



Colorado Labor and Employment Laws

Colorado Wage Act

The Colorado Wage Act (C.R.S. 8-4-101 *et seq.*) requires Colorado employers to pay employees their earned wages in a timely manner. The Wage Act is commonly referred to as the Colorado Wage Law or Colorado Wage Claim Act.

COVERAGE

Applies to private sector employers in Colorado.
Does not apply to public sector employers.
Does not apply to independent contractors.

DEFINITION OF WAGES

- Wages are defined as all earned, vested, and determinable amounts for labor or service performed by employees, regardless of the method of calculation (e.g., time, task, piece, commission, etc.).
- Bonuses or commissions earned in accordance with the terms of any agreement are wages.
- Vacation pay earned in accordance with the terms of any agreement is wages.
- Severance pay is not defined as wages.

PAY PERIODS AND PAYDAYS

- Pay periods can be no greater duration than a calendar month or 30 days, whichever greater.
- Paydays must occur no later than 10 days following the close of each pay period.

PAY STATEMENTS

At least monthly, or at the time of payment of wages, the employer must furnish to the employee an itemized pay statement in writing showing:

- Gross and net wages
- All withholdings and deductions
- Inclusive dates of the pay period
- Name of the employee or SS#
- Name and address of the employer

DIRECT DEPOSIT

Payment of wages by direct deposit must be voluntarily authorized by the employee. Such direct deposit must be in the financial institution chosen by the employee.

POSTING REQUIREMENTS

Employer must post conspicuously a notice specifying the regular paydays and the time and place of payment. The notice must include any changes to paydays & time and place of payment.

DEDUCTIONS FROM WAGES

Permissible deductions from wages include:

1. Deductions mandated by local, state, or federal law, such as taxes, FICA requirements, garnishments, and court-ordered deductions.
2. Deductions for loans, advances, goods or services, and equipment or property provided by an employer to an employee pursuant to an enforceable written agreement.
3. Deductions to cover the cost for theft if a report has been properly filed with law enforcement.
4. Deductions authorized by an employee that are revocable, including medical insurance, savings plans, stock purchases, pension plans, charities, and deposits to financial institutions.
5. Deductions for the amount of money or value of property that the employee failed to properly pay or return when the terminated employee was entrusted with such money or property.
6. Deductions below the minimum wage applicable under FLSA are not authorized.

FINAL PAY

Wages must be delivered to either the work site, employer's local office, or the employee's last known mailing address as follows:

Employer ends the employment relationship

1. If the accounting unit is scheduled to be operational, pay is due immediately.
2. If the accounting unit is not scheduled to be operational, pay is due not later than 6 hours after the start of the accounting unit's next regular workday.
3. If the accounting unit is located off-site, then wages are due no later than 24 hours after the start of the accounting unit's next regular workday.

Employee quits or resigns

Wages are due by or on the next regular payday.

WAGES OWED / PAY DEMAND

If an employer refuses to pay all wages earned and vested through the employee's last day of employment, the employee may:

1. Make a written demand within 60 days after the date of separation specifying where to send the wages.
2. If the employee's earned wages are not mailed to the place specified in the demand and postmarked within 10 days after the receipt of the demand, the employer shall be liable for the wages **and** an amount equal to the greater of 50% of the wages due or the employee's average daily wages, not to exceed 10 days, until such payment is made.
3. The employee may only recover the above penalties in court; the Division cannot recover penalties for employees.

ENFORCEMENT

1. The Director of the Division of Labor is required or authorized to conduct investigations and inquiries regarding alleged violations of the Wage Act.
2. District Attorneys in Colorado may prosecute violations of the Wage Act.
3. Employees may pursue wages in a civil action.

DISCRIMINATION PROHIBITED

Employers may not intimidate, threaten, restrain, coerce, discharge, or in any manner discriminate against any employee who has filed a complaint under the Wage Act.

NONWAIVER OF RIGHTS

Any agreement, written or oral, by any employee purporting to waive or modify such employee's rights in violation of the Wage Act shall be void.

STATUTE OF LIMITATIONS

All actions brought pursuant to the Wage Act shall be commenced within 2 years after the cause of action accrues. Willful violations of the Wage Act shall be commenced within 3 years after the cause of action accrues.

This complimentary guide is provided by the Colorado Division of Labor. Its condensed and simplified content is for general informational purposes only, and does not constitute legal advice. For more information contact the Division, an attorney, or an HR professional.

Colorado Emergency Minimum Wage Order

The Colorado Emergency Minimum Wage Order (7 CCR § 1103-1) regulates wages, hours, working conditions, and procedures for certain employers and employees in Colorado. The Wage Order is promulgated by the Colorado Division of Labor. The Wage Order, in some instances, provides different requirements than FLSA. Contact the U.S. DOL for information on FLSA and federal wage and hour laws (www.dol.gov or 1-866-4USWAGE).

| INDUSTRY COVERAGE | TIME WORKED | EXEMPTIONS |
|---|--|---|
| <p>Applies to private sector employers & employees in Colorado in the following 4 industries:</p> <ol style="list-style-type: none"> Retail and Service Commercial Support Service Food and Beverage Health and Medical <p>Does not apply to public sector employers.</p> <p>Does not apply to independent contractors.</p> <p>Does not apply to a variety of other industries such as construction, manufacturing, wholesale.</p> | <p>The time during which an employee is subject to the control of an employer, including all the time when the employee is suffered or permitted to work whether or not required to do so, is compensable work time.</p> <p><u>Travel time</u> All travel time spent at the control and direction of the employer, excluding normal home to work travel, is compensable work time.</p> <p><u>Sleep time: 24+ hours tour of duty</u> Up to 8 hours of sleeping time can be excluded from compensable work time under certain circumstances.</p> <p><u>Sleep time: Less than 24 hours tour of duty</u> Periods during which the employee is permitted to sleep are compensable work time, as long as the employee is on-duty.</p> | <p><i>Contact the Division for more information on the following exemptions:</i></p> <ol style="list-style-type: none"> Administrative Executive/Supervisor Professional Outside sales Domestic employees Companions Casual babysitters Property managers Interstate drivers Driver helpers, loaders, mechanics Taxicab drivers Elected officials Volunteers Interns Prisoners |
| MINIMUM WAGE | OVERTIME | ENFORCEMENT |
| <p>Minimum wage (MW) is \$6.85 per hour for all adult employees and emancipated minors.</p> <p><u>Minimum wage credits and exceptions</u></p> <ol style="list-style-type: none"> Up to \$25 per week for lodging furnished by the employer may count towards MW. Reasonable cost of meals provided to the employee may count towards MW. Unemancipated minors under 18 may be paid \$5.82 per hour. Employees with physical disability certified by the Director may be paid \$5.82 per hour. Deductions from wages must be in accordance with the Wage Act. | <p>In general, non-exempt employees covered by the Wage Order must be paid time and one-half their regular rate of pay for any work in excess of:</p> <ol style="list-style-type: none"> 40 hours per workweek. 12 hours per workday. 12 consecutive hours without regard to the start and end time of the workday. <p><u>Exemptions from overtime</u></p> <ol style="list-style-type: none"> Salespersons, parts-persons, and mechanics employed by automobile, truck, or farm implement dealers. Certain commissioned salespersons in retail and service. Certain ski industry employees. Certain medical transportation employees. | <ul style="list-style-type: none"> The Division has jurisdiction over all questions of fact regarding the Wage Order. Any person may file a written complaint with the Division regarding alleged violations of the Wage Order. Complaints must be filed within 2 years of the alleged violation. |
| TIPPED EMPLOYEES | MEAL PERIODS | REPRISALS |
| <ol style="list-style-type: none"> An employee engaged in an occupation where he or she customarily and regularly receives more than \$30 per month in tips is defined as a tipped employee. Employers must pay a wage of at least \$3.83 per hour. If tips combined with wages do not equal minimum wage, the employer must make up the difference in cash wages. Employer-required sharing of tips with employees who are not customarily tipped (e.g., management, chefs) nullifies tip credits towards minimum wage. Deduction of credit card processing fees from tipped employees nullifies tip credits towards minimum wage. | <ol style="list-style-type: none"> Employees are entitled to an uninterrupted and duty-free 30-minute unpaid meal period when their work shift exceeds 5 consecutive hours. The employee must be completely relieved of all duties for the meal period. If the above conditions are not met, then the employee must be allowed to consume a meal on-duty, and be compensated for the entire on-duty meal period. | <p>Employers shall not threaten, coerce, or discharge any employee because of participation in any investigation or hearing related to the Minimum Wage Act (C.R.S. 8-6-101 <i>et seq.</i>)</p> |
| UNIFORMS | REST PERIODS | DUAL JURISDICTION |
| <ol style="list-style-type: none"> The employer must pay the cost of the employee uniform if the uniform requires a specific make, logo, or material. Clothing that is considered ordinary street-wear does not constitute a uniform. Employers may require a reasonable deposit up to 50% of the cost of the uniform; must be refunded to the employee upon return. | <ul style="list-style-type: none"> Employees are entitled to a compensated 10-minute rest period for each 4 hours of work or major fractions thereof. Wages may not be deducted for the rest period. It is not required that the employee be permitted to leave the premises for the rest period. | <p>Whenever employers are subject to both federal and Colorado law, the law providing the greater protection or benefit for the employee will apply.</p> |
| POSTING REQUIREMENTS | | |
| <p>Employers covered by the Wage Order must display a Wage Order poster in an area frequented by employees during the workday. Visit www.coworkforce.com/lab to obtain a free poster.</p> | | |

Colorado Youth Law

The Colorado Youth Employment Opportunity Act (C.R.S. 8-12-101 *et seq.*) regulates the employment of minors in Colorado. The Fair Labor Standards Act (FLSA) and its regulations do not permit the employment of minors in a variety of circumstances. When both federal and state laws apply, the more stringent standard must be observed. Contact the U.S. DOL for information on FLSA and federal youth laws (www.dol.gov or 1-866-4USWAGE).

DEFINITION OF A MINOR

A minor is any person under the age of 18, except a person who has received a high school diploma or a passing score on the general educational development (GED) examination.

EXEMPTIONS FROM CYEOA

The CYEOA does not generally apply to the following:

1. Schoolwork and supervised educational activities.
2. Home chores.
3. Work done for a parent or guardian, except where the parent or guardian receives any payment therefore.
4. Newsboys and newspaper carriers.
5. Actors, models, and performers are exempt from the age-related restrictions for minors under age fourteen.

WORK PERMITS

Work permits are **not** required by Colorado law.

Age Certificates

Any employer desiring proof of the age of any minor employee or prospective employee may require the minor to submit an age certificate. Age certificates are issued by or under the authority of the school superintendent of the district or county in which the applicant resides.

School Release Permits

Any minor fourteen or fifteen years of age who wishes to work on school days during school hours shall first secure a school release permit. Such permit is issued only by the school district superintendent, his agent, or some other person designated by the board of education.

REQUEST AN EXEMPTION

- The Director may grant exemptions from some provisions of the CYEOA.
- Any employer, minor, minor's parents or guardian, school official, or youth employment specialist may request an exemption.
- Exemptions are evaluated on a case-by-case basis, and are granted or denied in accordance with the best interests of the minor.
- Exemption determinations involve the scrutiny of such factors as the minor's previous training and safety concerns.

PERMISSIBLE OCCUPATIONS

Minors under the age of 9 cannot generally be employed.

Permissible at age 9 or older:

1. Delivery of handbills and advertising.
2. Shoeshining.
3. Gardening and care of lawns involving no power-driven lawn equipment.
4. Cleaning of walks involving no power-driven snow-removal equipment.
5. Casual work usual to the home of the employer and not specifically prohibited.
6. Caddying on golf courses.
7. Occupations similar to the above.

Permissible at age 12 or older:

1. Sale and delivery of periodicals.
2. Door-to-door selling and delivery of merchandise.
3. Baby-sitting.
4. Gardening and care of lawns, and cleaning of walks; contact the Division regarding use of power-driven equipment.
5. Non-hazardous agricultural work.
6. Occupations similar to the above.

Permissible at age 14 or older:

1. Non-hazardous occupations in manufacturing.
2. Public messenger service and errands by foot, bicycle and public transportation.
3. Operation of automatic enclosed freight and passenger elevators.
4. Janitorial and custodial service.
5. Office work and clerical work.
6. Warehousing and storage, including unloading and loading of vehicles.
7. Non-hazardous construction and non-hazardous repair work.
8. Occupations in retail food service.
9. Certain gasoline service occupations.
10. Occupations in retail stores.
11. Occupations in restaurants, hotels, motels, or other public accommodations.
12. Occupations related to parks or recreation.
13. Occupations similar to the above.

Permissible at age 16 or older:

The occupations listed above and the operation of a motor vehicle if the minor is licensed to operate the motor vehicle for such use pursuant to Colorado Revised Statutes Article 2, Title 42.

HAZARDOUS / PROHIBITED

1. Operation of any high pressure steam boiler or high temperature water boiler.
2. Work which primarily involves the risk of falling from any elevated place located ten feet or more above the ground except that work defined as agricultural involving elevations of twenty feet or less above ground.
3. Manufacturing, transporting, or storing of explosives.
4. Mining, logging, oil drilling, or quarrying.
5. Any occupation involving exposure to radioactive substances or ionizing radiation.
6. Operation of power-driven machinery:
 - a) Woodworking machines
 - b) Metal-forming machines
 - c) Punching or shearing machines
 - d) Bakery machines
 - e) Paper products machines
 - f) Shears
 - g) Automatic pin-setting machines
 - h) Power food slicers and grinders
7. Any other power-driven machinery deemed hazardous by the Director.
8. Slaughter of livestock and rendering and packaging of meat.
9. Occupations directly involved in the manufacture of brick or other clay construction products, or silica refractory products.
10. Wrecking or demolition, but not including manual auto wrecking.
11. Roofing.
12. Occupations in excavation operations.

WORK HOUR RESTRICTIONS

General Restrictions

No employer shall be permitted to work a minor more than forty hours in a week or more than eight hours in any twenty-four-hour period.

School Day Restrictions

On school days, during school hours, no minor under the age of sixteen shall be permitted employment except as provided by a school release permit. After school hours no minor under the age of sixteen shall be permitted to work in excess of six hours unless the next day is not a school day.

Nighttime Restrictions

Except for babysitters, no minor under the age of sixteen shall be permitted to work between the hours of nine-thirty p.m. and five a.m., unless the next day is not a school day. An exception to this rule is a minor employed as an actor, model, or performer.

For more information on services and labor and employment topics, visit the Division website at www.coworkforce.com/lab

Employment Laws and Agency Resources

EMPLOYMENT-AT-WILL

Colorado follows the legal doctrine of “employment-at-will”, which provides that employers and employees have an at-will relationship either of them may terminate at any time without advance notice or cause unless the employee is hired for a definite period of time or there is an agreement limiting the reasons for discharge. There are many exceptions to employment-at-will, including various exceptions created by the legislature and the courts such as discrimination, public policy, and contract law. [Contact an attorney for more information.](#)

JURY DUTY AND PAY

- All regularly employed trial or grand jurors shall be paid regular wages, but not to exceed \$50 per day unless by mutual agreement between the employee and employer, by their employers for the first 3 days of juror service or any part thereof.
- State law protects a juror’s job; an employer shall not threaten, coerce, or discharge an employee for reporting for juror service as summoned.

⇒ Information: www.courts.state.co.us

VOTING AND PAY

- Employees who have 3 or more non-work hours available during the hours polls are open (typically 7:00 a.m. to 7:00 p.m.) on election day are not entitled to time off to vote.
- Upon prior request (before election day) by the employee, employers must provide up to 2 hours of paid time off to vote if the employee does not have 3 or more non-work hours between 7:00 a.m. and 7:00 p.m.
- The Secretary of State oversees elections.

⇒ Information: www.elections.colorado.gov

EMPLOYER BANKRUPTCY

Employees may have a higher priority in bankruptcy than other creditors. If your employer has filed for bankruptcy you will need to contact the appropriate bankruptcy court to enter a claim. The Division cannot assist in disputes when the employer has filed for bankruptcy.

⇒ Information: www.cob.uscourts.gov

SMALL CLAIMS COURT

Small claims courts in Colorado are a division of the county court system designed to provide a quick and inexpensive resolution to minor claims. Small claims courts are courts of limited jurisdiction; the court cannot award more than \$7,500 in monetary awards.

⇒ Information: www.courts.state.co.us

LABOR MARKET INFORMATION

Information on occupational wages, employment statistics, and labor force trends is available from Colorado Labor Market Information.

⇒ Information: www.coworkforce.com/lmi

WORK LEAVE

Holiday Pay

Colorado wage law does not require nor prohibit any paid holidays. When an employee is paid for a non-work holiday, the holiday hours do not count towards overtime unless actual work was performed.

Sick Pay

Colorado wage law does not require nor prohibit sick pay or leave. Colorado wage law does not require employers to provide paid leave due to illness.

Severance Pay

Colorado wage law does not require nor prohibit severance pay. Severance pay is a benefit offered by employers at their own discretion.

Medical or Pregnancy Leave

Colorado does not have a medical or pregnancy leave law that applies to the private sector.

Domestic Abuse Leave

Employees in Colorado may request or take up to 3 working days of leave from work in any 12-month period, with or without pay, if the employee is the victim of domestic abuse, stalking, sexual assault, or other crimes related to domestic abuse.

This leave law applies only to employers who employ 50 or more employees and to employees who have been employed with the employer for 12+ months.

⇒ Information: [Contact an attorney.](#)

DISCRIMINATION

The Colorado Civil Rights Division handles claims of discrimination in employment, housing, and public accommodations in Colorado.

⇒ Information: www.dora.state.co.us/civil-rights

UNEMPLOYMENT INSURANCE

The Colorado UI Program provides temporary and partial wage replacement to workers who have become unemployed through no fault of their own.

⇒ Information: www.coworkforce.com/uiib

WORKERS’ COMPENSATION

The Division of Workers’ Compensation administers the mandatory WC insurance program.

⇒ Information: www.coworkforce.com/dwc

EMPLOYMENT AND TRAINING

Colorado Workforce Centers provide easy access to a wide array of employment and training services and job opportunities in Colorado.

⇒ Information: www.coworkforce.com/emp

OFF-DUTY ACTIVITIES

It is a discriminatory or unfair employment practice for an employer in Colorado to terminate the employment of any employee due to that employee’s engaging in any lawful activity off the premises of the employer during nonworking hours, unless such a restriction either:

1. Relates to a bona fide occupational requirement OR
2. Is necessary to avoid a conflict of interest with any responsibilities to the employer or the appearance of such a conflict of interest.

⇒ Information: [Contact an attorney.](#)

EMPLOYMENT REFERENCES

Colorado law states that any employer who provides information about a current or former employee’s job history or job performance to a prospective employer of the current or former employee is immune from civil liability and is not liable in civil damages for the disclosure or any consequences of the disclosure.

This immunity shall not apply when:

1. The information disclosed by the current or former employer was false AND
2. The employer providing the information knew or reasonably should have known that the information was false.

⇒ Information: [Contact an attorney.](#)

FEDERAL AGENCIES

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|-------------|--|--------------|
| Bankruptcy | cob.uscourts.gov | 303-844-4045 |
| DOL | dol.gov | 720-264-3250 |
| EEOC | eeoc.gov | 303-866-1300 |
| Immigration | uscis.gov | 800-375-5283 |
| IRS | irs.gov | 800-TAX-1040 |
| NLRB | nlrb.gov | 303-844-3551 |
| OSHA | osha.gov | 303-844-5285 |

STATE AGENCIES

| | | |
|----------------------------------|--|--------------|
| Civil Rights | dora.state.co.us/civil-rights | 303-894-2997 |
| Department of Labor & Employment | coworkforce.com | 303-318-8000 |
| Division of Labor | coworkforce.com/lab | 303-318-8441 |
| Revenue | revenue.state.co.us | 303-238-7378 |
| Unemployment | coworkforce.com/uiib | 303-318-9000 |
| Workers’ Compensation | coworkforce.com/dwc | 303-318-8700 |

Need more information? Find the answers in the Division’s comprehensive resource guide at www.coworkforce.com/lab/ab.pdf