TO YOUR EMPLOYER IN WRITING WITHIN 10 DAYS AFTER THE INJURY. IF YOU DO NOT ADVISE YOUR EMPLOYER IF YOU NEED MEDICAL TREATMENT. IF YOU OBTAIN MEDICAL CARE, BE SURE TO REPORT TO YOUR EMPLOYER AND HEALTH-CARE PROVIDER HOW, WHEN, AND WHERE THE INJURY OCCURRED.

YOU MAY FILE A WORKER'S CLAIM FOR COMPENSATION WITH THE DIVISION OF WORKERS' COMPENSATION. TO OBTAIN FORMS OR INFORMATION REGARDING THE WORKERS' COMPENSATION SYSTEM, THE CUSTOMER SERVICE CONTACT INFORMATION FOR THE DIVISION OF WORKERS' COMPENSATION IS:

Division of Workers' Compensation

633 17th Street, Suite 400 Denver, CO 80202

303-318-8700


1-888-390-7936 (Toll-Free)

cdle.colorado.gov/dwc

WC50

REV. 08/2022



TWO ways to verify poster compliance!

QR CODE Scan with phone camera: 

OR

ONLINE Go to: JKeller.com/LLPverify
 Enter this code: 69334-092023

To update your labor law posters contact
 J. J. Keller & Associates, Inc.
JKeller.com/Laborlaw
 800-327-6868

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