

Table of Contents

INTRODUCTION.....	1
SECTION I. MODEL PERSONNEL POLICIES.....	3
I. GENERAL POLICIES	3
§ 1:1 Company philosophy.....	3
§ 1:2 This handbook.....	3
§ 1:3 Employment at will	3
§ 1:4 Equal employment opportunity.....	4
§ 1:5 Other agreements between you and the Company	5
II. EMPLOYEE CLASSIFICATIONS.....	5
§ 2:1 Full-time and part-time employees	5
§ 2:2 Temporary employees.....	6
§ 2:3 Hourly, salaried, and commissioned employees.....	6
§ 2:4 Exempt and nonexempt employees; overtime.....	6
§ 2:5 Salary basis policy for exempt employees	8
§ 2:6 Independent contractors.....	10
III. COMPENSATION, PERSONNEL RECORDS AND PERFORMANCE EXPECTATIONS.....	10
§ 3:1 Work week and pay.....	10
§ 3:2 Payroll deductions	12
§ 3:3 Reimbursed expenses and purchasing.....	12
§ 3:4 Driving, mileage and parking expense reimbursement .	12
§ 3:5 Per diem expense reimbursement	13
§ 3:6 Timekeeping.....	13
§ 3:7 Meals and breaks for nonexempt employees	15
§ 3:8 Applications and updating employee information.....	16
§ 3:9 Compliance with immigration law	16
§ 3:10 Pay upon termination of employment	17
§ 3:11 References	18
§ 3:12 Personnel records	18
§ 3:13 Performance reviews	19
§ 3:14 General performance and conduct expectations.....	20
§ 3:15 Smoking and tobacco use	20
§ 3:16 Dress and appearance.....	21
§ 3:17 Attendance	22
§ 3:18 Outside employment	22
§ 3:19 Conflicts of interest.....	23
§ 3:20 Employment of relatives/workplace relationships.....	23
§ 3:21 Employment of minors	24
§ 3:22 Restricted areas and security measures	25

EMPLOYMENT LAW AND PRACTICE HANDBOOK

§ 3:23	Confidential information	25
§ 3:24	E-mail, internet access, and software	27
§ 3:25	Social media, blogs and other public discussions	28
§ 3:26	Telephone and cell phone use	29
§ 3:27	Bulletin boards.....	30
§ 3:28	Company equipment and supplies.....	30
§ 3:29	Work made for hire.....	30
§ 3:30	Drugs and alcohol	31
§ 3:31	Safety, reporting injuries, and public health emergencies	34
§ 3:32	Company vehicles.....	35
§ 3:33	Hazardous materials	36
§ 3:34	Violence	36
§ 3:35	Weapons	36
 IV. LEAVES AND BENEFITS		 37
§ 4:1	Vacations and leaves of absence—In general	37
§ 4:2	Vacations	37
§ 4:3	Sick and Family Leave Under the Colorado Healthy Families and Workplaces Act (“HFWA”)	39
§ 4:4	Paid time off (PTO) <i>[alternative to vacations and sick leave]</i>	43
§ 4:5	Holidays	44
§ 4:6	Unpaid personal leave	45
§ 4:7	Family and Medical Leave Under the Colorado Paid Family and Medical Leave Insurance Act (FAMLI) and the federal Family and Medical Leave Act (FMLA)	45
§ 4:8	Personal leave for protection from domestic abuse or violent crimes	51
§ 4:9	Pregnancy, maternity and adoption leave.....	52
§ 4:10	Bereavement leave	53
§ 4:11	Jury duty	53
§ 4:12	Military leave	53
§ 4:13	Voting	55
§ 4:14	Parental leave for child’s school activity	55
§ 4:15	Insurance	55
 V. EQUAL EMPLOYMENT OPPORTUNITY POLICIES AND PROCEDURES.....		 59
§ 5:1	Illegal harassment in general	59
§ 5:2	Sexual harassment	60
§ 5:3	Sexual orientation harassment.....	61
§ 5:4	Reporting discrimination, harassment, sexual harassment, sexual orientation harassment or violence	62
§ 5:5	Accommodation of disabilities	63

TABLE OF CONTENTS

§ 5:6	Pregnancy accommodation and nursing mothers	63
§ 5:7	Colorado Overtime and Minimum Pay Standards Order	67
§§ 5:8-5:19	<i>[Reserved]</i>	
§ 5:20	Employee acknowledgments.....	68
SECTION II. MODEL PERSONNEL FORMS, NOTICES AND EMPLOYMENT AGREEMENTS		71
MODEL PERSONNEL FORMS		71
§ 6:1	Employment application.....	71
§ 6:2	Letter offering employment	76
§ 6:3	Domestic abuse or violent crime leave request	79
§ 6:4	Illness/disability/pregnancy leave and accommodation request	81
§ 6:5	Layoff notice	82
§ 6:6	Final paycheck information notice	83
§ 6:7	State continuation insurance election form	85
NOTICES, FORMS AND CERTIFICATIONS UNDER FEDERAL LAWS.....		86
§ 6:21	FCRA—Summary of your rights under federal Fair Credit Reporting Act [U.S. Consumer Protection Financial Bureau]	87
§ 6:22	COBRA—Notice of continuation coverage rights under COBRA and election notice (for use by single- employer group health plans).....	91
§ 6:23	FMLA—Family or medical leave request	96
§ 6:24	—Certification of health care provider for employee's serious health condition [U.S. Department of Labor Form WH-380-E]	99
§ 6:25	—Certification of health care provider for family member's serious health condition [U.S. Department of Labor Form WH-380-F].....	103
§ 6:26	—Certification of qualifying exigency for military family leave [U.S. Department of Labor Form WH-384]	107
§ 6:27	—Certification for serious injury or illness of covered servicemember—For military family leave [U.S. Department of Labor Form WH-385]	111
§ 6:28	—Notice of eligibility and rights & responsibilities (Family and Medical Leave Act) [U.S. Department of Labor Form WH-381]	115
§ 6:29	—Designation notice (Family and Medical Leave Act) [U.S. Department of Labor Form WH-382].....	119
§ 6:30	Certification for serious injury or illness of a veteran for military caregiver leave (Family and Medical	

EMPLOYMENT LAW AND PRACTICE HANDBOOK

§ 6:31	Leave Act)	121
§ 6:32	FMLA—Return to work medical authorization form	125
§ 6:32	ADA—Sample Notice for Employer-Sponsored Wellness Programs [Equal Employment Opportunity Commission]	126
§ 6:33	Employment Eligibility Verification—Form I-9 [Dept. of Homeland Security]	129
§ 6:34	Instructions for Form I-9: Employment Eligibility Verification [Dept. of Homeland Security]	133
POSTERS, NOTICES AND FORMS UNDER COLORADO LAWS		141
§ 6:45	State posting requirements [Colo. Dept. Labor and Employment].....	141
§ 6:46	Colorado Overtime and Minimum Pay Standards Order [Colo. Dept. Labor and Employment].....	142
§ 6:47	Unequal Pay Complaint Under Colorado's Equal Pay for Equal Work Act, Part 1 [Colo. Dept. Labor and Employment].....	143
§ 6:48	Transparency Complaint Under Colorado's Equal Pay for Equal Work Act, Part 2 [Colo. Dept. Labor and Employment].....	151
§ 6:49	Employment Security Act Poster [Colo. Dept. Labor and Employment]	159
§ 6:51	Notice of Pay days Poster [Colo. Dept. Labor and Employment].....	161
§ 6:52	Employment Discrimination Poster [Colo. Civil Rights Division]	162
§ 6:53	Notice of dishonored instrument [Colo. Dept. Labor and Employment]	163
§ 6:54	Demand for payment of wages [Colo. Dept. Labor and Employment].....	164
§ 6:55	Labor standards complaint form [Colo. Dept. of Labor and Employment]	166
§ 6:56	Notice of Complaint Employer Response Form [Colo. Dept. of Labor and Employment].....	191
§ 6:57	Wage complaint appeal hearing request form [Colo. Dept. of Labor and Employment].....	196
§ 6:58	Settlement and Voluntary Dismissal of Wage Claim Agreement [Colo. Dept. of Labor and Employment]....	199
§ 6:61	Employment Opportunity Act Complaint Form [Colo. Dept. of Labor and Employment].....	201
§ 6:62	Social Media Complaint Form [Colo. Dept. of Labor and Employment]	208
§ 6:63	Keep Jobs in Colorado Act Complaint Form [Colo. Dept. of Labor and Employment].....	215
§ 6:64	Youth Law Complaint form [Colo. Dept. of Labor and Employment].....	222

TABLE OF CONTENTS

§ 6:65	Colorado Chance to Compete Act Complaint Form [Colo. Dept. of Labor and Employment]	224
§ 6:66	Colorado Workplace Public Health Rights Poster: Paid Leave, Whistleblowing, & Protective Equipment [Colo. Dept. of Labor and Employment]	230
§ 6:67	Agricultural Labor Rights & Responsibilities Poster & Notice [Colo. Dept. of Labor and Employment]	231
§ 6:68	Colorado Family and Medical Leave Insurance Poster [Colo. Dept. of Labor and Employment]	232
§ 6:69	Youth Law Exemption Request Form [Colo. Dept. of Labor and Employment]	234
§ 6:70	Job Application Fairness Act Complaint Form [Colo. Dept. of Labor and Employment].....	235
§ 6:71	Delivery Network Company Complaint Form [Colo. Dept. of Labor and Employment].....	241
§ 6:72	Transportation Network Company Complaint Form [Colo. Dept. of Labor and Employment]	251
§ 6:73	6:73 The Colorado Partnership for Quality Jobs and Services Act Unfair Labor Practice Complaint Form [Colo. Dept. of Labor and Employment]	261
§ 6:74	Collective Bargaining by County Employees Act Unfair Labor Practice Complaint Form [Colo. Dept. of Labor and Employment]	263
§ 6:75	Protections for Public Workers Act Unfair Labor Practice Complaint Form [Colo. Dept. of Labor and Employment].....	265
§ 6:76	Labor Peace Act Unfair Labor Practice Complaint Form [Colo. Dept. of Labor and Employment]	267
§ 6:77	Labor Peace Act Petition for Election Form [Colo. Dept. of Labor and Employment].....	270
EMPLOYMENT AGREEMENTS		274
§ 7:1	Standard provisions	274
§ 7:2	Employment agreement sample provisions	275
§ 7:3	Compensation provisions	277
§ 7:4	Agreement not to disclose trade secrets and other confidential business information	279
§ 7:5	Non-solicitation clause	281
§ 7:6	Work made for hire clause or agreement	282
§ 7:7	Independent contractor agreement	283
§ 7:8	Employee loan agreement	286
§ 7:9	Dispute resolution clause or agreement.....	287
§ 7:10	Severance agreement provisions	289
§ 7:11	Settlement agreement and release provisions	293
§ 7:12	Nondisclosure agreement in connection with settlement of an alleged discriminatory or unfair employment practice, and Addendum.....	297
SECTION III. MODEL FEDERAL JURY INSTRUCTIONS		299

EMPLOYMENT LAW AND PRACTICE HANDBOOK

TITLE VII AND SECTION 1981.....		302
§ 8:1	Title VII—Statute involved.....	302
§ 8:2	[Title VII and/or 42 U.S.C. § 1981]—Statute involved...	303
§ 8:3	Title VII—Discrimination based on [color] [religion] [sex] [national origin]	304
§ 8:4	[Title VII and/or 42 U.S.C. § 1981]—Discrimination based on race	304
§ 8:5	Motivating factor—Defined	305
§ 8:6	Pretext	306
§ 8:7	Constructive discharge.....	308
§ 8:8	Business Judgment.....	308
§ 8:9	Stray Remarks	309
§ 8:10	Mixed Motive.....	310
SEXUAL HARASSMENT		310
§ 8:11	Hostile work environment—Elements.....	310
§ 8:12	—Defined	311
§ 8:13	Reasonable person—Defined	312
§ 8:14	Unwelcome conduct—Defined	312
§ 8:15	Supervisor—Defined.....	312
§ 8:16	Tangible employment action—Defined	313
§ 8:17	Coworker harassment.....	313
§ 8:18	Affirmative defense—Supervisor harassment	313
AMERICANS WITH DISABILITIES ACT		314
§ 8:19	Americans with Disabilities Act (“ADA”—Statute involved.....	314
§ 8:20	Disparate treatment—Elements	314
§ 8:21	Disability—Defined.....	315
§ 8:22	Physical or mental impairment[s] and major life activities—Court determination	315
§ 8:23	Substantially limited—Defined.....	316
§ 8:24	Qualified—Defined.....	317
§ 8:25	Essential function[s]—Defined	318
§ 8:26	Motivating factor—Defined	319
§ 8:27	Pretext	320
§ 8:28	Reasonable accommodation.....	321
§ 8:29	Failure to accommodate—Elements	322
§ 8:30	Reasonable accommodation[s]—Defined	322
§ 8:31	Affirmative defense—Undue hardship—Defined	323
§ 8:32	—Direct threat	323
AGE DISCRIMINATION IN EMPLOYMENT ACT		324
§ 8:33	AGE Discrimination in Employment Act (“ADEA”— Statute involved	324
§ 8:34	ADEA—Elements	325

TABLE OF CONTENTS

§ 8:35	Pretext	325
§ 8:36	ADEA—Age-related remarks	327
§ 8:37	—Age of replacement	327
§ 8:38	—Reduction in force	328
§ 8:39	—Willful—Defined	328
§ 8:40	—Affirmative defense—Bona fide occupational qualification	328
§ 8:41	— —Bona fide seniority system	329
§ 8:42	— —Bona fide employee benefit plan	330
RETALIATION.....		330
§ 8:43	Retaliation—Statute involved	330
§ 8:44	Retaliation elements	330
§ 8:45	Title VII/ADA/§ 1981—Retaliation—Materially adverse action	332
§ 8:46	Retaliation—Causation	333
§ 8:47	Freedom of speech	333
§ 8:48	Protected [activity] [activities]—Opposition (mistaken but reasonable good faith belief)	334
§ 8:49	—Participation—Defined	335
§ 8:50	Pretext	336
DAMAGES		338
§ 8:51	Back pay	338
§ 8:52	Compensatory damages—ADA and Title VII/Section 1981 cases only	339
§ 8:53	Failure to mitigate	340
§ 8:54	Unconditional offer of employment	341
§ 8:55	Nominal damages	341
§ 8:56	Punitive damages—ADA and Title VII/Section 1981 cases only	342
FAMILY AND MEDICAL LEAVE ACT		342
§ 8:57	Family Medical Leave Act (FMLA)—Statute involved ..	342
§ 8:58	FMLA—Definition—Covered employer	343
§ 8:59	— —Covered work location	345
§ 8:60	— —“Eligible employee”	345
§ 8:61	— —Intermittent or reduced leave	345
§ 8:62	— —Substitution of leave	345
§ 8:63	— —Serious health condition	346
§ 8:64	— —“Son or daughter”	346
§ 8:65	— —“Parent”	346
§ 8:66	— —“Qualifying exigency”	346
§ 8:67	— —Notice to employer (leave foreseeable)	347
§ 8:68	— —Notice to employer (leave unforeseeable)	347
§ 8:69	—Right to reinstatement	347
§ 8:70	—Reinstatement—Equivalent position	347

EMPLOYMENT LAW AND PRACTICE HANDBOOK

§ 8:71	—Exception to reinstatement (employment unavailable at time of reinstatement).....	348
§ 8:72	—Exception to reinstatement (employee seeking reinstatement is a “key employee”).....	348
§ 8:73	—Interference claim—Elements	349
§ 8:74	—Adverse action.....	349
§ 8:75	—“Related to”	350
§ 8:76	—Interference—Affirmative defense.....	351
§ 8:77	—Retaliation claim—Elements.....	351
§ 8:78	—Retaliation—Materially adverse action	352
§ 8:79	—Retaliation claim—Causal connection	352
§ 8:80	—Pretext	353
§ 8:81	—Actual damages.....	354
§ 8:82	—Mitigation.....	354
§ 8:83	—Where no lost wages or benefits.....	354
§ 8:84	—Good faith defense	355
FAIR LABOR STANDARDS ACT		355
§ 8:85	FLSA—Statute involved.....	355
§ 8:86	—Elements of claim for overtime pay.....	356
§ 8:87	—Definition—Workweek.....	357
§ 8:88	—Hours worked	358
§ 8:89	—Determining hours worked	359
§ 8:90	—“Regular rate” of pay (general).....	360
§ 8:91	—“Regular rate” of pay (fluctuating workweek)	360
§ 8:92	—Elements of claim for minimum wages.....	361
§ 8:93	—Applicable minimum wage rate[s]	362
§ 8:94	—Minimum wage credit for board and lodging	362
§ 8:95	—Exemptions—General	363
§ 8:96	—Executive employee exemption.....	363
§ 8:97	—Administrative exemption	364
§ 8:98	—Learned professional exemption	365
§ 8:99	—Creative professional exemption	366
§ 8:100	—Computer professional employee exemption	367
§ 8:101	—Outside sales exemption	368
§ 8:102	—Definition—Salary basis	369
§ 8:103	—Damages	371
§ 8:104	—Damages (only hours worked submitted to jury).....	372
§ 8:105	—Willful violation (for purposes of the statute of limitations)	372
SECTION IV. SUMMARIES OF MAJOR FEDERAL EMPLOYMENT LAWS		375
§ 9:1	Introduction	376
§ 9:2	ADEA: Age Discrimination in Employment Act of 1967, 29 U.S.C.A. §§ 621–634; 59 C.F.R. §§ 1625–27	376

TABLE OF CONTENTS

§ 9:3	ADA: Americans with Disabilities Act of 1990, 42 U.S.C.A. §§ 12101–12213, as amended by the ADA Amendments Act of 2008; 29 C.F.R. §§ 1630.1–1630.16, 1641	379
§ 9:4	Section 1981: Civil Rights Act of 1866, 42 U.S.C.A. § 1981.....	382
§ 9:5	Title VII: Civil Rights Act of 1964, 42 U.S.C.A. §§ 2000e–2000h-4; 29 C.F.R. §§ 1600–1610	383
§ 9:6	COBRA: Consolidated Omnibus Budget Reconciliation Act, Pub. L. No. 99-272, 100 Stat. 82, as amended, Pub. L. No. 99-509, 100 Stat. 2076; Pub. L. No. 99-514, 100 Stat. 2085; Pub. L. No. 101-239, 103 Stat. 2106.....	385
§ 9:7	CCPA: Consumer Credit Protection Act of 1968, 15 U.S.C.A. §§ 1671–1677.....	386
§ 9:8	Drug-Free Workplace Act of 1988, 41 U.S.C.A. §§ 701–07.....	387
§ 9:9	EPPA: Employee Polygraph Protection Act of 1988, 29 U.S.C.A. §§ 2001–09; 29 C.F.R. § 801.....	388
§ 9:10	ERISA: Employee Retirement Income Security Act of 1974, 29 U.S.C.A. §§ 1001–1461	389
§ 9:11	EPA: Equal Pay Act of 1963, 29 U.S.C.A. § 206(d); 29 C.F.R. §§ 1620, 1621 (amends the Fair Labor Standards Act).....	390
§ 9:12	FLSA: Fair Labor Standards Act of 1938, 29 U.S.C.A. §§ 201–219; 29 C.F.R. §§ 515–580, 775–793.....	391
§ 9:13	FMLA: Family and Medical Leave Act of 1993, 29 U.S.C.A. §§ 2601–54; 29 C.F.R. Part 825	393
§ 9:14	FICA: Federal Insurance Contribution Act, 26 U.S.C.A. §§ 3101–02, 3111–12, 3121–24, 3128	396
§ 9:15	FUTA: Federal Unemployment Tax Act, 26 U.S.C.A. §§ 3301–07, 3311	397
§ 9:16	IRCA: Immigration Reform and Control Act of 1986, 8 U.S.C.A. § 1324a; 8 C.F.R. § 274a; 28 C.F.R. §§ 44, 68	398
§ 9:17	NLRA: National Labor Relations Act, 29 U.S.C.A. §§ 151–169	399
§ 9:18	OSHA: Occupational Safety and Health Act of 1970, 29 U.S.C.A. §§ 651–678	400
§ 9:19	PDA: Pregnancy Discrimination Act of 1978, 42 U.S.C.A. § 2000e(k) (amends the Civil Rights Act of 1964—Title VII)	401
§ 9:20	Rehabilitation Act of 1973, 29 U.S.C.A. §§ 706, 793, 794, 794a; 42 U.S.C.A. § 12102(2); 45 C.F.R. Part 84	402
§ 9:21	USERRA: Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C.A.	

EMPLOYMENT LAW AND PRACTICE HANDBOOK

§ 9:22	§§ 4301–4333.....	402
	WARN: Worker Adjustment and Retraining Notification Act, 29 U.S.C.A. §§ 2101–2109	403
	SECTION V. COLORADO EMPLOYMENT STATUTES	405
	CONSTITUTION OF THE STATE OF COLORADO [1876]	406
	ARTICLE II. BILL OF RIGHTS	406
§ 3	Inalienable rights	406
§ 4	Religious freedom	406
§ 7	Security of person and property—searches—seizures—warrants	407
§ 10	Freedom of speech and press	407
§ 29	Equality of the sexes	407
	ARTICLE XVIII. MISCELLANEOUS.....	407
§ 15	State minimum wage rate	407
§ 16	Personal use and regulation of marijuana	407
	TITLE 1. ELECTIONS	417
	ARTICLE 7. CONDUCT OF ELECTIONS	417
	PART 1. HOURS OF VOTING, REGISTRATION, OATHS, AND ASSISTANCE TO VOTE	417
§ 1-7-102	Employees entitled to vote	417
	TITLE 7. CORPORATIONS AND ASSOCIATIONS.....	419
	TRADE SECRETS.....	419
	ARTICLE 74. UNIFORM TRADE SECRETS ACT.....	419
§ 7-74-101	Short title.....	419
§ 7-74-102	Definitions	419
§ 7-74-103	Injunctive relief	420
§ 7-74-104	Damages	420
§ 7-74-105	Attorney fees	421
§ 7-74-106	Preservation of secrecy.....	421
§ 7-74-107	Statute of limitations.....	421
§ 7-74-108	Effect on other law	421
§ 7-74-109	Uniformity of application and construction	422

TABLE OF CONTENTS

§ 7-74-110	Severability.....	422
TITLE 8. LABOR AND INDUSTRY.....		423
LABOR I.—. DEPARTMENT OF LABOR AND EMPLOYMENT.....		440
DIVISION OF LABOR STANDARDS AND STATISTICS—INDUSTRIAL CLAIM APPEALS OFFICE.....		440
ARTICLE 1. DIVISION OF LABOR STANDARDS AND STATISTICS—INDUSTRIAL CLAIM APPEALS OFFICE.....		440
§ 8-1-101	Definitions	441
§ 8-1-102	Industrial claim appeals office— creation—powers and duties	442
§ 8-1-103	Division of labor standards and statistics—director—employees— qualifications—compensation— expenses	443
§ 8-1-104	Director—seal	444
§ 8-1-105	Offices and supplies	444
§ 8-1-106	Records—sessions.....	444
§ 8-1-107	Powers and duties of director—rules	445
§ 8-1-108	Orders effective—when—validity presumed	446
§§ 8-1-109, 8-1-110	Repealed by Laws 1975, H.B.1731, § 22, eff. July 25, 1975	447
§ 8-1-111	Jurisdiction over employer and employee relation	447
§ 8-1-112	Officers to assist in enforcing orders.....	447
§ 8-1-113	Agents of division and director—powers ..	448
§ 8-1-114	Employers and employees to furnish information—penalty.....	448
§ 8-1-115	Information not public—penalty for divulging	449
§ 8-1-116	Investigators to have access to premises—penalty.....	450
§ 8-1-117	Director to have access to books—penalty.....	451
§ 8-1-118	Rules of evidence—procedure.....	451
§ 8-1-119	Record of proceedings.....	451
§ 8-1-120	Depositions	452
§ 8-1-121	Contempt—punishment—fees	452
§ 8-1-122	Inquiries—scope—report	453
§ 8-1-123	Arbitration.....	453
§ 8-1-124	Repealed by Laws 1975, H.B. 1669, § 3,	

EMPLOYMENT LAW AND PRACTICE HANDBOOK

§ 8-1-125	eff. July 14, 1975	454
	Disputes—jurisdiction—request for intervention—penalty	454
§ 8-1-126	Lockouts and strikes unlawful—when	454
§ 8-1-127	Repealed by Laws 1975, H.B.1669, § 3, eff. July 14, 1975	455
§ 8-1-128	Petition—writ—dissolution	455
§ 8-1-129	Strikes and lockouts—penalties	456
§ 8-1-130	Judicial review	456
§§ 8-1-131, 8-1-132	Repealed by Laws 1986, S.B.12, § 125, eff. July 1, 1986	456
§ 8-1-132.5	Repealed by Laws 1986, S.B.165, § 40, eff. July 1, 1986	456
§§ 8-1-133 to 8-1-138	Repealed by Laws 1986, S.B.12, § 125, eff. July 1, 1986	456
§ 8-1-139	Repealed by Laws 2021, Ch. 462 (S.B. 21-271), § 74, eff. Mar. 1, 2022	456
§ 8-1-140	Violation—penalty	456
§ 8-1-141	Each day separate offense	457
§ 8-1-142	Collection of penalties	457
§ 8-1-143	Costs—counsel for director—attorney general and district attorney to enforce	457
§ 8-1-144	Penalty for false statements	458
§ 8-1-145	Authority of department of public health and environment not affected	458
§ 8-1-146	Effect of transfer of powers, duties, and functions	458
§ 8-1-147	Repealed by Laws 2012, Ch. 27, § 10, eff. June 1, 2012	459
§ 8-1-148	Rules, regulations, rates, and orders adopted prior to article—abolishment of commission—continued	459
§ 8-1-149	Repealed by Laws 2012, Ch. 27, § 10, eff. June 1, 2012	459
§ 8-1-150	Repealed by Laws 1983, S.B.165, § 5, eff. June 10, 1983	459
§ 8-1-151	Public safety inspection fund created	459
§ 8-1-152	Applications for licenses—authority to suspend licenses—rules	459
§ 8-1-153	Private employers—veterans' preference hiring policy—definitions	460
LABOR RELATIONS		462
ARTICLE 2. LABOR RELATIONS, GENERALLY		462

TABLE OF CONTENTS

PART 1. GENERAL PROVISIONS.....		462
§ 8-2-101	Combination of employees for peaceable objects lawful	462
§ 8-2-102	Coercion of employees unlawful.....	462
§ 8-2-103	Penalty for coercing employees.....	462
§ 8-2-104	Obtaining workmen by misrepresentation unlawful.....	463
§ 8-2-105	Penalty.....	463
§ 8-2-106	Armed guards—when lawful	463
§ 8-2-107	Workman engaged by false representations to recover damages.....	464
§ 8-2-108	Unlawful for employer to prevent employees participating in politics	464
§ 8-2-109	Rights of person charged with contempt....	464
§ 8-2-110	Unlawful to publish blacklist.....	465
§ 8-2-111	Penalty for blacklisting	465
§ 8-2-111.5	Certain employment references—exception to blacklisting prohibition	465
§ 8-2-111.6	Health-care employers—immunity from civil liability—requirements—exception to blacklisting prohibition—legislative declaration	466
§ 8-2-111.7	Employees working with persons with intellectual and developmental disabilities—immunity from civil liability—requirements—exception to blacklisting prohibition—legislative declaration—definitions	468
§ 8-2-112	Unlawful to publish notice of boycott.....	469
§ 8-2-113	Unlawful to intimidate worker—agreement not to compete—prohibition— exceptions—notice —rules—definitions...	469
§ 8-2-114	Immunity from civil liability for employer disclosing information—employer shall not maintain blacklist—credit lists excepted	474
§ 8-2-115	Repealed by Laws 2021, Ch. 462 (S.B. 21- 271), § 83, eff. Mar. 1, 2022	475
§§ 8-2-116, 8-2-117	Repealed by Laws 1986, S.B.23, § 5, eff. May 8, 1986.....	476
§ 8-2-118	Cost of medical examination—employer and employee defined.....	476
§ 8-2-119	Awards of back pay—deduction of unemployment compensation	476
§ 8-2-120	Residency requirements prohibited for public employment—legislative declaration—definitions	477
§ 8-2-121	Repealed by Laws 2011, Ch. 282, § 1, eff. June 2, 2011	478

EMPLOYMENT LAW AND PRACTICE HANDBOOK

§ 8-2-122	Employment verification requirements— audits—fine for fraudulent documents— cash fund created—definitions.....	478
§ 8-2-123	Health-care workers—retaliation prohibited—definitions	479
§ 8-2-124	Electronic verification program— availability—notice to employers—definitions.....	480
§ 8-2-125	Identification of workers engaged in off- site work—permissible forms of identification—exceptions—definitions ...	482
§ 8-2-126	Employer use of consumer credit information—violation—short title—definitions.....	483
§ 8-2-127	Prohibitions of employer—requiring access to personal electronic communication devices—definitions—rules.....	486
§ 8-2-128	Prohibitions of employer—requiring social security number—exceptions	487
§ 8-2-129	Access to personnel files and records—definitions—exemptions	488
§ 8-2-130	Criminal history—limits on advertisements and applications— exceptions—enforcement—rules—short title—definitions.....	490
§ 8-2-131	Age of job applicants—limits on applications—exceptions—enforcement— rules—short title—definitions	492
§ 8-2-132	Prohibition on employers—living organ donation—retaliation—adverse action— civil action—penalty for violation—definitions	493
PART 2. EMPLOYER'S LIABILITY		495
§ 8-2-201	Damages—fellow servant rule abolished— limitation on admission of criminal history.....	495
§ 8-2-202	Damages in case of death—limit	496
§ 8-2-203	Who may sue—consolidation of actions.....	496
§ 8-2-204	Limitation of actions—limit of damages.....	497
§ 8-2-205	Assumption of risk abolished	497
§ 8-2-206	Agricultural employers—agricultural employees—violations—penalties—definitions	497
ARTICLE 2.5. FREEDOM OF LEGISLATIVE AND JUDICIAL ACCESS ACT		499
§ 8-2.5-101	Preventing legislative and judicial access to employees—intimidation of legislative witnesses—penalty	499

TABLE OF CONTENTS

ARTICLE 3. LABOR PEACE ACT	500
§ 8-3-101 Short title	500
§ 8-3-102 Legislative declaration.....	500
§ 8-3-103 Construction	502
§ 8-3-104 Definitions	503
§ 8-3-105 Director to administer—adopt rules and regulations.....	506
§ 8-3-106 Rights of employees.....	507
§ 8-3-107 Representatives and elections	507
§ 8-3-108 What are unfair labor practices	508
§ 8-3-109 What are not unfair labor practices.....	515
§ 8-3-110 Prevention of unfair labor practices.....	516
§ 8-3-111 Protection of employees when authority acquires certain operations.....	519
§ 8-3-112 Arbitration	520
§ 8-3-113 Mediation	521
§ 8-3-114 Duties of attorney general and district attorneys ...	522
§ 8-3-115 Employer and employee committees	522
§ 8-3-116 Interference with director—officer of division.....	522
§ 8-3-117 Existing contracts unaffected	522
§ 8-3-118 Jurisdiction to issue restraining orders or injunctions.....	523
§ 8-3-119 Relations contrary to public policy	523
§ 8-3-120 Conflict of provisions.....	524
§ 8-3-121 Civil liability for damages.....	524
§ 8-3-122 Penalty for violation	524
§ 8-3-123 Nonapplicability of other statutes.....	525
ARTICLE 3.3. COLLECTIVE BARGAINING BY COUNTY EMPLOYEES.....	525
§ 8-3.3-101 Short title	525
§ 8-3.3-102 Definitions	525
§ 8-3.3-103 County employees—rights—obligations	528
§ 8-3.3-104 Exclusive representatives—rights	529
§ 8-3.3-105 Counties—rights	531
§ 8-3.3-106 Director powers and duties—administration—rules—enforcement—hearing officers	532
§ 8-3.3-107 Judicial enforcement.....	533
§ 8-3.3-108 Certification of the employee organization as the exclusive representative—rules	533
§ 8-3.3-109 Process for employee organization certification—intervening employee organizations—secret ballot elections—rules.....	534
§ 8-3.3-110 Determination of appropriate bargaining unit.....	536
§ 8-3.3-111 Decertification of exclusive representative—rules ..	537
§ 8-3.3-112 Obligation to negotiate in good faith.....	537
§ 8-3.3-113 Collective bargaining agreement—arbitration	538
§ 8-3.3-114 Impasse resolution—fact finding—rules	540

EMPLOYMENT LAW AND PRACTICE HANDBOOK

§ 8-3.3-115	Unfair labor practices.....	542
§ 8-3.3-116	Existing bargaining relationships	545
WAGES.....		545
ARTICLE 4. WAGES.....		545
§ 8-4-101	Definitions	545
§ 8-4-102	Proper payment—record of wages.....	547
§ 8-4-103	Payment of wages—insufficient funds—pay statement—record retention—gratuity notification—penalties	549
§ 8-4-104	Funds available to pay wages—mining industry	550
§ 8-4-105	Payroll deductions permitted—notice required.....	551
§ 8-4-105.5	Automatic enrollment in retirement plans—relief from liability—conditions—definitions	553
§ 8-4-106	Early payment of wages permitted.....	554
§ 8-4-107	Post notice of paydays	554
§ 8-4-108	Payment in the event of strike	554
§ 8-4-109	Termination of employment—payments required—civil penalties—payments to surviving spouse or heir	555
§ 8-4-110	Disputes—fees	558
§ 8-4-111	Enforcement—duty of director—duties of district or city attorneys—local government authority to enact and enforce laws—rules.....	559
§ 8-4-111.5	Hearing officer review and appeals of administrative actions	563
§ 8-4-112	Enforcement of director subpoenas.....	566
§ 8-4-113	Fines pursuant to enforcement—wage theft enforcement fund—created—administrative lien and levy of employer assets—wage claim payments from the fund—definition—rules	566
§ 8-4-114	Criminal penalties	571
§ 8-4-115	Certificate of registration required.....	572
§ 8-4-116	Issuance of certificate of registration	572
§ 8-4-117	Additional obligations	573
§ 8-4-118	Authority to obtain information	574
§ 8-4-119	Penalty provisions.....	574
§ 8-4-120	Discrimination and retaliation prohibited—employee protections—criminal penalties—civil remedies	574
§ 8-4-120.5	Implementation of House Bill 25-1001—report on enforcement of wage hour laws to joint budget committee—repeal	576
§ 8-4-121	Nonwaiver of employee rights	576
§ 8-4-122	Limitation of actions	577
§ 8-4-123	Termination of occupancy pursuant to contract of employment—legislative declaration	577
§ 8-4-124	Third-party food delivery	

TABLE OF CONTENTS

§ 8-4-125	services—prohibitions—penalties—definitions Supplemental health-care staffing agencies— annual certification—contract restrictions— penalty—civil action—reporting—definitions.....	578 579
ARTICLE 5. WAGE EQUALITY.....		582
PART 1. WAGE EQUALITY REGARDLESS OF SEX.....		582
§ 8-5-101	Definitions	582
§ 8-5-102	Wage discrimination prohibited	583
§ 8-5-103	Enforcement—rules—complaints.....	584
§ 8-5-104	Employer liability—awards	585
§ 8-5-105	Repealed by Laws 2019, Ch. 247 (S.B. 19-085), § 7, eff. Jan. 1, 2021.....	586
§ 8-5-106	Repealed by Laws 2010, Ch. 266, § 1, eff. July 1, 2015	586
PART 2. TRANSPARENCY IN JOB OPPORTUNITIES AND COMPENSATION.....		586
§ 8-5-201	Employment opportunities—job opportunities or advancement—pay rates in job listings—rules	586
§ 8-5-202	Record keeping	587
§ 8-5-203	Enforcement—rules.....	587
ARTICLE 6. MINIMUM WAGES OF WORKERS		588
§ 8-6-101	Legislative declaration—minimum wage of workers—authority of a local government to enact minimum wage laws—tip offsets—enforcement—report— severability—definition	588
§ 8-6-101.5	Minimum wage for agricultural workers— rest periods—overwork protections—definition.....	592
§ 8-6-102	Construction.....	593
§ 8-6-103	Definitions	593
§ 8-6-104	Wages shall be adequate—conditions healthful and moral.....	594
§ 8-6-105	Director to investigate	594
§ 8-6-106	Determination of minimum wage and conditions	594
§ 8-6-107	Powers of director—duty of employer	595
§ 8-6-108	Public hearings—witness fees—contempt— director to make rules	595
§ 8-6-108.5	Minimum wage—rules	596

EMPLOYMENT LAW AND PRACTICE HANDBOOK

§ 8-6-108.7	Elimination of subminimum wage for individuals with disabilities—legislative declaration—definitions—repeal.....	596
§ 8-6-109	Methods of establishing minimum wages—wage board.....	600
§ 8-6-110	Wage board—duties—report—quorum	600
§ 8-6-111	Director to review report.....	601
§ 8-6-112	New determination of wages and conditions	602
§§ 8-6-113, 8-6-114	Repealed by Laws 1977, S.B.153, § 13, eff. July 1, 1977	602
§ 8-6-115	Discrimination by employer—penalty—prosecutions	602
§ 8-6-116	Violation—penalty	602
§ 8-6-117	Minimum wage presumed reasonable—conclusiveness	603
§ 8-6-118	Recovery of balance of minimum wage.....	603
§ 8-6-119	Investigation of complaints	603
§ 8-6-120	Overtime wages for agricultural workers—rules	603
ARTICLE 7.5. DIRECT CARE WORKFORCE STABILIZATION BOARD		604
§ 8-7.5-101	Short title	604
§ 8-7.5-102	Definitions	604
§ 8-7.5-103	Direct care workforce stabilization board—creation—membership	605
§ 8-7.5-104	Duties of the board—recommendations for minimum direct care employment standards—analysis of market conditions—public outreach—report	607
§ 8-7.5-105	Notice to direct care workers—duty of direct care employers—posting on state websites—board review and recommendations—rules	612
§ 8-7.5-106	Retaliation	613
§ 8-7.5-107	Repeal of article—subject to review.....	613
§ 8-7.5-108	Direct care employers—direct care worker rights training—direct care worker communication platform—direct care worker website	614
§ 8-7.5-109	Compliance assistance—violations—enforcement	615
ARTICLE 8. TRUCK SYSTEM ABOLISHED [REPEALED].....		616
§§ 8-8-101 to 8-8-109	Repealed by Laws 1995, H.B.95-1020, § 6, eff. April 13, 1995.....	616
ARTICLE 9. ASSIGNMENT OF WAGES ...		616
§ 8-9-101	Assignment of wages—requirements	616

TABLE OF CONTENTS

§ 8-9-102	Copies to be given employer and assignor.....	616
§ 8-9-103	When assignment must be recorded	616
§ 8-9-104	Joinder of wife or husband in assignment—acknowledgment	616
§ 8-9-105	Burden of proof of validity on assignee	617
§ 8-9-106	Deductions for union dues	617
§ 8-9-107	Other authorized deductions.....	617
ARTICLE 10. PREFERRED CLAIMS.....		617
§ 8-10-101	Wages a preferred claim	617
§ 8-10-102	Statement of claim presented	618
§ 8-10-103	Payment—prorating—prior mortgage not impaired	618
LABOR CONDITIONS		618
ARTICLE 12. COLORADO YOUTH EMPLOYMENT OPPORTUNITY ACT.....		618
§ 8-12-101	Short title.....	618
§ 8-12-102	Legislative declaration	618
§ 8-12-103	Definitions.....	619
§ 8-12-104	Exemptions.....	619
§ 8-12-105	Minimum age requirements—maximum hours of work	620
§ 8-12-106	Permissible occupations at age nine or older	621
§ 8-12-107	Permissible occupations at age twelve or older.....	621
§ 8-12-108	Permissible occupations at age fourteen or older ..	622
§ 8-12-109	Permissible occupations at age sixteen or older....	623
§ 8-12-110	Hazardous occupations prohibited for minors	623
§ 8-12-111	Age certificates	624
§ 8-12-112	Proof of high school diploma, passing score on general educational development examination, or completion of career and technical education program	625
§ 8-12-113	School release permit.....	625
§ 8-12-114	Appeal from denial or cancellation of school release permit—procedure.....	626
§ 8-12-115	Director of division of labor standards and statistics—powers and duties—public records— filing final orders—rules—definition	627
§ 8-12-116	Penalty and damages for violations.....	629
§ 8-12-117	Remedies for violations—workers' compensation— remedies at law and in equity	631
§ 8-12-118	Protection from retaliation—rebuttable presumption of retaliation.....	632

EMPLOYMENT LAW AND PRACTICE HANDBOOK

ARTICLE 13. EIGHT-HOUR DAY	632
§ 8-13-101 Employment declared dangerous	632
§ 8-13-102 Eight-hour day—exceptions	632
§ 8-13-102.1 Period of employment—relation to conservation of fuel	633
§ 8-13-103 Penalty for violation	633
§§ 8-13-104 to 8-13-106 Repealed by Laws 1986, H.B.1073, § 1 eff. March 26, 1986	633
§ 8-13-107 Firemen—hours of duty	633
§ 8-13-108 Penalty for violation	634
§ 8-13-109 Repealed by Laws 2000, Ch. 50, § 1, eff. March 17, 2000	634
§ 8-13-110 Overtime not mandatory	634
§ 8-13-111 Repealed by Laws 2000, Ch. 50, § 3, eff. March 17, 2000	634
ARTICLE 13.3. FAMILY AND MEDICAL LEAVE	634
PART 1. PARENTAL INVOLVEMENT [REPEALED]	634
§§ 8-13.3-101 to 8-13.3-104 Repealed by Laws 2009, Ch. 340, § 2, eff. Sept. 1, 2015	634
PART 2. FAMILY AND MEDICAL LEAVE ELIGIBILITY	634
§ 8-13.3-201 Short title	634
§ 8-13.3-202 Definitions	635
§ 8-13.3-203 Family and medical leave—state requirements ..	635
§ 8-13.3-204 Enforcement	636
§ 8-13.3-205 Repeal of part	636
PART 3. FAMILY AND MEDICAL LEAVE IMPLEMENTATION [REPEALED]	636
§§ 8-13.3-301 to 8-13.3-305 Repealed by Laws 2025, Ch. 375 (S.B. 25-271), § 1, eff. August 6, 2025	636
PART 4. HEALTHY FAMILIES AND WORKPLACES	636
§ 8-13.3-401 Short title	636
§ 8-13.3-402 Definitions	636
§ 8-13.3-403 Paid sick leave—accrual—carry forward to subsequent year—comparable leave provided by employer—no payment for unused leave—rules ..	638

TABLE OF CONTENTS

§ 8-13.3-404	Use of paid sick leave—purposes—time increments	640
§ 8-13.3-405	Additional paid sick leave during a public health emergency	642
§ 8-13.3-406	Paid sick leave related to COVID-19	644
§ 8-13.3-407	Employee rights protected—retaliation prohibited	644
§ 8-13.3-408	Notice to employees—penalty—rules	645
§ 8-13.3-409	Employer records	647
§ 8-13.3-410	Authority of director—rules	647
§ 8-13.3-411	Enforcement—judicial review of director’s actions	647
§ 8-13.3-412	Confidentiality of employee information—definition	648
§ 8-13.3-413	Employers encouraged to provide more generous paid sick leave	648
§ 8-13.3-414	Other legal requirements applicable	649
§ 8-13.3-415	Collective bargaining agreements	649
§ 8-13.3-416	Employer policies	650
§ 8-13.3-417	Severability	650
§ 8-13.3-418	Employer authorized to take disciplinary action	650
PART 5. PAID FAMILY AND MEDICAL LEAVE INSURANCE		650
§ 8-13.3-501	Short title	650
§ 8-13.3-502	Purposes and Findings	651
§ 8-13.3-503	Definitions	652
§ 8-13.3-504	Eligibility	655
§ 8-13.3-505	Duration	656
§ 8-13.3-506	Amount of benefits—portability	657
§ 8-13.3-507	Premiums—rules	657
§ 8-13.3-508	Division of family and medical leave insurances	659
§ 8-13.3-509	Leave and employment protection	660
§ 8-13.3-510	Coordination of benefits	661
§ 8-13.3-511	Notice	663
§ 8-13.3-512	Appeals	663
§ 8-13.3-513	Erroneous payments and disqualification for benefits	663
§ 8-13.3-514	Elective coverage	664
§ 8-13.3-515	Reimbursement of advance payments	664
§ 8-13.3-516	Family and medical leave insurance program	665
§ 8-13.3-517	Income tax	666
§ 8-13.3-518	Family and medical leave insurance fund—establishment and investment—repeal	666
§ 8-13.3-519	Reports	670
§ 8-13.3-520	Public education	670
§ 8-13.3-521	Substitution of private plans	670
§ 8-13.3-522	Local government employers’ ability to decline participation in program—rules	673

EMPLOYMENT LAW AND PRACTICE HANDBOOK

§ 8-13.3-523	Severability.....	673
§ 8-13.3-524	Effective date.....	673

**ARTICLE 13.5. WORKPLACE
ACCOMMODATIONS AND
PROTECTIONS** 673

**PART 1. WORKPLACE ACCOMMODATIONS
FOR NURSING MOTHERS** 673

§ 8-13.5-101	Short title.....	674
§ 8-13.5-102	Legislative declaration	674
§ 8-13.5-103	Definitions	675
§ 8-13.5-104	Right of nursing mothers to express breast milk in workplace—private location—discrimination prohibited	675

**PART 2. LABOR CONDITIONS FOR
AGRICULTURAL WORKERS.....** 675

§ 8-13.5-201	Definitions	676
§ 8-13.5-202	Agricultural workers—right of access to key service providers—rules—definition.....	676
§ 8-13.5-203	Extreme overwork protections—heat stress training—short-handled hoe prohibited—rules ..	678
§ 8-13.5-204	Enforcement—penalties—relief—rules	680
§ 8-13.5-205	Agricultural work advisory committee—creation—report—repeal	681

**ARTICLE 14.4. WORKER RIGHTS RELATED TO
HEALTH AND SAFETY.....** 682

§ 8-14.4-101	Definitions	682
§ 8-14.4-102	Prohibition against discrimination based on claims related to health and safety	683
§ 8-14.4-103	Principal post notice of rights—rules.....	684
§ 8-14.4-104	Relief for aggrieved person	684
§ 8-14.4-105	Enforcement by the division—rules	685
§ 8-14.4-106	Relief authorized.....	686
§ 8-14.4-107	Whistleblower enforcement—qui tam—definition	687
§ 8-14.4-108	Rulemaking	688
§ 8-14.4-109	Agricultural employers—responsibilities during public health emergency—worker safety protections—definition.....	688

**ARTICLE 15.8. OFFICE OF FUTURE OF
WORK** 689

§ 8-15.8-101	Legislative declaration—intent.....	689
--------------	-------------------------------------	-----

TABLE OF CONTENTS

§ 8-15.8-102	Definitions	690
§ 8-15.8-103	Office of future of work—creation—powers and duties—report	690
§ 8-15.8-104	Reports—recommendations.....	691
§ 8-15.8-105	Funding for the office	691
PUBLIC WORKS.....		692
ARTICLE 17. COLORADO LABOR ON PUBLIC WORKS		692
§ 8-17-100.3	[Formerly 8-17-101(2)] Definitions	692
§ 8-17-101	Colorado labor employed on public works—definitions.....	692
§ 8-17-102	Contracts to provide for preference of Colorado labor	693
§ 8-17-103	Repealed by Laws 2013, Ch. 266, § 3, eff. May 24, 2013	693
§ 8-17-104	Enforcement—violation— penalties— Colorado labor enforcement cash fund—creation.....	693
§ 8-17-105	Compliance standard	694
§ 8-17-106	Rules	695
§ 8-17-107	Federal and state law	695
§§ 8-17.5-101 to 8-17.5-103	Repealed by Laws 2021, Ch. 351 (S.B. 21-199), §§ 8, 12, eff. July 1, 2022.....	695
LABOR II—. WORKERS' COMPENSATION AND RELATED PROVISIONS.....		695
WORKERS' COMPENSATION		695
ARTICLE 40. GENERAL PROVISIONS....		695
PART 1. SHORT TITLE—LEGISLATIVE DECLARATION		695
§ 8-40-101	Short title.....	695
§ 8-40-101.5	Repealed by Laws 1990, H.B.90-1160, § 1, eff. July 1, 1990.....	696
§ 8-40-102	Legislative declaration	696
PART 2. DEFINITIONS		696
§ 8-40-201	Definitions	696

EMPLOYMENT LAW AND PRACTICE HANDBOOK

§ 8-40-202	Employee	700
§ 8-40-203	Employer	707
PART 3. SCOPE AND APPLICABILITY.....		708
§ 8-40-301	Scope of term “employee”—definition.....	708
§ 8-40-302	Scope of term “employer”	710
ARTICLE 41. COVERAGE AND LIABILITY		712
PART 1. ABROGATION OF DEFENSE..		712
§ 8-41-101	Assumption of risk—negligence of employee or fellow servant	712
§ 8-41-102	Liability of employer complying	712
§ 8-41-103	Availability of common-law defenses...	713
§ 8-41-104	Acceptance as surrender of other remedies	713
§§ 8-41-105 to 8-41-108	Repealed by Laws 1990, H.B.90-1160, § 1, eff. July 1, 1990	713
PART 2. COVERAGE.....		713
§ 8-41-201	Not applicable to common carriers.....	713
§ 8-41-202	Rejection of coverage by corporate officers and others	714
§ 8-41-203	Negligence of stranger—remedies—subrogation—actions—compromise.....	714
§ 8-41-204	Injury outside of state—benefits in accordance with state law.....	719
§ 8-41-205	Waiver of compensation by employee—approval required—exception	719
§ 8-41-206	Disability beginning five years after injury.....	719
§ 8-41-207	Death after two years	719
§ 8-41-210	Coverage for property tax work-off program participants	720
§ 8-41-211	Transportation network company drivers—rules...	720
§ 8-41-212	Exemptions—laws of other state furnish exclusive remedy—definitions	720
PART 3. LIABILITY		721
§ 8-41-301	Conditions of recovery—definitions	721
§ 8-41-302	Scope of terms—“accident”—“injury”—“occupational disease”.....	723
§ 8-41-303	Loaning employer liable for compensation.....	723
§ 8-41-304	Last employer liable—exception	724

TABLE OF CONTENTS

PART 4. CONTRACTORS AND LESSEES		724
§ 8-41-401	Lessor contractor-out deemed employer—liability—recovery	724
§ 8-41-402	Repairs to real property—exception for liability of occupant of residential real property	727
§ 8-41-403	Exemption of certain lessors of real property	728
LABOR III—. EMPLOYMENT SECURITY		729
ARTICLE 70. DEFINITIONS—GENERAL PROVISIONS		729
§ 8-70-101	Short title	729
§ 8-70-102	Legislative declaration	729
§ 8-70-103	Definitions	730
§ 8-70-104	Repealed by Laws 1975, S.B.453, § 6, eff. July 16, 1975	735
§ 8-70-105	Banks as instrumentalities of United States	735
§ 8-70-106	No vested rights or immunities	735
§ 8-70-107	Disposition of funds in event of unconstitutionality	736
§ 8-70-108	Conformity with federal statutes	736
§ 8-70-109	Agricultural labor	737
§ 8-70-110	Benefits—classifications	738
§ 8-70-111	Benefit year—definitions	738
§ 8-70-112	Claims—classifications	739
§ 8-70-113	Employer—definition	739
§ 8-70-114	Employing unit—definitions—rules—employee leasing company certification fund	741
§ 8-70-115	Employment—Federal Unemployment Tax Act	752
§ 8-70-116	Employment—location of services	754
§ 8-70-117	Employment—base of operations	754
§ 8-70-118	Employment—nonprofit organizations	755
§ 8-70-119	Employment—hospitals—stitutions of higher education	755
§ 8-70-120	Employment—agricultural labor	756
§ 8-70-121	Employment—domestic services	757
§ 8-70-122	Employment—American employer	757
§ 8-70-123	Employment—vessels—aircraft	758
§ 8-70-124	Employment—credit—state unemployment fund	758
§ 8-70-125	Employment—educational institutions	758
§ 8-70-125.5	Employment—Indian tribes	759
§ 8-70-125.7	Employment—property tax work-off program participants	759
§ 8-70-126	Employment does not include—agricultural labor	759
§ 8-70-127	Employment does not include—domestic service	759
§ 8-70-128	Employment does not include—employer's trade or business	759

EMPLOYMENT LAW AND PRACTICE HANDBOOK

§ 8-70-129	Employment does not include—spouse—minor	760
§ 8-70-130	Employment does not include—instrumentalities of United States	760
§ 8-70-131	Employment does not include—school—college—university.....	761
§ 8-70-132	Employment does not include—educational institution.....	761
§ 8-70-133	Employment does not include—hospital	761
§ 8-70-134	Employment does not include—unemployment compensation system	761
§ 8-70-135	Employment does not include—paper routes	762
§ 8-70-136	Employment does not include—brokers.....	762
§ 8-70-137	Employment does not include—organization exempt from income tax.....	762
§ 8-70-138	Repealed by Laws 1990, H.B.90-1316, § 33, eff. May 31, 1990	763
§ 8-70-139	Employment does not include—insurance agents..	763
§ 8-70-140	Employment does not include—nonprofit organizations—governmental entities—Indian tribes	763
§ 8-70-140.1	Employment does not include—foreign government service.....	764
§ 8-70-140.2	Employment does not include—nonresident alien service.....	764
§ 8-70-140.5	Employment does not include—drivers of taxis or limousines.....	765
§ 8-70-140.6	Employment does not include—nonprofit youth sports organization coach—definitions.....	766
§ 8-70-140.7	Employment does not include—land professionals	767
§ 8-70-140.8	Employment does not include—owners	768
§ 8-70-141	Wages—definition.....	768
§ 8-70-142	Wages—remuneration not included as wages	769
§ 8-70-143	Applicability of legislation	772

**ARTICLE 72. ADMINISTRATION OF
DIVISION**

§ 8-72-101	Duties and powers of division	772
§ 8-72-102	Rules	773
§ 8-72-103	Publications	774
§ 8-72-104	Personnel	774
§ 8-72-105	Repealed by Laws 1986, H.B.1101, § 7, eff. July 1, 1990.....	774
§ 8-72-106	Employment stabilization.....	774
§ 8-72-107	Records and reports—fee—violation—penalty.....	775
§ 8-72-108	Oaths—witnesses—subpoenas	776
§ 8-72-109	State-federal cooperation	777
§ 8-72-110	Reciprocal interstate agreements—rules	779
§ 8-72-111	Release of location information concerning	

TABLE OF CONTENTS

§ 8-72-112	individuals with outstanding felony arrest warrants.....	782
§ 8-72-113	Division—reporting—veterans programs.....	782
§ 8-72-114	Annual report—federal stimulus moneys to expand unemployment benefits—repeal	782
§ 8-72-114	Employee misclassification—investigations—enforcement—advisory opinions—rules—employee misclassification advisory opinion fund—statewide study—report—definitions—legislative declaration.....	783
ARTICLE 73. BENEFITS—ELIGIBILITY—DISQUALIFICATION		786
§ 8-73-101	Payment of benefits	787
§ 8-73-102	Weekly benefit amount for total unemployment—definitions	787
§ 8-73-103	Benefits for partial unemployment	792
§ 8-73-104	Duration of benefits	792
§ 8-73-105	Part-time workers	793
§ 8-73-105.3	Temporary employees	793
§ 8-73-105.5	Employment by temporary help contracting firm	794
§ 8-73-106	Seasonal industry.....	795
§ 8-73-107	Eligibility conditions—penalty—notice to revisor of statutes—repeal	796
§ 8-73-108	Benefit awards—definitions	802
§ 8-73-109	Strikes or other labor disputes—definitions	817
§ 8-73-110	Other remuneration—severance pay—definitions ..	818
§ 8-73-111	Compensation from other state	821
§ 8-73-112	Benefits payable after receiving workers’ compensation benefits	822
§ 8-73-113	Benefits payable during approved training—definition	822
§ 8-73-114	Repealed by Laws 2012, Ch. 265, § 1, eff. July 1, 2014.....	823
§ 8-73-115	Repealed by Laws 2022, Ch. 224 (S.B. 22-234), § 4, eff. Sept. 1, 2023.....	823
§ 8-73-116	Benefit recovery fund—recovery benefits—eligible individuals—third-party administrator—definitions—rules—access to personal information or tax data to administer fund—confidentiality requirements	823
ARTICLE 74. CLAIMS FOR BENEFITS		826
§ 8-74-100.3	Definitions	826
§ 8-74-101	Claims for benefits—employer-provided information required.....	826
§ 8-74-102	Deputy’s decision—rules	827

EMPLOYMENT LAW AND PRACTICE HANDBOOK

§ 8-74-103	Hearing officer review—rules	828
§ 8-74-104	Industrial claim appeals office review	829
§ 8-74-105	Reconsiderations	829
§ 8-74-106	Appeals—time limits—procedures	829
§ 8-74-107	Court review	831
§ 8-74-108	Conclusiveness of determinations and decisions ...	833
§ 8-74-109	Payment of benefits	833
§ 8-74-110	Repealed by Laws 1992, H.B.92-1079, § 4, eff. March 19, 1992	833
ARTICLE 80. PROTECTION OF RIGHTS AND BENEFITS		833
§ 8-80-101	Waiver of rights void	834
§ 8-80-102	Limitation of fees	834
§ 8-80-103	Assignment of benefits void—exemptions	834
ARTICLE 81. PENALTIES AND ENFORCEMENT.....		835
§ 8-81-101	Penalties	835
§ 8-81-102	Penalties in prior law continue in force	839
§ 8-81-103	Representation in court	840
TITLE 12. PROFESSIONS AND OCCUPATIONS		841
GENERAL.....		841
ARTICLE 14.3. COLORADO CONSUMER CREDIT REPORTING ACT [REPEALED]		841
§§ 12-14.3-101 to 12-14.3-109	Repealed and relocated by Laws 2017, Ch. 260, § 25, eff. Aug. 9, 2017.....	842
TITLE 13. COURTS AND COURT PROCEDURE		842
CIVIL PROTECTION ORDERS.....		843
ARTICLE 14. CIVIL PROTECTION ORDERS.....		843
§ 13-14-100.2	Legislative declaration.....	843
§ 13-14-101	Definitions	844
§ 13-14-102	Repealed by Laws 2013, Ch. 218, § 7, eff. July 1, 2013	847

TABLE OF CONTENTS

REGULATION OF ACTIONS AND PROCEEDINGS		847
ARTICLE 21. DAMAGES.....		847
PART 1. GENERAL PROVISIONS.....		847
§ 13-21-102.5	Limitations on damages for noneconomic loss or injury—definitions.....	847
§ 13-21-108	Persons rendering emergency assistance exempt from civil liability	851
§ 13-21-108.2	Persons rendering emergency assistance—competitive sports—exemption from civil liability	852
§ 13-21-109	Recovery of damages for checks, drafts, or orders not paid upon presentment.....	853
§ 13-21-115.5	Volunteer service act—immunity—exception for operation of motor vehicles—exception for helicopter search and rescue—short title—legislative declaration—definitions	855
JUDGMENTS AND EXECUTIONS.....		862
ARTICLE 54.5. GARNISHMENT		862
§ 13-54.5-101	Definitions	862
§ 13-54.5-110	No discharge from employment for any garnishment—general prohibition	864
JURIES AND JURORS		865
ARTICLE 71. COLORADO UNIFORM JURY SELECTION AND SERVICE ACT		865
§ 13-71-119	Deferments and excuses—limitations	865
§ 13-71-120	Length of juror service.....	866
§ 13-71-126	Compensation of employed jurors during first three days of service.....	866
§ 13-71-129	Compensation of jurors after first three days of service.....	866
§ 13-71-132	Juror service acknowledgment information—requests—payment	866
§ 13-71-133	Enforcement of employer's duty to compensate jurors	867
§ 13-71-134	Penalties and enforcement remedies for harassment by employer	867
TITLE 14. DOMESTIC MATTERS		869

EMPLOYMENT LAW AND PRACTICE HANDBOOK

DESERTION AND NONSUPPORT	870
ARTICLE 5. UNIFORM INTERSTATE FAMILY SUPPORT ACT	870
PART 5. ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION	870
§ 14-5-501 Employer's receipt of income-withholding order of another state.....	870
§ 14-5-502 Employer's compliance with income-withholding order of another state.....	870
§ 14-5-503 Employer's compliance with two or more income-withholding orders	871
§ 14-5-504 Immunity from civil liability	871
§ 14-5-505 Penalties for noncompliance.....	871
CHILD SUPPORT	872
ARTICLE 14. CHILD SUPPORT ENFORCEMENT PROCEDURES	872
§ 14-14-101 Short title	872
§ 14-14-102 Definitions	872
§ 14-14-103 Additional remedies.....	874
§ 14-14-105 Continuing garnishment.....	874
§ 14-14-111.5 Income assignments for child support or maintenance.....	875
§ 14-14-112 Deductions for health insurance.....	885
ARTICLE 15. COLORADO CIVIL UNION ACT.....	888
§ 14-15-101 Short title	888
§ 14-15-102 Legislative declaration.....	888
§ 14-15-103 Definitions.....	889
§ 14-15-104 Requisites of a valid civil union	890
§ 14-15-107 Rights, benefits, protections, duties, obligations, responsibilities, and other incidents of parties to a civil union	890
TITLE 18. CRIMINAL CODE.....	894
ARTICLE 3. OFFENSES AGAINST THE PERSON	894
PART 2. ASSAULTS	894
§ 18-3-207 Criminal extortion—aggravated extortion	894

TABLE OF CONTENTS

ARTICLE 8. OFFENSES—GOVERNMENTAL OPERATIONS		895
PART 6. OFFENSES RELATING TO JUDICIAL AND OTHER PROCEEDINGS		895
§ 18-8-614	Willful harassment of juror by employer.....	895
§ 18-8-615	Retaliation against a judge or an elected official—definitions	895
§ 18-8-616	Retaliation against a prosecutor	897
TITLE 24. GOVERNMENT—STATE.....		898
ADMINISTRATION		901
ARTICLE 5. PUBLIC EMPLOYMENT—ELIGIBILITY		901
§ 24-5-101	Effect of criminal conviction on employment rights—fee—determination.....	901
§ 24-5-102	Employee information—student loan repayment and forgiveness programs—legislative declaration—definitions.....	905
ARTICLE 10. GOVERNMENTAL IMMUNITY		907
§ 24-10-101	Short title	907
§ 24-10-102	Declaration of policy	907
§ 24-10-103	Definitions	908
§ 24-10-104	Waiver of sovereign immunity	912
§ 24-10-105	Prior waiver of immunity—effect—indirect claims not separate	912
§ 24-10-106	Immunity and partial waiver	913
§ 24-10-106.1	Immunity and partial waiver—claims against the state—injuries from prescribed fire—on or after January 1, 2012	916
§ 24-10-106.3	Immunity and partial waiver—claims for serious bodily injury or death on public school property or at school-sponsored events resulting from incidents of school violence—short title—definitions	916
§ 24-10-106.5	Duty of care	919
§ 24-10-107	Determination of liability	919
§ 24-10-108	Sovereign immunity a bar.....	920
§ 24-10-109	Notice required—contents—to whom given—limitations	920
§ 24-10-110	Defense of public employees—payment of judgments or settlements against public employees.....	921

EMPLOYMENT LAW AND PRACTICE HANDBOOK

§ 24-10-111	Judgment against public entity or public employee—effect	923
§ 24-10-112	Compromise of claims—settlement of actions.....	924
§ 24-10-113	Payment of judgments.....	924
§ 24-10-113.5	Attorney general to notify general assembly	925
§ 24-10-114	Limitations on judgments—recommendation to general assembly—authorization of additional payment—lower north fork wildfire claims	925
§ 24-10-114.5	Limitation on attorney fees in class action litigation	928
§ 24-10-117	Execution and attachment not to issue	928
§ 24-10-118	Actions against public employees—requirements and limitations	928
§ 24-10-119	Applicability of article to claims under federal law.....	930
§ 24-10-120	Severability	930
	ARTICLE 11. HOLIDAYS	930
§ 24-11-101	Legal holidays—effect.....	930
§ 24-11-112	Cesar Chavez Day	931
	PRINCIPAL DEPARTMENTS	932
	ARTICLE 34. DEPARTMENT OF REGULATORY AGENCIES.....	932
	PART 3. COLORADO CIVIL RIGHTS DIVISION—COMMISSION—PROCEDURES	932
§ 24-34-300.5	Short title	932
§ 24-34-300.7	Legislative declaration.....	932
§ 24-34-301	Definitions	933
§ 24-34-302	Civil rights division—director—powers and duties.....	935
§ 24-34-303	Civil rights commission—membership.....	936
§ 24-34-304	Division and commission subject to termination—repeal of part.....	938
§ 24-34-305	Powers and duties of commission	938
§ 24-34-306	Charge—complaint—hearing—procedure—exhaustion of administrative remedies	942
§ 24-34-307	Judicial review and enforcement	947
§ 24-34-308	Enforcement of federal law prohibited.....	948
§ 24-34-309	Public education—service and assistance animals—form used in housing	948
	PART 4. EMPLOYMENT PRACTICES	949
§ 24-34-400.2	Legislative declaration.....	949

TABLE OF CONTENTS

§ 24-34-401	Definitions	950
§ 24-34-402	Discriminatory or unfair employment practices—affirmative defense—definition	951
§ 24-34-402.3	Prohibition of discrimination—pregnancy, childbirth, and related conditions—reasonable accommodations required—notice of rights—definitions	958
§ 24-34-402.5	Unlawful prohibition of legal activities as a condition of employment	960
§ 24-34-402.7	Unlawful action against employees seeking protection	961
§ 24-34-403	Time limits on filing of charges.....	962
§ 24-34-404	Charges by employers and others	963
§ 24-34-405	Relief authorized—short title	963
§ 24-34-406	Ruling on unemployment benefits not a bar	968
§ 24-34-407	Nondisclosure agreements—requirements for enforcement—penalties for noncompliance	968
§ 24-34-408	Employer record keeping—repository of discrimination complaints—definition	970
PART 8. PERSONS WITH DISABILITIES—CIVIL RIGHTS.....		971
§ 24-34-801	Legislative declaration.....	971
§ 24-34-802	Violations—penalties—immunity—repeal	972
§ 24-34-803	Rights of individuals with service animals	974
§ 24-34-804	Service animals—violations—penalties	975
GOVERNMENT COMPETITION WITH PRIVATE ENTERPRISE.....		976
ARTICLE 114. PRIVATE ENTERPRISE EMPLOYEE PROTECTION		976
§ 24-114-101	Definitions	976
§ 24-114-102	Retaliation prohibited	977
§ 24-114-103	Civil actions resulting from disciplinary actions or from disclosure of information	978
TITLE 25. PUBLIC HEALTH AND ENVIRONMENT		979
ENVIRONMENTAL CONTROL		979
ARTICLE 14. CONTROL OF SMOKING.....		979
PART 2. COLORADO CLEAN INDOOR AIR ACT.....		979
§ 25-14-201	Short title	979

EMPLOYMENT LAW AND PRACTICE HANDBOOK

§ 25-14-202	Legislative declaration.....	979
§ 25-14-203	Definitions	980
§ 25-14-204	General smoking restrictions	983
§ 25-14-205	Exceptions to smoking restrictions.....	985
§ 25-14-206	Optional prohibitions	986
§ 25-14-207	Other applicable regulations of smoking—local counterpart regulations authorized.....	986
§ 25-14-208	Unlawful acts—penalty—disposition of fines and surcharges	987
§ 25-14-208.5	Violations relating to signage and admission of persons under twenty-one years of age— limitation on fines	988
TITLE 26. HUMAN SERVICES CODE.....		989
ARTICLE 13. CHILD SUPPORT ENFORCEMENT ACT.....		989
§ 26-13-107	State parent locator service—definitions	989
§ 26-13-121.5	Enforcement of obligation to maintain health insurance	994
§ 26-13-125	State directory of new hires—definitions	998
TITLE 28. MILITARY AND VETERANS		1002
MILITARY.....		1002
ARTICLE 3. NATIONAL GUARD		1002
PART 5. RIGHTS—EXEMPTIONS—DUTIES.		1002
§ 28-3-506	Discrimination against employment—penalty.....	1002
PART 6. PUBLIC AND PRIVATE EMPLOYEES—DUTIES		1003
§ 28-3-601	Public employees—annual military leave	1003
§ 28-3-602	Public employees—extended military leave.....	1004
§ 28-3-603	Public employees—emergency military leave.....	1004
§ 28-3-604	Reinstatement.....	1004
§ 28-3-605	Public officer—certificate for reinstatement	1005
§ 28-3-606	Public pension rights retained	1005
§ 28-3-607	Public employees—substitute during service	1006
§ 28-3-608	Sections supplemental	1006
§ 28-3-609	Private employees—annual military leave.....	1006
§ 28-3-610	Private employees—benefits retained	1007
§ 28-3-610.5	Private employees—state service— reemployment rights—benefits retained.....	1007
§ 28-3-611	Employer's noncompliance—actions	1007

TABLE OF CONTENTS

TITLE 29. GOVERNMENT—LOCAL.....	1008
ARTICLE 5. PEACE OFFICERS AND FIREFIGHTERS	1008
PART 2. COLLECTIVE BARGAINING AND MEET AND CONFER	1008
§ 29-5-215 Protect public workers	1008
ARTICLE 33. PROTECTIONS FOR PUBLIC WORKERS	1008
§ 29-33-101 Short title	1008
§ 29-33-102 Legislative declaration.....	1008
§ 29-33-103 Definitions.....	1009
§ 29-33-104 Protections for public workers	1011
§ 29-33-105 Enforcement—rules	1012
TITLE 31. GOVERNMENT—MUNICIPAL.....	1014
MUNICIPAL ELECTIONS	1014
ARTICLE 10. MUNICIPAL ELECTION CODE.....	1014
PART 6. CONDUCT OF ELECTIONS.....	1014
§ 31-10-603 Employee entitled to vote	1014
PART 15. ELECTION OFFENSES	1015
§ 31-10-1522 Employer's unlawful acts	1015
TITLE 38. PROPERTY—REAL AND PERSONAL.....	1016
UNCLAIMED PROPERTY.....	1016
ARTICLE 13. REVISED UNIFORM UNCLAIMED PROPERTY ACT.....	1016
PART 1. IN GENERAL.....	1017
§ 38-13-101 Short title	1017
§ 38-13-102 Definitions	1017
§ 38-13-103 Inapplicability to wholly foreign transaction	1023
§ 38-13-104 Rule-making	1023
§ 38-13-108.6 Repealed by Laws 2019, Ch. 110	

EMPLOYMENT LAW AND PRACTICE HANDBOOK

(S.B. 19-088), § 1, eff. July 1, 2020	1023
§§ 38-13-110 to 38-13-112 Repealed by Laws 2019, Ch. 110 (S.B. 19-088), § 1, eff. July 1, 2020	1023
§ 38-13-112.5 Repealed by Laws 1995, S.B.95-8, § 6, eff. May 16, 1995.....	1023
§§ 38-13-113 to 38-13-115 Repealed and relocated by Laws 2019, Ch. 110 (S.B. 19-088), § 1, eff. July 1, 2020.....	1023
 PART 2. PRESUMPTION OF ABANDONMENT	1023
§ 38-13-201 When property presumed abandoned	1024
§ 38-13-202 When tax-deferred retirement account presumed abandoned	1025
§ 38-13-203 When other tax-deferred account presumed abandoned	1026
§ 38-13-216 Money held by the public employees' retirement association—definitions	1026
 TITLE 39. TAXATION.....	1028
 SPECIFIC TAXES INCOME TAX.....	1028
 ARTICLE 22. INCOME TAX	1028
 PART 6. PROCEDURE AND ADMINISTRATION	1028
§ 39-22-604 Withholding tax—requirement to withhold—tax lien—exemption from lien—annual statement—notice—definitions—repeal	1028
 SECTION VI. COLORADO EMPLOYMENT REGULATIONS	1041
 3 CCR § 708-1: STATE OF COLORADO CIVIL RIGHTS COMMISSION RULES AND REGULATIONS	1043
 INTRODUCTION	1046
Rule 708-1:10.1 Statement of Purpose	1046
Rule 708-1:10.2 Definitions.....	1046
 PRACTICE AND PROCEDURE.....	1049
Rule 708-1:10.3 Repealed	1049
Rule 708-1:10.4 Charges	1049

TABLE OF CONTENTS

Rule 708-1:10.5	Mediation, Investigation, Dismissal and Conciliation	1052
Rule 708-1:10.6	Appeal of the Director's Determination	1056
Rule 708-1:10.7	General Rules Governing Hearing Procedures	1057
Rule 708-1:10.8	Declaratory Orders	1058
Rule 708-1:10.9	Administrative Law Judge's Initial Decision	1060
Rule 708-1:10.10	Appeals of (Exceptions to) the Administrative Law Judge's Decision.....	1060
Rule 708-1:10.11	Charges Initiated by the Commission, a Commissioner, or the Attorney General.....	1061
Rule 708-1:10.12	Investigations of Discrimination Charges Referred by the Colorado State Personnel Board	1063
Rule 708-1:10.13	Interpretation	1064
Rule 708-1:10.14	Transferred to 708-1:10.13	1064
GENERAL PROVISIONS		1064
Rule 708-1:20.1	Anti-Discrimination Notices in Employment and Places of Public Accommodation	1064
Rule 708-1:20.2	Anti-Discrimination Notices in Housing	1065
Rule 708-1:20.3	Photographs of Applicants for Employment ...	1065
Rule 708-1:20.4	Discriminatory Signage in Places of Public Accommodation	1065
Rule 708-1:20.5	Preservation of Records.....	1066
Rule 708-1:20.6	Preventative Action	1066
HOUSING		1066
Rule 708-1:30.1	Housing Provisions of the Law Consistent with the Federal Fair Housing Act	1066
AGE		1067
Rule 708-1:40.1	Employment Violations	1067
Rule 708-1:40.2	Exceptions.....	1067
CREED AND RELIGION		1068
Rule 708-1:50.1	Accommodation of Creed and Religious Practices	1068
DISABILITY		1068
Rule 708-1:60.1	General Provisions	1068
Rule 708-1:60.2	Determination of Additional Expense	1069
Rule 708-1:60.3	Employment.....	1069
Rule 708-1:60.4	Housing.....	1070
Rule 708-1:60.5	Places of Public Accommodation	1071
Rule 708-1:60.6	Reasonable Accommodation	1071

EMPLOYMENT LAW AND PRACTICE HANDBOOK

NATIONAL ORIGIN AND ANCESTRY		1073
Rule 708-1:70.1	General	1073
Rule 708-1:70.2	Accents, Language Fluency, and English-Only Requirements	1074
Rule 708-1:70.3	Non-Citizens	1075
INDEPENDENT CONTRACTORS		1075
Rule 708-1:75.1	Jurisdiction	1075
Rule 708-1:75.2	Rebuttable Presumption of Covered Employment	1075
Rule 708-1:75.3	Independent Contractor Status	1075
Rule 708-1:75.4	Direction and Control	1075
Rule 708-1:75.5	Independently Established	1076
Rule 708-1:75.6	Independent Contractor Agreements	1076
SEX		1077
Rule 708-1:80.1	Sex as a Bona Fide Occupational Qualification (BFOQ)	1077
Rule 708-1:80.2	Separate Lines of Progression and Seniority Systems	1077
Rule 708-1:80.3	Pre-Employment Inquiries as to Sex	1077
Rule 708-1:80.4	Pension and Retirement Plans	1077
Rule 708-1:80.5	Discriminatory Compensation, Conditions of Employment, and Job Classifications	1078
Rule 708-1:80.6	Pregnancy, Childbirth, and Related Conditions	1078
Rule 708-1:80.7	Job Opportunities Advertising	1080
Rule 708-1:80.8	Sexual Harassment	1080
SEXUAL ORIENTATION		1080
Rule 708-1:81.1	Separate Lines of Progression and Seniority Systems	1080
Rule 708-1:81.2	Medical Leave	1080
Rule 708-1:81.3	Pre-Employment & Other Inquiries	1080
Rule 708-1:81.4	Background Checks	1081
Rule 708-1:81.5	Discriminatory Wages	1081
Rule 708-1:81.6	Sexual Orientation Harassment	1081
Rule 708-1:81.7	Advertising	1081
Rule 708-1:81.8	Dress & Grooming Standards	1082
Rule 708-1:81.9	Gender-Segregated Facilities	1082
WORKPLACE HARASSMENT		1082
Rule 708-1:85.1	Harassment Based Upon Protected Classes in the Workplace Prohibited	1082
Rule 708-1	Statements of basis, specific statutory authority, and purpose, incorporated on the date of adoption	1083

TABLE OF CONTENTS

7 CCR § 1101-1: LABOR PEACE AND INDUSTRIAL RELATIONS (LPIR) RULES	1088
1101-1:1 Statement of Purpose and Authority	1088
§ 1101-1:2 Definitions and Clarifications	1089
§ 1101-1:3 Notices by Employers	1092
§ 1101-1:4 Filing, Service, and Deadlines	1092
§ 1101-1:5 Elections	1093
§ 1101-1:6 Unfair Labor Practices	1101
§ 1101-1:7 Notices of Intent to Strike Required by the Labor Peace Act	1106
§ 1101-1:8 Intervention in Labor Disputes (Industrial Relations Act, C.R.S. § 8-1-125)	1108
§ 1101-1:9 Transferred to 1101-1:8	1109
7 CCR § 1101-2: REGULATIONS CONCERNING EMPLOYMENT SECURITY	1110
PART I. GENERAL PROVISIONS	1112
1101-2:1.1 Preamble	1112
1101-2:1.2 Purpose and Scope	1112
1101-2:1.3 Definitions	1118
1101-2:1.4 Use of Pronouns	1121
1101-2:1.5 Repeal	1121
1101-2:1.6 Substitution of the Word “Premium” for the Word “Tax”	1121
1101-2:1.7 Amendment of Regulations Concerning Employment Security by Emergency Rule Made Permanent	1121
1101-2:1.8 Date of Filing	1122
1101-2:1.9 Division or Panel Communications	1122
1101-2:1.10 Use of Personal Identification Number (PIN)	1122
1101-2:1.11 Mailing Address of Parties	1122
PART II. CLAIMS FOR BENEFITS	1123
1101-2:2.1 Registration and Filing Claims	1123
1101-2:2.2 Benefits Rights of Part-Time Workers	1126
1101-2:2.3 Week of Unemployment	1127
1101-2:2.4 Job Attachment	1128
1101-2:2.5 Self-Employment	1130
1101-2:2.6 Approved-Training Course	1131
1101-2:2.7 Reserved	1132
1101-2:2.8 Eligibility Requirements	1132
1101-2:2.9 Disqualifying Payments	1138
1101-2:2.10 [Expired]	1138
PART III. WAGES	1138
1101-2:3.1 Remuneration Payable in Any Medium Other	

EMPLOYMENT LAW AND PRACTICE HANDBOOK

1101-2:3.2	Than Cash.....	1138
	TIPS, Gratuities, and Service Charges	1139
PART IV. JOB SEPARATIONS.....		1139
1101-2:4.1	Separations Related to Relocation	1139
1101-2:4.2	Separations Related to Domestic Violence	1140
1101-2:4.3	[Expired]	1141
PART V. BENEFIT CHARGING.....		1141
1101-2:5.1	Benefit Charge-Backs in Cases of Two or More Employers	1141
PART VI. PREMIUMS AND ASSESSMENTS...		1141
1101-2:6.1	Employer Premiums.....	1141
1101-2:6.2	Assessments and Recomputations	1143
PART VII. EMPLOYER RECORDS AND REPORTS		1144
1101-2:7.1	Records.....	1144
1101-2:7.2	Reports.....	1146
1101-2:7.3	Posting Notices to Workers	1148
1101-2:7.4	Pattern Of Failing to Respond	1149
PART VIII. EMPLOYER BOND REQUIREMENTS		1150
1101-2:8.1	Bonding Requirements	1150
PART IX. COVERED EMPLOYMENT RESERVED		1150
PART X. SEASONAL INDUSTRY		1150
1101-2:10.1	Seasonal Determinations	1150
PART XI. REDETERMINATIONS AND APPEALS		1153
1101-2:11.1	Redeterminations.....	1153
1101-2:11.2	Appeals Procedure.....	1155
PART XII. GOOD CAUSE.....		1165
1101-2:12.1	Determination of Good Cause.....	1165
PART XIII. INTERSTATE ARRANGEMENTS..		1169
1101-2:13.1	Payment of Benefits to Interstate Claimants	1169
1101-2:13.2	Combining Employment and Wages.....	1171

TABLE OF CONTENTS

1101-2:13.3	Employer Elections to Cover Workers Performing Services in More Than One State	1177
1101-2:13.4	Interstate Reciprocal Overpayment Recovery	1180
PART XIV. RESERVED.....		1182
PART XV. BENEFIT OVERPAYMENTS.....		1183
§ 1101-2:15.0	Coordination of benefits.....	1183
1101-2:15.1	Write-Off of Recovery	1183
1101-2:15.2	Waiver of Recovery	1183
1101-2:15.3	Fraudulent Claims	1185
PART XVI. EMPLOYEE-LEASING COMPANIES		1185
1101-2:16.1	Employee-Leasing Company Certifications.....	1185
1101-2:16.2	Employee-Leasing Company Status.....	1187
1101-2:16.3	Provision of Bond or Other Security	1187
1101-2:16.4	Qualified Assurance Organization	1188
PART XVII. WORKER CLASSIFICATION		1188
1101-2:17.1	Classification Guidance and Clarification	1188
1101-2:17.2	Nonbinding Advisory Opinion.....	1191
1101-2:17.3	Worker Classification Investigations and Fines....	1191
PART XVIII. SPECIAL PROGRAMS.....		1192
1101-2:18.1	Work Share	1192
PART XIX. OPERATIONS DURING OTHER THAN NORMAL CONDITIONS		1194
1101-2:19.1	Economic Crisis or Declared State of Emergency..	1194
7 CCR 1103-1. COLORADO OVERTIME AND MINIMUM PAY STANDARDS ORDER (COMPS ORDER) #38		1196
1103-1:1	Authority and Definitions	1196
1103-1:2	Coverage and Exemptions	1202
1103-1:3	Minimum Wages	1213
1103-1:4	Overtime	1213
1103-1:5	Meal and Rest Periods.....	1214
1103-1:6	Deductions, Credits, and Charges.....	1216
1103-1:7	Employer Record-Keeping and Posting Requirements	1217
1103-1:8	Administration and Interpretation.....	1219
§ 1103-1:9	[Repealed]	1221
§ 1103-1:10	[Repealed]	1221
§ 1103-1:11	[Repealed]	1221

EMPLOYMENT LAW AND PRACTICE HANDBOOK

§ 1103-1:12	[Repealed]	1221
§ 1103-1:13	[Repealed]	1222
§ 1103-1:14	[Repealed]	1222
§ 1103-1:15	[Repealed]	1222
§ 1103-1:16	[Repealed]	1222
§ 1103-1:17	[Repealed]	1222
§ 1103-1:18	[Repealed]	1222
§ 1103-1:19	[Repealed]	1222
§ 1103-1:20	[Repealed]	1222
§ 1103-1:21	[Repealed]	1223
§ 1103-1:22	[Repealed]	1223
1103-1 Appendix A	Statutory Authority	1223
7 CCR § 1103-6: PREVAILING WAGE AND RESIDENCY (PWR) RULES		1227
1103-6:1	Statement of Purpose; Dual Jurisdiction; Separability	1227
1103-6:2	Definitions	1229
1103-6:3	KJICA: The “Colorado Labor” Requirement and Contractor Obligations	1233
1103-6:4	Prevailing Wage Act: Contractor Payment Obligations	1234
1103-6:5	Prevailing Wage Act: Coverage of Energy Projects	1234
1103-6:6	Filing and Investigation of Complaints	1235
1103-6:7	Remedies and Fines	1237
1103-6:8	Retaliation Prohibited	1238
1103-6:9	Appeals	1238
1103-6:10	[Repealed]	1238
1103-6:11	[Repealed]	1239
1103-6:12	[Repealed]	1239
1103-6:13	[Repealed]	1239
1103-6:14	[Repealed]	1239
1103-6:15	[Repealed]	1239
7 CCR § 1103-7: WAGE PROTECTION RULES		1240
1103-7:1	Statement of Purpose and Authority	1240
1103-7:2	Definitions and Clarifications	1241
1103-7:3	Filing a Wage Complaint	1247
1103-7:4	Investigation and Mediation	1255
1103-7:5	Determination	1259
1103-7:6	Appeal	1260
1103-7:7	Attorney Fees and Costs	1263
1103-7:8	Administrative Liens and Levies	1263
1103-7:9	Wage Theft Enforcement Fund	1266
1103-7:10 to 1103-7:20	Repealed	1268

TABLE OF CONTENTS

7 CCR 1103-8. DIRECT INVESTIGATION RULES		1269
1103-8:1	Statement of Purpose and Authority	1269
1103-8:2	Definitions	1270
1103-8:3	Investigations	1272
1103-8:4	Determination.....	1273
1103-8:5	Appeal.....	1274
1103-8:6	Certified Copy	1277
1103-8:7	Preservation of Actions.....	1277
1103-8:8	Discrimination and Reprisal Prohibited.....	1277
1103-8:9	Transferred to 7 CO ADC 1103-8:8	1278
1103-8:10	[Expired].....	1278
7 CCR 1103-11. COLORADO WHISTLEBLOWER, ANTI-RETALIATION, NON-INTERFERENCE, AND NOTICE-GIVING RULES (“COLORADO WARNING RULES”)		1279
1103-11:1	Statement of Purpose, Authority, and Construction	1279
1103-11:2	Definitions and Clarifications	1280
1103-11:3	Complaint, Investigation, and Appeal Procedures	1285
1103-11:4	Notice and Posting Rights and Responsibilities.....	1290
1103-11:5	Protected Activity under PHEW	1293
1103-11:6	[Expired].....	1295
7 CCR 1103-12. STATE LABOR RELATIONS RULES		1296
1103-12:1	Authority.....	1296
1103-12:2	Definitions.....	1297
1103-12:3	Filing.....	1297
1103-12:4	Unfair Labor Practices.....	1298
1103-12:5	Appeals of Coverage Decisions by the State Personnel Director.....	1301
7 CCR 1103-13. EQUAL PAY TRANSPARENCY RULES (“EPT RULES”)		1303
§ 1103-13:1	Statement of Purpose, Authority, and Construction	1303
§ 1103-13:2	Definitions	1304
§ 1103-13:3	Complaint, Investigation, and Appeal Procedures	1305
§ 1103-13:4	Posting and Notice Requirements.....	1307
7 CCR 1103-14. 2023 PUBLICATION AND YEARLY CALCULATION OF ADJUSTED LABOR COMPENSATION (2023 PAY CALC)		

EMPLOYMENT LAW AND PRACTICE HANDBOOK

ORDER.....	1312
1103-14:1 Statement of Purpose, Requirements, and Calculations.....	1312
1103-14:2 Authority, Construction, and Definitions.....	1314
7 CCR 1103-15. AGRICULTURAL LABOR CONDITIONS RULES	1317
§ 1103-15:1 Statement of Purpose, Authority, and Construction.....	1317
§ 1103-15:2 Definitions Applicable to These Rules.....	1318
§ 1103-15:3 Heat Illness and Injury Protection. . .	1320
§ 1103-15:4 Access to Key Service Providers.	1327
§ 1103-15:5 Enforcement.....	1329
§ 1103-15:6 Effective Date.	1330
§ 1103-15 APPENDIX A EXCERPTS FROM RELEVANT STATUTES REFERENCED IN THESE RULES	1330
7 CCR 1103-16. COUNTY COLLECTIVE BARGAINING (COBCA) RULES	1332
§ 1103-16:1 Statement of Purpose and Authority.....	1332
§ 1103-16:2 Definitions	1333
§ 1103-16:3 Filing, Service, and Deadlines	1335
§ 1103-16:4 Certification or Decertification of Exclusive Representative	1336
§ 1103-16:5 Unfair Labor Practices	1341
§ 1103-16:6 Judicial Review.....	1345
7 CCR 1103-17. PROTECTIONS FOR PUBLIC WORKERS ACT (PROPWA) RULES	1346
§ 1103-17:1 Statement of Purpose and Authority.....	1346
§ 1103-17:2 Definitions and Clarifications.	1346
§ 1103-17:3 Filing, Service, and Deadlines.	1348
§ 1103-17:4 Scope of Rights and Responsibilities under PROPWA.	1349
§ 1103-17:5 Unfair Labor Practice Filings and Proceedings...	1353
7 CCR 1103-18. POSTING, SCREENING, AND TRANSPARENCY RULES (“POST RULES”)	1357
§ 1103-18:1 Statement of Purpose and Authority.	1357
§ 1103-18:2 Definitions.....	1358
§ 1103-18:3 Complaints.....	1361
§ 1103-18:4 Investigations.....	1362
§ 1103-18:5 Determinations and Remedies.	1363

TABLE OF CONTENTS

§ 1103-18:6	Recordkeeping Requirements.	1364
§ 1103-18:7	Appeals.	1364
§ 1103-18:8	Rules as to the Employment Opportunity Act.	1365
§ 1103-18:9	Rules as to the Social Media and the Workplace Law.	1365
§ 1103-18:10	Rules as to the Colorado Chance to Compete Act.	1365
§ 1103-18:11	Rules as to the Equal Pay for Equal Work Act.	1365
§ 1103-18:12	Rules as to the Job Application Fairness Act.	1369
§ 1103-18:13	Geographic Limits.	1370
7 CCR 1103-19. DELIVERY NETWORK COMPANY (DNC) AND TRANSPORTATION NETWORK COMPANY (TNC) ACTS LABOR RULES (DATA LABOR RULES).....		1371
§ 1103-19:1	Statement of Purpose and Authority.....	1371
§ 1103-19:2	Definitions and Clarifications.....	1372
§ 1103-19:3	Filing, Service, and Deadlines.....	1373
§ 1103-19:4	Complaints, Investigations, and Determinations.	1374
§ 1103-19:5	Requirements as to DNCs.....	1376
§ 1103-19:6	Requirements as to TNCs.....	1377
§ 1103-19:7	Requirements as to Both DNCs and TNCs.....	1380
SECTION VII. COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT INTERPRETIVE NOTICE, FORMAL OPINIONS AND GUIDANCE		1381
SECTION VIII. COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT FACT SHEETS.....		1639
Table of Laws and Rules		
Table of Cases		
Index		