

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 | |

| | | |
|--------|--|-----|
| | Leave Act)..... | 121 |
| § 6:31 | 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 | Equal Pay for Equal Work Act, Part 2 Complaint Form [Colo. Dept. Labor and Employment] | 150 |
| § 6:49 | Employment Security Act Poster [Colo. Dept. Labor and Employment] | 158 |
| § 6:51 | Notice of Pay days Poster [Colo. Dept. Labor and Employment]..... | 160 |
| § 6:52 | Employment Discrimination Poster [Colo. Dept. of Labor and Employment] | 161 |
| § 6:53 | Notice of dishonored instrument [Colo. Dept. Labor and Employment] | 162 |
| § 6:54 | Demand for payment of wages [Colo. Dept. Labor and Employment]..... | 163 |
| § 6:55 | Labor standards complaint form [Colo. Dept. of Labor and Employment] | 165 |
| § 6:56 | Employer’s response to wage complaint [Colo. Dept. Labor and Employment]..... | 190 |
| § 6:57 | Wage complaint appeal hearing request form [Colo. Dept. of Labor and Employment]..... | 194 |
| § 6:58 | Settlement and Voluntary Dismissal of Wage Claim Agreement [Colo. Dept. of Labor and Employment].... | 197 |
| § 6:61 | Credit History Complaint Form [Colo. Dept. of Labor and Employment] | 199 |
| § 6:62 | Social Media Complaint Form [Colo. Dept. of Labor and Employment] | 209 |
| § 6:63 | Keep Jobs in Colorado Act Complaint Form [Colo. Dept. of Labor and Employment]..... | 217 |
| § 6:64 | Youth Law Complaint form [Colo. Dept. of Labor and Employment]..... | 224 |
| § 6:65 | Colorado Chance to Compete Act Complaint Form | |

TABLE OF CONTENTS

| | | |
|--------|--|-----|
| | [Colo. Dept. of Labor and Employment] | 225 |
| § 6:66 | Colorado Workplace Public Health Rights Poster: Paid Leave, Whistleblowing, & Protective Equipment [Colo. Dept. of Labor and Employment] | 228 |
| § 6:67 | Agricultural Labor Rights & Responsibilities Poster & Notice [Colo. Dept. of Labor and Employment] | 229 |
| § 6:68 | Colorado Family and Medical Leave Insurance Poster [Colo. Dept. of Labor and Employment] | 230 |
| § 6:69 | Youth Law Exemption Request Form [Colo. Dept. of Labor and Employment] | 232 |
| | EMPLOYMENT AGREEMENTS | 233 |
| § 7:1 | Standard provisions | 233 |
| § 7:2 | Employment agreement sample provisions | 234 |
| § 7:3 | Compensation provisions | 236 |
| § 7:4 | Agreement not to disclose trade secrets and other confidential business information | 238 |
| § 7:5 | Non-solicitation clause | 240 |
| § 7:6 | Work made for hire clause or agreement | 241 |
| § 7:7 | Independent contractor agreement | 242 |
| § 7:8 | Employee loan agreement | 245 |
| § 7:9 | Dispute resolution clause or agreement..... | 246 |
| § 7:10 | Severance agreement provisions | 248 |
| § 7:11 | Settlement agreement and release provisions..... | 252 |
| § 7:12 | Nondisclosure agreement in connection with settlement of an alleged discriminatory or unfair employment practice, and Addendum..... | 256 |
| | SECTION III. MODEL FEDERAL JURY INSTRUCTIONS | 259 |
| | TITLE VII AND SECTION 1981 | 262 |
| § 8:1 | Title VII—Statute involved..... | 262 |
| § 8:2 | [Title VII and/or 42 U.S.C. § 1981]—Statute involved... | 263 |
| § 8:3 | Title VII—Discrimination based on [color] [religion] [sex] [national origin] | 264 |
| § 8:4 | [Title VII and/or 42 U.S.C. § 1981]—Discrimination based on race | 264 |
| § 8:5 | Motivating factor—Defined | 265 |
| § 8:6 | Pretext | 266 |
| § 8:7 | Constructive discharge | 268 |
| § 8:8 | Business Judgment..... | 268 |
| § 8:9 | Stray Remarks | 269 |
| § 8:10 | Mixed Motive..... | 270 |
| | SEXUAL HARASSMENT | 270 |
| § 8:11 | Hostile work environment—Elements..... | 270 |
| § 8:12 | —Defined | 271 |

| | | |
|---|---|------------|
| § 8:13 | Reasonable person—Defined | 272 |
| § 8:14 | Unwelcome conduct—Defined | 272 |
| § 8:15 | Supervisor—Defined | 272 |
| § 8:16 | Tangible employment action—Defined | 273 |
| § 8:17 | Coworker harassment | 273 |
| § 8:18 | Affirmative defense—Supervisor harassment | 273 |
| AMERICANS WITH DISABILITIES ACT | | 274 |
| § 8:19 | Americans with Disabilities Act (“ADA”)—Statute involved | 274 |
| § 8:20 | Disparate treatment—Elements | 274 |
| § 8:21 | Disability—Defined | 275 |
| § 8:22 | Physical or mental impairment[s] and major life activities—Court determination | 275 |
| § 8:23 | Substantially limited—Defined | 276 |
| § 8:24 | Qualified—Defined | 277 |
| § 8:25 | Essential function[s]—Defined | 278 |
| § 8:26 | Motivating factor—Defined | 279 |
| § 8:27 | Pretext | 280 |
| § 8:28 | Reasonable accommodation | 281 |
| § 8:29 | Failure to accommodate—Elements | 282 |
| § 8:30 | Reasonable accommodation[s]—Defined | 282 |
| § 8:31 | Affirmative defense—Undue hardship—Defined | 283 |
| § 8:32 | —Direct threat | 283 |
| AGE DISCRIMINATION IN EMPLOYMENT ACT. | | 284 |
| § 8:33 | AGE Discrimination in Employment Act (“ADEA”)— Statute involved | 284 |
| § 8:34 | ADEA—Elements | 285 |
| § 8:35 | Pretext | 285 |
| § 8:36 | ADEA—Age-related remarks | 287 |
| § 8:37 | —Age of replacement | 287 |
| § 8:38 | —Reduction in force | 288 |
| § 8:39 | —Willful—Defined | 288 |
| § 8:40 | —Affirmative defense—Bona fide occupational qualification | 288 |
| § 8:41 | — —Bona fide seniority system | 289 |
| § 8:42 | — —Bona fide employee benefit plan | 290 |
| RETALIATION | | 290 |
| § 8:43 | Retaliation—Statute involved | 290 |
| § 8:44 | Retaliation elements | 290 |
| § 8:45 | Title VII/ADA/§ 1981—Retaliation—Materially adverse action | 292 |
| § 8:46 | Retaliation—Causation | 293 |
| § 8:47 | Freedom of speech | 293 |
| § 8:48 | Protected [activity] [activities]—Opposition (mistaken | |

TABLE OF CONTENTS

| | |
|---|------------|
| but reasonable good faith belief)..... | 294 |
| § 8:49 —Participation—Defined | 295 |
| § 8:50 Pretext | 296 |
| DAMAGES | 298 |
| § 8:51 Back pay | 298 |
| § 8:52 Compensatory damages—ADA and Title VII/Section 1981 cases only | 299 |
| § 8:53 Failure to mitigate | 300 |
| § 8:54 Unconditional offer of employment | 301 |
| § 8:55 Nominal damages..... | 301 |
| § 8:56 Punitive damages—ADA and Title VII/Section 1981 cases only | 302 |
| FAMILY AND MEDICAL LEAVE ACT | 302 |
| § 8:57 Family Medical Leave Act (FMLA)—Statute involved .. | 302 |
| § 8:58 FMLA—Definition—Covered employer..... | 303 |
| § 8:59 — —Covered work location | 303 |
| § 8:60 — —“Eligible employee” | 304 |
| § 8:61 — —Intermittent or reduced leave | 304 |
| § 8:62 — —Substitution of leave..... | 304 |
| § 8:63 — —Serious health condition | 305 |
| § 8:64 — —“Son or daughter” | 305 |
| § 8:65 — —“Parent” | 305 |
| § 8:66 — —“Qualifying exigency” | 305 |
| § 8:67 — —Notice to employer (leave foreseeable)..... | 305 |
| § 8:68 — —Notice to employer (leave unforeseeable)..... | 306 |
| § 8:69 —Right to reinstatement | 306 |
| § 8:70 —Reinstatement—Equivalent position..... | 306 |
| § 8:71 —Exception to reinstatement (employment unavailable at time of reinstatement)..... | 307 |
| § 8:72 —Exception to reinstatement (employee seeking reinstatement is a “key employee”)..... | 307 |
| § 8:73 —Interference claim—Elements | 308 |
| § 8:74 — —Adverse action..... | 308 |
| § 8:75 — —“Related to” | 309 |
| § 8:76 —Interference—Affirmative defense..... | 309 |
| § 8:77 —Retaliation claim—Elements..... | 310 |
| § 8:78 —Retaliation—Materially adverse action..... | 311 |
| § 8:79 —Retaliation claim—Causal connection | 311 |
| § 8:80 — —Pretext | 311 |
| § 8:81 —Actual damages..... | 313 |
| § 8:82 — —Mitigation..... | 313 |
| § 8:83 — —Where no lost wages or benefits..... | 313 |
| § 8:84 —Good faith defense | 314 |
| FAIR LABOR STANDARDS ACT | 314 |

EMPLOYMENT LAW AND PRACTICE HANDBOOK

| | | |
|---------|---|-----|
| § 8:85 | FLSA—Statute involved | 314 |
| § 8:86 | —Elements of claim for overtime pay | 315 |
| § 8:87 | —Definition—Workweek | 316 |
| § 8:88 | — —Hours worked | 316 |
| § 8:89 | —Determining hours worked | 318 |
| § 8:90 | —“Regular rate” of pay (general) | 318 |
| § 8:91 | —“Regular rate” of pay (fluctuating workweek) | 319 |
| § 8:92 | —Elements of claim for minimum wages | 320 |
| § 8:93 | —Applicable minimum wage rate[s] | 321 |
| § 8:94 | —Minimum wage credit for board and lodging | 321 |
| § 8:95 | —Exemptions—General | 322 |
| § 8:96 | —Executive employee exemption | 322 |
| § 8:97 | —Administrative exemption | 323 |
| § 8:98 | —Learned professional exemption | 324 |
| § 8:99 | —Creative professional exemption | 325 |
| § 8:100 | —Computer professional employee exemption | 326 |
| § 8:101 | —Outside sales exemption | 327 |
| § 8:102 | —Definition—Salary basis | 328 |
| § 8:103 | —Damages | 329 |
| § 8:104 | —Damages (only hours worked submitted to jury) | 330 |
| § 8:105 | —Willful violation (for purposes of the statute of limitations) | 331 |

SECTION IV. SUMMARIES OF MAJOR FEDERAL EMPLOYMENT LAWS

| | | |
|-------|--|-----|
| § 9:1 | Introduction | 334 |
| § 9:2 | ADEA: Age Discrimination in Employment Act of 1967, 29 U.S.C.A. §§ 621–634; 59 C.F.R. §§ 1625–27 | 334 |
| § 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 | 337 |
| § 9:4 | Section 1981: Civil Rights Act of 1866, 42 U.S.C.A. § 1981 | 340 |
| § 9:5 | Title VII: Civil Rights Act of 1964, 42 U.S.C.A. §§ 2000e–2000h-4; 29 C.F.R. §§ 1600–1610 | 341 |
| § 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 | 343 |
| § 9:7 | CCPA: Consumer Credit Protection Act of 1968, 15 U.S.C.A. §§ 1671–1677 | 344 |
| § 9:8 | Drug-Free Workplace Act of 1988, 41 U.S.C.A. §§ 701–07 | 345 |
| § 9:9 | EPPA: Employee Polygraph Protection Act of 1988, 29 U.S.C.A. §§ 2001–09; 29 C.F.R. § 801 | 346 |

TABLE OF CONTENTS

| | | |
|--|---|------------|
| § 9:10 | ERISA: Employee Retirement Income Security Act of 1974, 29 U.S.C.A. §§ 1001–1461 | 347 |
| § 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) | 348 |
| § 9:12 | FLSA: Fair Labor Standards Act of 1938, 29 U.S.C.A. §§ 201–219; 29 C.F.R. §§ 515–580, 775–793 | 349 |
| § 9:13 | FMLA: Family and Medical Leave Act of 1993, 29 U.S.C.A. §§ 2601–54; 29 C.F.R. Part 825 | 351 |
| § 9:14 | FICA: Federal Insurance Contribution Act, 26 U.S.C.A. §§ 3101–02, 3111–12, 3121–24, 3128 | 354 |
| § 9:15 | FUTA: Federal Unemployment Tax Act, 26 U.S.C.A. §§ 3301–07, 3311 | 355 |
| § 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 | 356 |
| § 9:17 | NLRA: National Labor Relations Act, 29 U.S.C.A. §§ 151–169 | 357 |
| § 9:18 | OSHA: Occupational Safety and Health Act of 1970, 29 U.S.C.A. §§ 651–678 | 358 |
| § 9:19 | PDA: Pregnancy Discrimination Act of 1978, 42 U.S.C.A. § 2000e(k) (amends the Civil Rights Act of 1964—Title VII) | 359 |
| § 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 | 360 |
| § 9:21 | USERRA: Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C.A. §§ 4301–4333 | 360 |
| § 9:22 | WARN: Worker Adjustment and Retraining Notification Act, 29 U.S.C.A. §§ 2101–2109 | 361 |
| SECTION V. COLORADO EMPLOYMENT STATUTES | | 363 |
| CONSTITUTION OF THE STATE OF COLORADO | | |
| [1876] | | 364 |
| ARTICLE II. BILL OF RIGHTS | | 364 |
| § 3 | Inalienable rights | 364 |
| § 4 | Religious freedom | 364 |
| § 7 | Security of person and property—searches—seizures—warrants | 365 |
| § 10 | Freedom of speech and press | 365 |
| § 29 | Equality of the sexes | 365 |
| ARTICLE XVIII. MISCELLANEOUS..... | | 365 |
| § 15 | State minimum wage rate | 365 |

| | | |
|--|--|------------|
| § 16 | Personal use and regulation of marijuana | 365 |
| TITLE 1. ELECTIONS | | 375 |
| ARTICLE 7. CONDUCT OF ELECTIONS | | 375 |
| PART 1. HOURS OF VOTING, REGISTRATION, OATHS, AND ASSISTANCE TO VOTE | | 375 |
| § 1-7-102 | Employees entitled to vote | 375 |
| TITLE 7. CORPORATIONS AND ASSOCIATIONS | | 377 |
| TRADE SECRETS | | 377 |
| ARTICLE 74. UNIFORM TRADE SECRETS ACT | | 377 |
| § 7-74-101 | Short title | 377 |
| § 7-74-102 | Definitions | 377 |
| § 7-74-103 | Injunctive relief | 378 |
| § 7-74-104 | Damages | 378 |
| § 7-74-105 | Attorney fees | 379 |
| § 7-74-106 | Preservation of secrecy | 379 |
| § 7-74-107 | Statute of limitations | 379 |
| § 7-74-108 | Effect on other law | 379 |
| § 7-74-109 | Uniformity of application and construction | 380 |
| § 7-74-110 | Severability | 380 |
| TITLE 8. LABOR AND INDUSTRY | | 381 |
| LABOR I—DEPARTMENT OF LABOR AND EMPLOYMENT | | 398 |
| DIVISION OF LABOR STANDARDS AND STATISTICS—INDUSTRIAL CLAIM APPEALS OFFICE | | 398 |
| ARTICLE 1. DIVISION OF LABOR STANDARDS AND STATISTICS—INDUSTRIAL CLAIM APPEALS OFFICE | | 398 |
| § 8-1-101 | Definitions | 399 |
| § 8-1-102 | Industrial claim appeals office— creation—powers and duties | 400 |
| § 8-1-103 | Division of labor standards and statistics—director—employees— | |

TABLE OF CONTENTS

| | | |
|-----------------------|---|-----|
| | qualifications—compensation— expenses | 401 |
| § 8-1-104 | Director—seal | 402 |
| § 8-1-105 | Offices and supplies | 402 |
| § 8-1-106 | Records—sessions | 402 |
| § 8-1-107 | Powers and duties of director—rules | 403 |
| § 8-1-108 | Orders effective—when—validity presumed | 404 |
| §§ 8-1-109, 8-1-110 | Repealed by Laws 1975, H.B.1731, § 22, eff. July 25, 1975 | 405 |
| § 8-1-111 | Jurisdiction over employer and employee relation | 405 |
| § 8-1-112 | Officers to assist in enforcing orders..... | 405 |
| § 8-1-113 | Agents of division and director—powers . | 406 |
| § 8-1-114 | Employers and employees to furnish information—penalty..... | 406 |
| § 8-1-115 | Information not public—penalty for divulging | 407 |
| § 8-1-116 | Investigators to have access to premises—penalty..... | 408 |
| § 8-1-117 | Director to have access to books—penalty..... | 409 |
| § 8-1-118 | Rules of evidence—procedure..... | 409 |
| § 8-1-119 | Record of proceedings..... | 409 |
| § 8-1-120 | Depositions | 410 |
| § 8-1-121 | Contempt—punishment—fees | 410 |
| § 8-1-122 | Inquiries—scope—report | 411 |
| § 8-1-123 | Arbitration..... | 411 |
| § 8-1-124 | Repealed by Laws 1975, H.B. 1669, § 3, eff. July 14, 1975 | 412 |
| § 8-1-125 | Disputes—jurisdiction—request for intervention—penalty | 412 |
| § 8-1-126 | Lockouts and strikes unlawful—when.... | 412 |
| § 8-1-127 | Repealed by Laws 1975, H.B.1669, § 3, eff. July 14, 1975 | 413 |
| § 8-1-128 | Petition—writ—dissolution | 413 |
| § 8-1-129 | Strikes and lockouts—penalties | 414 |
| § 8-1-130 | Judicial review | 414 |
| §§ 8-1-131, 8-1-132 | Repealed by Laws 1986, S.B.12, § 125, eff. July 1, 1986..... | 414 |
| § 8-1-132.5 | Repealed by Laws 1986, S.B.165, § 40, eff. July 1, 1986..... | 414 |
| §§ 8-1-133 to 8-1-138 | Repealed by Laws 1986, S.B.12, § 125, eff. July 1, 1986..... | 414 |
| § 8-1-139 | Repealed by Laws 2021, Ch. 462 (S.B. 21-271), § 74, eff. Mar. 1, 2022..... | 414 |
| § 8-1-140 | Violation—penalty | 414 |
| § 8-1-141 | Each day separate offense | 415 |
| § 8-1-142 | Collection of penalties | 415 |

EMPLOYMENT LAW AND PRACTICE HANDBOOK

| | | |
|-----------|--|-----|
| § 8-1-143 | Costs—counsel for director—attorney general and district attorney to enforce | 415 |
| § 8-1-144 | Penalty for false statements | 416 |
| § 8-1-145 | Authority of department of public health and environment not affected | 416 |
| § 8-1-146 | Effect of transfer of powers, duties, and functions | 416 |
| § 8-1-147 | Repealed by Laws 2012, Ch. 27, § 10, eff. June 1, 2012 | 417 |
| § 8-1-148 | Rules, regulations, rates, and orders adopted prior to article—abolishment of commission—continued | 417 |
| § 8-1-149 | Repealed by Laws 2012, Ch. 27, § 10, eff. June 1, 2012 | 417 |
| § 8-1-150 | Repealed by Laws 1983, S.B.165, § 5, eff. June 10, 1983 | 417 |
| § 8-1-151 | Public safety inspection fund created | 417 |
| § 8-1-152 | Applications for licenses—authority to suspend licenses—rules | 417 |
| § 8-1-153 | Private employers—veterans’ preference hiring policy—definitions | 418 |

LABOR RELATIONS 420

ARTICLE 2. LABOR RELATIONS, GENERALLY 420

PART 1. GENERAL PROVISIONS..... 420

| | | |
|-------------|---|-----|
| § 8-2-101 | Combination of employees for peaceable objects lawful | 420 |
| § 8-2-102 | Coercion of employees unlawful..... | 420 |
| § 8-2-103 | Penalty for coercing employees..... | 420 |
| § 8-2-104 | Obtaining workmen by misrepresentation unlawful | 421 |
| § 8-2-105 | Penalty..... | 421 |
| § 8-2-106 | Armed guards—when lawful | 421 |
| § 8-2-107 | Workman engaged by false representations to recover damages..... | 422 |
| § 8-2-108 | Unlawful for employer to prevent employees participating in politics | 422 |
| § 8-2-109 | Rights of person charged with contempt.... | 422 |
| § 8-2-110 | Unlawful to publish blacklist..... | 423 |
| § 8-2-111 | Penalty for blacklisting | 423 |
| § 8-2-111.5 | Certain employment references—exception to blacklisting prohibition | 423 |
| § 8-2-111.6 | Health-care employers—immunity from civil liability—requirements—exception | |

TABLE OF CONTENTS

| | | |
|---------------------|--|-----|
| | to blacklisting prohibition—legislative declaration | 424 |
| § 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 | 426 |
| § 8-2-112 | Unlawful to publish notice of boycott..... | 427 |
| § 8-2-113 | Unlawful to intimidate worker—agreement not to compete—prohibition—exceptions—notice—rules—definitions... | 427 |
| § 8-2-114 | Immunity from civil liability for employer disclosing information—employer shall not maintain blacklist—credit lists excepted | 432 |
| § 8-2-115 | Repealed by Laws 2021, Ch. 462 (S.B. 21-271), § 83, eff. Mar. 1, 2022 | 433 |
| §§ 8-2-116, 8-2-117 | Repealed by Laws 1986, S.B.23, § 5, eff. May 8, 1986..... | 433 |
| § 8-2-118 | Cost of medical examination—employer and employee defined | 433 |
| § 8-2-119 | Awards of back pay—deduction of unemployment compensation | 434 |
| § 8-2-120 | Residency requirements prohibited for public employment—legislative declaration—definitions | 434 |
| § 8-2-121 | Repealed by Laws 2011, Ch. 282, § 1, eff. June 2, 2011 | 435 |
| § 8-2-122 | Employment verification requirements—audits—fine for fraudulent documents—cash fund created—definitions..... | 435 |
| § 8-2-123 | Health-care workers—retaliation prohibited—definitions | 436 |
| § 8-2-124 | Electronic verification program—availability—notice to employers—definitions..... | 437 |
| § 8-2-125 | Identification of workers engaged in off-site work—permissible forms of identification—exceptions—definitions ... | 439 |
| § 8-2-126 | Employer use of consumer credit information—violation—short title—definitions..... | 441 |
| § 8-2-127 | Prohibitions of employer—requiring access to personal electronic communication devices—definitions—rules..... | 443 |
| § 8-2-128 | Prohibitions of employer—requiring social security number—exceptions | 445 |
| § 8-2-129 | Access to personnel files and | |

EMPLOYMENT LAW AND PRACTICE HANDBOOK

| | | |
|-------------|--|------------|
| | records—definitions—exemptions | 446 |
| § 8-2-130 | Criminal history—limits on advertisements and applications— exceptions—enforcement—rules—short title—definitions..... | 447 |
| § 8-2-131 | Age of job applicants—limits on applications—exceptions—enforcement— rules—short title—definitions | 449 |
| § 8-2-132 | Prohibition on employers—living organ donation—retaliation—adverse action— civil action—penalty for violation—definitions | 451 |
| | PART 2. EMPLOYER'S LIABILITY | 452 |
| § 8-2-201 | Damages—fellow servant rule abolished— limitation on admission of criminal history..... | 453 |
| § 8-2-202 | Damages in case of death—limit | 453 |
| § 8-2-203 | Who may sue—consolidation of actions..... | 454 |
| § 8-2-204 | Limitation of actions—limit of damages..... | 454 |
| § 8-2-205 | Assumption of risk abolished | 454 |
| § 8-2-206 | Agricultural employers—agricultural employees—violations—penalties—definitions | 454 |
| | ARTICLE 2.5. FREEDOM OF LEGISLATIVE AND JUDICIAL ACCESS ACT | 456 |
| § 8-2.5-101 | Preventing legislative and judicial access to employees—intimidation of legislative witnesses—penalty | 456 |
| | ARTICLE 3. LABOR PEACE ACT | 458 |
| § 8-3-101 | Short title | 458 |
| § 8-3-102 | Legislative declaration..... | 458 |
| § 8-3-103 | Construction | 460 |
| § 8-3-104 | Definitions | 460 |
| § 8-3-105 | Director to administer—adopt rules and regulations..... | 464 |
| § 8-3-106 | Rights of employees..... | 464 |
| § 8-3-107 | Representatives and elections | 464 |
| § 8-3-108 | What are unfair labor practices | 466 |
| § 8-3-109 | What are not unfair labor practices..... | 472 |
| § 8-3-110 | Prevention of unfair labor practices..... | 473 |
| § 8-3-111 | Protection of employees when authority acquires certain operations..... | 477 |
| § 8-3-112 | Arbitration | 477 |
| § 8-3-113 | Mediation | 478 |
| § 8-3-114 | Duties of attorney general and district attorneys ... | 479 |
| § 8-3-115 | Employer and employee committees | 479 |
| § 8-3-116 | Interference with director—officer of division..... | 480 |

TABLE OF CONTENTS

| | | |
|-----------|--|-----|
| § 8-3-117 | Existing contracts unaffected | 480 |
| § 8-3-118 | Jurisdiction to issue restraining orders or injunctions | 480 |
| § 8-3-119 | Relations contrary to public policy | 481 |
| § 8-3-120 | Conflict of provisions..... | 481 |
| § 8-3-121 | Civil liability for damages..... | 481 |
| § 8-3-122 | Penalty for violation | 482 |
| § 8-3-123 | Nonapplicability of other statutes..... | 482 |

ARTICLE 3.3. COLLECTIVE BARGAINING BY COUNTY EMPLOYEES.....

| | | |
|-------------|---|-----|
| § 8-3.3-101 | Short title | 482 |
| § 8-3.3-102 | Definitions | 482 |
| § 8-3.3-103 | County employees—rights—obligations | 485 |
| § 8-3.3-104 | Exclusive representatives—rights..... | 487 |
| § 8-3.3-105 | Counties—rights | 488 |
| § 8-3.3-106 | Director powers and duties—administration— rules—enforcement—hearing officers | 489 |
| § 8-3.3-107 | Judicial enforcement..... | 490 |
| § 8-3.3-108 | Certification of the employee organization as the exclusive representative—rules | 491 |
| § 8-3.3-109 | Process for employee organization certification— intervening employee organizations—secret ballot elections—rules | 492 |
| § 8-3.3-110 | Determination of appropriate bargaining unit..... | 493 |
| § 8-3.3-111 | Decertification of exclusive representative—rules . | 494 |
| § 8-3.3-112 | Obligation to negotiate in good faith..... | 495 |
| § 8-3.3-113 | Collective bargaining agreement—arbitration | 496 |
| § 8-3.3-114 | Impasse resolution—fact finding—rules | 498 |
| § 8-3.3-115 | Unfair labor practices..... | 500 |
| § 8-3.3-116 | Existing bargaining relationships | 502 |

WAGES..... 502

ARTICLE 4. WAGES..... 502

| | | |
|-------------|--|-----|
| § 8-4-101 | Definitions | 502 |
| § 8-4-102 | Proper payment—record of wages..... | 505 |
| § 8-4-103 | Payment of wages—insufficient funds—pay statement—record retention—gratuity notification—penalties | 506 |
| § 8-4-104 | Funds available to pay wages—mining industry | 508 |
| § 8-4-105 | Payroll deductions permitted-notice required..... | 508 |
| § 8-4-105.5 | Automatic enrollment in retirement plans—relief from liability—conditions—definitions | 510 |
| § 8-4-106 | Early payment of wages permitted..... | 511 |
| § 8-4-107 | Post notice of paydays | 511 |
| § 8-4-108 | Payment in the event of strike | 511 |
| § 8-4-109 | Termination of employment—payments required— | |

EMPLOYMENT LAW AND PRACTICE HANDBOOK

| | | |
|-------------|--|------------|
| | civil penalties—payments to surviving spouse or heir | 512 |
| § 8-4-110 | Disputes—fees | 515 |
| § 8-4-111 | Enforcement—duty of director—duties of district or city attorneys—rules | 516 |
| § 8-4-111.5 | Hearing officer review and appeals of administrative actions | 519 |
| § 8-4-112 | Enforcement of director subpoenas..... | 521 |
| § 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 | 522 |
| § 8-4-114 | Criminal penalties | 526 |
| § 8-4-115 | Certificate of registration required | 527 |
| § 8-4-116 | Issuance of certificate of registration | 527 |
| § 8-4-117 | Additional obligations | 528 |
| § 8-4-118 | Authority to obtain information | 529 |
| § 8-4-119 | Penalty provisions..... | 529 |
| § 8-4-120 | Discrimination and retaliation prohibited—employee protections—criminal penalties—civil remedies | 529 |
| § 8-4-121 | Nonwaiver of employee rights | 530 |
| § 8-4-122 | Limitation of actions..... | 531 |
| § 8-4-123 | Termination of occupancy pursuant to contract of employment—legislative declaration | 531 |
| § 8-4-124 | Third-party food delivery services—prohibitions—penalties—definitions | 532 |
| § 8-4-125 | Supplemental health-care staffing agencies—annual certification—contract restrictions—penalty—civil action—reporting—definitions..... | 533 |
| | ARTICLE 5. WAGE EQUALITY..... | 536 |
| | PART 1. WAGE EQUALITY REGARDLESS OF SEX..... | 536 |
| § 8-5-101 | Definitions | 536 |
| § 8-5-102 | Wage discrimination prohibited | 537 |
| § 8-5-103 | Enforcement—rules—complaints..... | 538 |
| § 8-5-104 | Employer liability—awards | 539 |
| § 8-5-105 | Repealed by Laws 2019, Ch. 247 (S.B. 19-085), § 7, eff. Jan. 1, 2021 | 540 |
| § 8-5-106 | Repealed by Laws 2010, Ch. 266, § 1, eff. July 1, 2015 | 540 |
| | PART 2. TRANSPARENCY IN PAY AND OPPORTUNITIES FOR PROMOTION AND ADVANCEMENT | 540 |
| § 8-5-201 | Employment opportunities—job opportunities or | |

TABLE OF CONTENTS

| | | |
|---|---|------------|
| | advancement—pay rates in job listings—rules | 540 |
| § 8-5-202 | Record keeping | 541 |
| § 8-5-203 | Enforcement—rules | 542 |
| ARTICLE 6. MINIMUM WAGES OF WORKERS | | 542 |
| § 8-6-101 | Legislative declaration—minimum wage of workers—authority of a local government to enact minimum wage laws—enforcement—report—severability—definition | 543 |
| § 8-6-101.5 | Minimum wage for agricultural workers—rest periods—overwork protections—definition | 546 |
| § 8-6-102 | Construction | 547 |
| § 8-6-103 | Definitions | 547 |
| § 8-6-104 | Wages shall be adequate—conditions healthful and moral | 548 |
| § 8-6-105 | Director to investigate | 548 |
| § 8-6-106 | Determination of minimum wage and conditions | 548 |
| § 8-6-107 | Powers of director—duty of employer | 548 |
| § 8-6-108 | Public hearings—witness fees—contempt—director to make rules | 549 |
| § 8-6-108.5 | Minimum wage—rules | 550 |
| § 8-6-108.7 | Elimination of subminimum wage for individuals with disabilities—legislative declaration—definitions—repeal | 550 |
| § 8-6-109 | Methods of establishing minimum wages—wage board | 553 |
| § 8-6-110 | Wage board—duties—report—quorum | 554 |
| § 8-6-111 | Director to review report | 555 |
| § 8-6-112 | New determination of wages and conditions | 556 |
| §§ 8-6-113, 8-6-114 | Repealed by Laws 1977, S.B.153, § 13, eff. July 1, 1977 | 556 |
| § 8-6-115 | Discrimination by employer—penalty—prosecutions | 556 |
| § 8-6-116 | Violation—penalty | 556 |
| § 8-6-117 | Minimum wage presumed reasonable—conclusiveness | 557 |
| § 8-6-118 | Recovery of balance of minimum wage | 557 |
| § 8-6-119 | Investigation of complaints | 557 |
| § 8-6-120 | Overtime wages for agricultural workers—rules | 557 |
| ARTICLE 7.5. DIRECT CARE WORKFORCE STABILIZATION BOARD | | 557 |
| § 8-7.5-101 | Short title | 557 |

EMPLOYMENT LAW AND PRACTICE HANDBOOK

| | | |
|---|---|-----|
| § 8-7.5-102 | Definitions | 558 |
| § 8-7.5-103 | Direct care workforce stabilization board—creation—membership—repeal..... | 559 |
| § 8-7.5-104 | Duties of the board—recommendations for minimum direct care employment standards— analysis of market conditions—public outreach—report | 561 |
| § 8-7.5-105 | Notice to direct care workers—duty of direct care employers—posting on state websites—board review and recommendations—rules | 565 |
| § 8-7.5-106 | Retaliation | 567 |
| § 8-7.5-107 | Repeal of article—subject to review..... | 567 |
| ARTICLE 8. TRUCK SYSTEM ABOLISHED [REPEALED]..... | | 567 |
| §§ 8-8-101 to 8-8-109 | Repealed by Laws 1995, H.B.95-1020, § 6, eff. April 13, 1995..... | 567 |
| ARTICLE 9. ASSIGNMENT OF WAGES ... | | 567 |
| § 8-9-101 | Assignment of wages—requirements | 567 |
| § 8-9-102 | Copies to be given employer and assignor..... | 568 |
| § 8-9-103 | When assignment must be recorded | 568 |
| § 8-9-104 | Joinder of wife or husband in assignment—acknowledgment | 568 |
| § 8-9-105 | Burden of proof of validity on assignee..... | 568 |
| § 8-9-106 | Deductions for union dues | 568 |
| § 8-9-107 | Other authorized deductions..... | 569 |
| ARTICLE 10. PREFERRED CLAIMS..... | | 569 |
| § 8-10-101 | Wages a preferred claim | 569 |
| § 8-10-102 | Statement of claim presented | 569 |
| § 8-10-103 | Payment—prorating—prior mortgage not impaired..... | 570 |
| LABOR CONDITIONS | | 570 |
| ARTICLE 12. COLORADO YOUTH EMPLOYMENT OPPORTUNITY ACT..... | | 570 |
| § 8-12-101 | Short title..... | 570 |
| § 8-12-102 | Legislative declaration | 570 |
| § 8-12-103 | Definitions | 570 |
| § 8-12-104 | Exemptions | 571 |
| § 8-12-105 | Minimum age requirements—maximum hours of work | 572 |
| § 8-12-106 | Permissible occupations at age nine or older | 572 |
| § 8-12-107 | Permissible occupations at age twelve or older.... | 573 |

TABLE OF CONTENTS

| | | |
|---|--|------------|
| § 8-12-108 | Permissible occupations at age fourteen | 573 |
| § 8-12-109 | Permissible occupations at age sixteen..... | 574 |
| § 8-12-110 | Hazardous occupations prohibited for minors | 574 |
| § 8-12-111 | Age certificates | 576 |
| § 8-12-112 | Proof of high school diploma, passing score on general educational development examination, or completion of career and technical education program | 576 |
| § 8-12-113 | School release permit..... | 577 |
| § 8-12-114 | Appeal from denial or cancellation of school release permit—procedure..... | 578 |
| § 8-12-115 | Director of division of labor standards and statistics—powers and duties—rules and regulations | 578 |
| § 8-12-116 | Penalty for violations..... | 580 |
| § 8-12-117 | Remedies for violations—workers’ compensation— remedies at law and in equity | 583 |
| § 8-12-118 | Protection from retaliation—rebuttable presumption of retaliation..... | 583 |
| ARTICLE 13. EIGHT-HOUR DAY | | 584 |
| § 8-13-101 | Employment declared dangerous..... | 584 |
| § 8-13-102 | Eight-hour day—exceptions..... | 584 |
| § 8-13-102.1 | Period of employment—relation to conservation of fuel..... | 584 |
| § 8-13-103 | Penalty for violation | 585 |
| §§ 8-13-104 to 8-13-106 | Repealed by Laws 1986, H.B.1073, § 1 eff. March 26, 1986..... | 585 |
| § 8-13-107 | Firemen—hours of duty | 585 |
| § 8-13-108 | Penalty for violation | 585 |
| § 8-13-109 | Repealed by Laws 2000, Ch. 50, § 1, eff. March 17, 2000 | 586 |
| § 8-13-110 | Overtime not mandatory | 586 |
| § 8-13-111 | Repealed by Laws 2000, Ch. 50, § 3, eff. March 17, 2000 | 586 |
| ARTICLE 13.3. FAMILY AND MEDICAL LEAVE..... | | 586 |
| PART 1. PARENTAL INVOLVEMENT [REPEALED]..... | | 586 |
| §§ 8-13.3-101 to 8-13.3-104 | Repealed by Laws 2009, Ch. 340, § 2, eff. Sept. 1, 2015..... | 586 |
| PART 2. FAMILY AND MEDICAL LEAVE ELIGIBILITY | | 586 |
| § 8-13.3-201 | Short title..... | 586 |

EMPLOYMENT LAW AND PRACTICE HANDBOOK

| | | |
|--------------|--|-----|
| § 8-13.3-202 | Definitions | 586 |
| § 8-13.3-203 | Family and medical leave—state requirements .. | 586 |
| § 8-13.3-204 | Enforcement..... | 587 |
| § 8-13.3-205 | Repeal of part | 587 |

PART 3. FAMILY AND MEDICAL LEAVE IMPLEMENTATION

| | | |
|--------------|---|-----|
| § 8-13.3-301 | Legislative declaration | 588 |
| § 8-13.3-302 | Definitions | 589 |
| § 8-13.3-303 | Department to perform analyses..... | 589 |
| § 8-13.3-304 | Family and medical leave implementation task force..... | 592 |
| § 8-13.3-305 | Paid family and medical leave program implementation authorization | 595 |

PART 4. HEALTHY FAMILIES AND WORKPLACES

| | | |
|--------------|---|-----|
| § 8-13.3-401 | Short title..... | 595 |
| § 8-13.3-402 | Definitions | 595 |
| § 8-13.3-403 | Paid sick leave—accrual—carry forward to subsequent year—comparable leave provided by employer—no payment for unused leave—rules. | 597 |
| § 8-13.3-404 | Use of paid sick leave—purposes—time increments | 599 |
| § 8-13.3-405 | Additional paid sick leave during a public health emergency | 601 |
| § 8-13.3-406 | Paid sick leave related to COVID-19 | 603 |
| § 8-13.3-407 | Employee rights protected—retaliation prohibited | 603 |
| § 8-13.3-408 | Notice to employees—penalty—rules | 604 |
| § 8-13.3-409 | Employer records | 605 |
| § 8-13.3-410 | Authority of director—rules | 605 |
| § 8-13.3-411 | Enforcement—judicial review of director’s actions | 606 |
| § 8-13.3-412 | Confidentiality of employee information—definition | 606 |
| § 8-13.3-413 | Employers encouraged to provide more generous paid sick leave | 607 |
| § 8-13.3-414 | Other legal requirements applicable | 607 |
| § 8-13.3-415 | Collective bargaining agreements..... | 608 |
| § 8-13.3-416 | Employer policies | 608 |
| § 8-13.3-417 | Severability..... | 609 |
| § 8-13.3-418 | Employer authorized to take disciplinary action. | 609 |

PART 5. PAID FAMILY AND MEDICAL LEAVE INSURANCE

| | | |
|--------------|------------------|-----|
| § 8-13.3-501 | Short title..... | 609 |
|--------------|------------------|-----|

TABLE OF CONTENTS

| | | |
|--------------|--|-----|
| § 8-13.3-502 | Purposes and Findings..... | 609 |
| § 8-13.3-503 | Definitions | 610 |
| § 8-13.3-504 | Eligibility | 614 |
| § 8-13.3-505 | Duration | 614 |
| § 8-13.3-506 | Amount of benefits—portability | 615 |
| § 8-13.3-507 | Premiums..... | 616 |
| § 8-13.3-508 | Division of family and medical leave insurances. | 617 |
| § 8-13.3-509 | Leave and employment protection | 618 |
| § 8-13.3-510 | Coordination of benefits..... | 620 |
| § 8-13.3-511 | Notice | 621 |
| § 8-13.3-512 | Appeals | 621 |
| § 8-13.3-513 | Erroneous payments and disqualification for benefits | 622 |
| § 8-13.3-514 | Elective coverage | 622 |
| § 8-13.3-515 | Reimbursement of advance payments..... | 622 |
| § 8-13.3-516 | Family and medical leave insurance program.... | 623 |
| § 8-13.3-517 | Income tax..... | 624 |
| § 8-13.3-518 | Family and medical leave insurance fund— establishment and investment—repeal | 625 |
| § 8-13.3-519 | Reports..... | 628 |
| § 8-13.3-520 | Public education | 628 |
| § 8-13.3-521 | Substitution of private plans | 629 |
| § 8-13.3-522 | Local government employers' ability to decline participation in program—rules | 631 |
| § 8-13.3-523 | Severability..... | 631 |
| § 8-13.3-524 | Effective date..... | 632 |

ARTICLE 13.5. WORKPLACE ACCOMMODATIONS AND PROTECTIONS 632

PART 1. WORKPLACE ACCOMMODATIONS FOR NURSING MOTHERS 632

| | | |
|--------------|---|-----|
| § 8-13.5-101 | Short title..... | 632 |
| § 8-13.5-102 | Legislative declaration | 632 |
| § 8-13.5-103 | Definitions | 633 |
| § 8-13.5-104 | Right of nursing mothers to express breast milk in workplace—private location—discrimination prohibited | 633 |

PART 2. LABOR CONDITIONS FOR AGRICULTURAL WORKERS..... 634

| | | |
|--------------|--|-----|
| § 8-13.5-201 | Definitions | 634 |
| § 8-13.5-202 | Agricultural workers—right of access to key service providers—rules | 635 |
| § 8-13.5-203 | Extreme overwork protections—heat stress training—short-handled hoe prohibited—rules .. | 636 |
| § 8-13.5-204 | Enforcement—penalties—relief—rules..... | 638 |

EMPLOYMENT LAW AND PRACTICE HANDBOOK

| | | |
|--------------|--|-----|
| § 8-13.5-205 | Agricultural work advisory committee—creation—report—repeal | 639 |
|--------------|--|-----|

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

| | | |
|--------------|--|-----|
| § 8-14.4-101 | Definitions | 640 |
| § 8-14.4-102 | Prohibition against discrimination based on claims related to health and safety | 641 |
| § 8-14.4-103 | Principal post notice of rights—rules..... | 642 |
| § 8-14.4-104 | Relief for aggrieved person | 642 |
| § 8-14.4-105 | Enforcement by the division—rules | 643 |
| § 8-14.4-106 | Relief authorized..... | 644 |
| § 8-14.4-107 | Whistleblower enforcement—qui tam—definition | 645 |
| § 8-14.4-108 | Rulemaking | 646 |
| § 8-14.4-109 | Agricultural employers—responsibilities during public health emergency—worker safety protections—definition..... | 646 |

ARTICLE 15.8. OFFICE OF FUTURE OF WORK

| | | |
|--------------|---|-----|
| § 8-15.8-101 | Legislative declaration—intent..... | 647 |
| § 8-15.8-102 | Definitions | 648 |
| § 8-15.8-103 | Colorado office of future of work—creation— powers and duties—report | 648 |
| § 8-15.8-104 | Reports—recommendations..... | 649 |
| § 8-15.8-105 | Funding for the office | 649 |

PUBLIC WORKS.....

ARTICLE 17. COLORADO LABOR ON PUBLIC WORKS

| | | |
|------------|--|-----|
| § 8-17-101 | Colorado labor employed on public works—definitions..... | 650 |
| § 8-17-102 | Contracts to provide for preference of Colorado labor | 650 |
| § 8-17-103 | Repealed by Laws 2013, Ch. 266, § 3, eff. May 24, 2013..... | 651 |
| § 8-17-104 | Enforcement—violation—penalties—Colorado labor enforcement cash fund—creation | 651 |
| § 8-17-105 | Compliance standard..... | 652 |
| § 8-17-106 | Rules | 652 |
| § 8-17-107 | Federal and state law | 653 |

LABOR II—. WORKERS' COMPENSATION AND RELATED PROVISIONS.....

TABLE OF CONTENTS

| | |
|---|------------|
| WORKERS' COMPENSATION | 653 |
| ARTICLE 40. GENERAL PROVISIONS.... | 653 |
| PART 1. SHORT TITLE—LEGISLATIVE DECLARATION | 653 |
| § 8-40-101 Short title..... | 653 |
| § 8-40-101.5 Repealed by Laws 1990, H.B.90-1160, § 1, eff. July 1, 1990..... | 653 |
| § 8-40-102 Legislative declaration | 653 |
| PART 2. DEFINITIONS | 654 |
| § 8-40-201 Definitions | 654 |
| § 8-40-202 Employee | 658 |
| § 8-40-203 Employer | 665 |
| PART 3. SCOPE AND APPLICABILITY..... | 665 |
| § 8-40-301 Scope of term “employee”—definition..... | 665 |
| § 8-40-302 Scope of term “employer” | 668 |
| ARTICLE 41. COVERAGE AND LIABILITY | 670 |
| PART 1. ABROGATION OF DEFENSE.. | 670 |
| § 8-41-101 Assumption of risk—negligence of employee or fellow servant | 670 |
| § 8-41-102 Liability of employer complying | 670 |
| § 8-41-103 Availability of common-law defenses... | 671 |
| § 8-41-104 Acceptance as surrender of other remedies | 671 |
| §§ 8-41-105 to 8-41-108 Repealed by Laws 1990, H.B.90- 1160, § 1, eff. July 1, 1990..... | 671 |
| PART 2. COVERAGE..... | 671 |
| § 8-41-201 Not applicable to common carriers..... | 671 |
| § 8-41-202 Rejection of coverage by corporate officers and others | 672 |
| § 8-41-203 Negligence of stranger—remedies—subrogation— actions—compromise..... | 672 |
| § 8-41-204 Injury outside of state—benefits in accordance with state law..... | 677 |
| § 8-41-205 Waiver of compensation by employee—approval required—exception | 677 |
| § 8-41-206 Disability beginning five years after injury..... | 677 |
| § 8-41-207 Death after two years | 677 |

EMPLOYMENT LAW AND PRACTICE HANDBOOK

| | | |
|---|---|------------|
| § 8-41-210 | Coverage for property tax work-off program participants | 678 |
| § 8-41-211 | Transportation network company drivers—rules... | 678 |
| § 8-41-212 | Exemptions—laws of other state furnish exclusive remedy—definitions | 678 |
| PART 3. LIABILITY | | 679 |
| § 8-41-301 | Conditions of recovery—definitions | 679 |
| § 8-41-302 | Scope of terms—“accident”—“injury”—“occupational disease” | 681 |
| § 8-41-303 | Loaning employer liable for compensation | 681 |
| § 8-41-304 | Last employer liable—exception | 682 |
| PART 4. CONTRACTORS AND LESSEES | | 682 |
| § 8-41-401 | Lessor contractor-out deemed employer—liability—recovery | 683 |
| § 8-41-402 | Repairs to real property—exception for liability of occupant of residential real property | 686 |
| § 8-41-403 | Exemption of certain lessors of real property | 686 |
| LABOR III—. EMPLOYMENT SECURITY | | 687 |
| ARTICLE 70. DEFINITIONS—GENERAL PROVISIONS | | 687 |
| § 8-70-101 | Short title | 687 |
| § 8-70-102 | Legislative declaration | 687 |
| § 8-70-103 | Definitions | 688 |
| § 8-70-104 | Repealed by Laws 1975, S.B.453, § 6, eff. July 16, 1975 | 693 |
| § 8-70-105 | Banks as instrumentalities of United States | 693 |
| § 8-70-106 | No vested rights or immunities | 693 |
| § 8-70-107 | Disposition of funds in event of unconstitutionality | 693 |
| § 8-70-108 | Conformity with federal statutes | 694 |
| § 8-70-109 | Agricultural labor | 694 |
| § 8-70-110 | Benefits—classifications | 696 |
| § 8-70-111 | Benefit year—definitions | 696 |
| § 8-70-112 | Claims—classifications | 696 |
| § 8-70-113 | Employer—definition | 697 |
| § 8-70-114 | Employing unit—definitions—rules—employee leasing company certification fund | 699 |
| § 8-70-115 | Employment—Federal Unemployment Tax Act | 709 |
| § 8-70-116 | Employment—location of services | 712 |
| § 8-70-117 | Employment—base of operations | 712 |
| § 8-70-118 | Employment—nonprofit organizations | 713 |
| § 8-70-119 | Employment—hospitals—institutions of higher | |

TABLE OF CONTENTS

| | | |
|--------------|---|-----|
| | education | 713 |
| § 8-70-120 | Employment—agricultural labor | 713 |
| § 8-70-121 | Employment—domestic services | 715 |
| § 8-70-122 | Employment—American employer | 715 |
| § 8-70-123 | Employment—vessels—aircraft | 716 |
| § 8-70-124 | Employment—credit—state unemployment fund .. | 716 |
| § 8-70-125 | Employment—educational institutions | 716 |
| § 8-70-125.5 | Employment—Indian tribes | 716 |
| § 8-70-125.7 | Employment—property tax work-off program participants | 717 |
| § 8-70-126 | Employment does not include—agricultural labor . | 717 |
| § 8-70-127 | Employment does not include—domestic service... | 717 |
| § 8-70-128 | Employment does not include—employer’s trade or business | 717 |
| § 8-70-129 | Employment does not include—spouse—minor | 717 |
| § 8-70-130 | Employment does not include—instrumentalities of United States | 718 |
| § 8-70-131 | Employment does not include—school—college—university | 718 |
| § 8-70-132 | Employment does not include—educational institution | 719 |
| § 8-70-133 | Employment does not include—hospital | 719 |
| § 8-70-134 | Employment does not include—unemployment compensation system | 719 |
| § 8-70-135 | Employment does not include—paper routes | 719 |
| § 8-70-136 | Employment does not include—brokers | 720 |
| § 8-70-137 | Employment does not include—organization exempt from income tax | 720 |
| § 8-70-138 | Repealed by Laws 1990, H.B.90-1316, § 33, eff. May 31, 1990 | 720 |
| § 8-70-139 | Employment does not include—insurance agents.. | 720 |
| § 8-70-140 | Employment does not include—nonprofit organizations—governmental entities—Indian tribes | 721 |
| § 8-70-140.1 | Employment does not include—foreign government service | 722 |
| § 8-70-140.2 | Employment does not include—nonresident alien service | 722 |
| § 8-70-140.5 | Employment does not include—drivers of taxis or limousines | 722 |
| § 8-70-140.6 | Employment does not include—nonprofit youth sports organization coach—definitions | 723 |
| § 8-70-140.7 | Employment does not include—land professionals | 725 |
| § 8-70-140.8 | Employment does not include—owners | 725 |
| § 8-70-141 | Wages—definition | 726 |
| § 8-70-142 | Wages—remuneration not included as wages | 727 |
| § 8-70-143 | Applicability of legislation | 730 |

ARTICLE 72. ADMINISTRATION OF DIVISION

| | | |
|------------|--|------------|
| | DIVISION | 730 |
| § 8-72-101 | Duties and powers of division | 730 |
| § 8-72-102 | Rules | 731 |
| § 8-72-103 | Publications | 731 |
| § 8-72-104 | Personnel | 732 |
| § 8-72-105 | Repealed by Laws 1986, H.B.1101, § 7, eff. July 1, 1990..... | 732 |
| § 8-72-106 | Employment stabilization..... | 732 |
| § 8-72-107 | Records and reports—fee—violation—penalty..... | 732 |
| § 8-72-108 | Oaths—witnesses—subpoenas | 734 |
| § 8-72-109 | State-federal cooperation | 735 |
| § 8-72-110 | Reciprocal interstate agreements—rules..... | 737 |
| § 8-72-111 | Release of location information concerning individuals with outstanding felony arrest warrants..... | 739 |
| § 8-72-112 | Division—reporting—veterans programs..... | 740 |
| § 8-72-113 | Annual report—federal stimulus moneys to expand unemployment benefits—repeal | 740 |
| § 8-72-114 | Employee misclassification—investigations—enforcement—advisory opinions—rules—employee misclassification advisory opinion fund—statewide study—report—definitions—legislative declaration..... | 741 |

ARTICLE 73. BENEFITS—ELIGIBILITY— DISQUALIFICATION

| | | |
|--------------|---|------------|
| | DISQUALIFICATION | 744 |
| § 8-73-101 | Payment of benefits | 744 |
| § 8-73-102 | Weekly benefit amount for total unemployment—definitions | 745 |
| § 8-73-103 | Benefits for partial unemployment | 749 |
| § 8-73-104 | Duration of benefits | 750 |
| § 8-73-105 | Part-time workers | 750 |
| § 8-73-105.3 | Temporary employees | 751 |
| § 8-73-105.5 | Employment by temporary help contracting firm | 751 |
| § 8-73-106 | Seasonal industry—definitions | 752 |
| § 8-73-107 | Eligibility conditions—penalty—notice to revisor of statutes—repeal | 754 |
| § 8-73-108 | Benefit awards—definitions | 760 |
| § 8-73-109 | Strikes or other labor disputes—definitions | 775 |
| § 8-73-110 | Other remuneration—severance pay—definitions . | 776 |
| § 8-73-111 | Compensation from other state | 779 |
| § 8-73-112 | Benefits payable after receiving workers' compensation benefits | 780 |
| § 8-73-113 | Benefits payable during approved training—definition | 780 |
| § 8-73-114 | Repealed by Laws 2012, Ch. 265, § 1, eff. July 1, | |

TABLE OF CONTENTS

| | | |
|--|---|-----|
| | 2014..... | 781 |
| § 8-73-115 | Repealed by Laws 2022, Ch. 224 (S.B. 22-234), § 4, eff. Sept. 1, 2023..... | 781 |
| § 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 | 781 |
| ARTICLE 74. CLAIMS FOR BENEFITS | | 784 |
| § 8-74-101 | Claims for benefits—employer-provided information required | 784 |
| § 8-74-102 | Deputy’s decision—rules | 784 |
| § 8-74-103 | Hearing officer review | 785 |
| § 8-74-104 | Industrial claim appeals office review | 786 |
| § 8-74-105 | Reconsiderations | 787 |
| § 8-74-106 | Appeals—time limits—procedures | 787 |
| § 8-74-107 | Court review..... | 789 |
| § 8-74-108 | Conclusiveness of determinations and decisions ... | 790 |
| § 8-74-109 | Payment of benefits..... | 791 |
| § 8-74-110 | Repealed by Laws 1992, H.B.92-1079, § 4, eff. March 19, 1992 | 791 |
| ARTICLE 80. PROTECTION OF RIGHTS AND BENEFITS | | 791 |
| § 8-80-101 | Waiver of rights void | 791 |
| § 8-80-102 | Limitation of fees | 792 |
| § 8-80-103 | Assignment of benefits void—exemptions..... | 792 |
| ARTICLE 81. PENALTIES AND ENFORCEMENT..... | | 792 |
| § 8-81-101 | Penalties..... | 792 |
| § 8-81-102 | Penalties in prior law continue in force | 797 |
| § 8-81-103 | Representation in court | 797 |
| TITLE 12. PROFESSIONS AND OCCUPATIONS | | 798 |
| GENERAL..... | | 798 |
| ARTICLE 14.3. COLORADO CONSUMER CREDIT REPORTING ACT [REPEALED] | | 798 |
| §§ 12-14.3-101 to 12-14.3-109 | Repealed and relocated by Laws 2017, Ch. 260, § 25, eff. Aug. 9, 2017..... | 799 |

| | |
|---|------------|
| TITLE 13. COURTS AND COURT PROCEDURE | 799 |
| CIVIL PROTECTION ORDERS..... | 800 |
| ARTICLE 14. CIVIL PROTECTION ORDERS..... | 800 |
| § 13-14-100.2 Legislative declaration..... | 800 |
| § 13-14-100.2 Legislative declaration..... | 801 |
| § 13-14-101 Definitions | 803 |
| § 13-14-101 Definitions | 805 |
| § 13-14-102 Repealed by Laws 2013, Ch. 218, § 7, eff. July 1, 2013 | 807 |
| REGULATION OF ACTIONS AND PROCEEDINGS..... | 807 |
| ARTICLE 21. DAMAGES..... | 807 |
| PART 1. GENERAL PROVISIONS..... | 807 |
| § 13-21-102.5 Limitations on damages for noneconomic loss or injury | 808 |
| § 13-21-108 Persons rendering emergency assistance exempt from civil liability | 810 |
| § 13-21-108.2 Persons rendering emergency assistance— competitive sports—exemption from civil liability | 811 |
| § 13-21-109 Recovery of damages for checks, drafts, or orders not paid upon presentment..... | 812 |
| § 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 | 815 |
| JUDGMENTS AND EXECUTIONS..... | 821 |
| ARTICLE 54.5. GARNISHMENT | 822 |
| § 13-54.5-101 Definitions | 822 |
| § 13-54.5-110 No discharge from employment for any garnishment—general prohibition | 824 |
| JURIES AND JURORS | 824 |
| ARTICLE 71. COLORADO UNIFORM JURY SELECTION AND SERVICE ACT..... | 824 |
| § 13-71-119 Deferments and excuses—limitations | 824 |

TABLE OF CONTENTS

| | | |
|---|--|------------|
| § 13-71-120 | Length of juror service..... | 825 |
| § 13-71-126 | Compensation of employed jurors during first three days of service..... | 825 |
| § 13-71-129 | Compensation of jurors after first three days of service..... | 826 |
| § 13-71-132 | Juror service acknowledgment information—requests—payment..... | 826 |
| § 13-71-133 | Enforcement of employer’s duty to compensate jurors..... | 826 |
| § 13-71-134 | Penalties and enforcement remedies for harassment by employer..... | 827 |
| TITLE 14. DOMESTIC MATTERS | | 828 |
| DESERTION AND NONSUPPORT | | 829 |
| ARTICLE 5. UNIFORM INTERSTATE FAMILY SUPPORT ACT | | 829 |
| PART 5. ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION | | 829 |
| § 14-5-501 | Employer’s receipt of income-withholding order of another state..... | 829 |
| § 14-5-502 | Employer’s compliance with income-withholding order of another state..... | 829 |
| § 14-5-503 | Employer’s compliance with two or more income- withholding orders | 830 |
| § 14-5-504 | Immunity from civil liability | 830 |
| § 14-5-505 | Penalties for noncompliance..... | 830 |
| CHILD SUPPORT | | 831 |
| ARTICLE 14. CHILD SUPPORT ENFORCEMENT PROCEDURES | | 831 |
| § 14-14-101 | Short title | 831 |
| § 14-14-102 | Definitions | 831 |
| § 14-14-103 | Additional remedies..... | 833 |
| § 14-14-105 | Continuing garnishment..... | 833 |
| § 14-14-111.5 | Income assignments for child support or maintenance..... | 834 |
| § 14-14-112 | Deductions for health insurance..... | 844 |
| ARTICLE 15. COLORADO CIVIL UNION ACT..... | | 847 |
| § 14-15-101 | Short title | 847 |
| § 14-15-102 | Legislative declaration..... | 847 |

EMPLOYMENT LAW AND PRACTICE HANDBOOK

| | | |
|--|---|------------|
| § 14-15-103 | Definitions..... | 848 |
| § 14-15-104 | Requisites of a valid civil union | 849 |
| § 14-15-107 | Rights, benefits, protections, duties, obligations, responsibilities, and other incidents of parties to a civil union | 849 |
| TITLE 18. CRIMINAL CODE | | 853 |
| ARTICLE 3. OFFENSES AGAINST THE PERSON | | 853 |
| PART 2. ASSAULTS | | 853 |
| § 18-3-207 | Criminal extortion—aggravated extortion | 853 |
| ARTICLE 8. OFFENSES—GOVERNMENTAL OPERATIONS | | 854 |
| PART 6. OFFENSES RELATING TO JUDICIAL AND OTHER PROCEEDINGS | | 854 |
| § 18-8-614 | Willful harassment of juror by employer..... | 854 |
| § 18-8-615 | Retaliation against a judge or an elected official—definitions | 854 |
| § 18-8-616 | Retaliation against a prosecutor | 856 |
| TITLE 24. GOVERNMENT—STATE..... | | 857 |
| ADMINISTRATION | | 860 |
| ARTICLE 5. PUBLIC EMPLOYMENT—ELIGIBILITY | | 860 |
| § 24-5-101 | Effect of criminal conviction on employment rights—fee—determination..... | 860 |
| § 24-5-102 | Employee information—student loan repayment and forgiveness programs—legislative declaration—definitions..... | 864 |
| ARTICLE 10. GOVERNMENTAL IMMUNITY | | 866 |
| § 24-10-101 | Short title | 866 |
| § 24-10-102 | Declaration of policy | 866 |
| § 24-10-103 | Definitions | 867 |
| § 24-10-104 | Waiver of sovereign immunity | 871 |
| § 24-10-105 | Prior waiver of immunity—effect—indirect claims not separate | 871 |
| § 24-10-106 | Immunity and partial waiver | 872 |
| § 24-10-106 | Immunity and partial waiver | 875 |

TABLE OF CONTENTS

| | | |
|---|---|------------|
| § 24-10-106.1 | Immunity and partial waiver—claims against the state—injuries from prescribed fire—on or after January 1, 2012 | 878 |
| § 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 | 878 |
| § 24-10-106.5 | Duty of care | 881 |
| § 24-10-107 | Determination of liability | 881 |
| § 24-10-108 | Sovereign immunity a bar | 881 |
| § 24-10-109 | Notice required—contents—to whom given—limitations | 882 |
| § 24-10-110 | Defense of public employees—payment of judgments or settlements against public employees | 883 |
| § 24-10-111 | Judgment against public entity or public employee—effect | 885 |
| § 24-10-112 | Compromise of claims—settlement of actions | 885 |
| § 24-10-113 | Payment of judgments | 886 |
| § 24-10-113.5 | Attorney general to notify general assembly | 886 |
| § 24-10-114 | Limitations on judgments—recommendation to general assembly—authorization of additional payment—lower north fork wildfire claims | 887 |
| § 24-10-114.5 | Limitation on attorney fees in class action litigation | 889 |
| § 24-10-117 | Execution and attachment not to issue | 890 |
| § 24-10-118 | Actions against public employees—requirements and limitations | 890 |
| § 24-10-119 | Applicability of article to claims under federal law | 892 |
| § 24-10-120 | Severability | 892 |
| ARTICLE 11. HOLIDAYS | | 892 |
| § 24-11-101 | Legal holidays—effect | 892 |
| § 24-11-112 | Cesar Chavez Day | 893 |
| PRINCIPAL DEPARTMENTS | | 894 |
| ARTICLE 34. DEPARTMENT OF REGULATORY AGENCIES | | 894 |
| PART 3. COLORADO CIVIL RIGHTS DIVISION—COMMISSION—PROCEDURES | | 894 |
| § 24-34-301 | Definitions | 894 |
| § 24-34-302 | Civil rights division—director—powers and duties | 896 |
| § 24-34-303 | Civil rights commission—membership | 897 |

EMPLOYMENT LAW AND PRACTICE HANDBOOK

| | | |
|-------------|--|-----|
| § 24-34-304 | Division and commission subject to termination—repeal of part..... | 899 |
| § 24-34-305 | Powers and duties of commission..... | 899 |
| § 24-34-306 | Charge—complaint—hearing—procedure—exhaustion of administrative remedies | 903 |
| § 24-34-307 | Judicial review and enforcement | 908 |
| § 24-34-308 | Enforcement of federal law prohibited..... | 909 |
| § 24-34-309 | Public education—service and assistance animals—form used in housing | 910 |

PART 4. EMPLOYMENT PRACTICES 910

| | | |
|---------------|---|-----|
| § 24-34-400.2 | Legislative declaration..... | 910 |
| § 24-34-401 | Definitions | 911 |
| § 24-34-402 | Discriminatory or unfair employment practices—affirmative defense—definition | 912 |
| § 24-34-402.3 | Prohibition of discrimination—pregnancy, childbirth, and related conditions—reasonable accommodations required—notice of rights—definitions | 919 |
| § 24-34-402.5 | Unlawful prohibition of legal activities as a condition of employment | 921 |
| § 24-34-402.7 | Unlawful action against employees seeking protection | 922 |
| § 24-34-403 | Time limits on filing of charges..... | 924 |
| § 24-34-404 | Charges by employers and others | 924 |
| § 24-34-405 | Relief authorized—short title | 924 |
| § 24-34-406 | Ruling on unemployment benefits not a bar | 929 |
| § 24-34-407 | Nondisclosure agreements—requirements for enforcement—penalties for noncompliance | 929 |
| § 24-34-408 | Employer record keeping—repository of discrimination complaints—definition..... | 931 |
| § 24-34-408 | Employer record keeping—repository of discrimination complaints—definition..... | 932 |

PART 8. PERSONS WITH DISABILITIES—CIVIL RIGHTS..... 933

| | | |
|-------------|--|-----|
| § 24-34-801 | Legislative declaration..... | 933 |
| § 24-34-802 | Violations—penalties—immunity—repeal | 934 |
| § 24-34-803 | Rights of individuals with service animals | 936 |
| § 24-34-804 | Service animals—violations—penalties | 937 |

GOVERNMENT COMPETITION WITH PRIVATE ENTERPRISE..... 938

TABLE OF CONTENTS

| | |
|--|------------|
| ARTICLE 114. PRIVATE ENTERPRISE EMPLOYEE PROTECTION..... | 939 |
| § 24-114-101 Definitions | 939 |
| § 24-114-102 Retaliation prohibited | 939 |
| § 24-114-103 Civil actions resulting from disciplinary actions or from disclosure of information | 940 |
| TITLE 25. PUBLIC HEALTH AND ENVIRONMENT | 941 |
| ENVIRONMENTAL CONTROL | 941 |
| ARTICLE 14. CONTROL OF SMOKING..... | 941 |
| PART 2. COLORADO CLEAN INDOOR AIR ACT..... | 941 |
| § 25-14-201 Short title | 941 |
| § 25-14-202 Legislative declaration..... | 941 |
| § 25-14-203 Definitions | 942 |
| § 25-14-204 General smoking restrictions | 945 |
| § 25-14-205 Exceptions to smoking restrictions | 947 |
| § 25-14-206 Optional prohibitions | 948 |
| § 25-14-207 Other applicable regulations of smoking—local counterpart regulations authorized | 948 |
| § 25-14-208 Unlawful acts—penalty—disposition of fines and surcharges | 949 |
| § 25-14-208.5 Violations relating to signage and admission of persons under twenty-one years of age— limitation on fines | 950 |
| TITLE 26. HUMAN SERVICES CODE..... | 951 |
| ARTICLE 13. CHILD SUPPORT ENFORCEMENT ACT..... | 951 |
| § 26-13-107 State parent locator service—definitions | 951 |
| § 26-13-121.5 Enforcement of obligation to maintain health insurance | 956 |
| § 26-13-125 State directory of new hires—definitions | 960 |
| TITLE 28. MILITARY AND VETERANS | 963 |
| MILITARY..... | 963 |
| ARTICLE 3. NATIONAL GUARD | 963 |
| PART 5. RIGHTS—EXEMPTIONS—DUTIES. | 963 |
| § 28-3-506 Discrimination against employment—penalty..... | 963 |

| | | |
|--|--|------------|
| PART 6. PUBLIC AND PRIVATE | | |
| EMPLOYEES—DUTIES | | 964 |
| § 28-3-601 | Public employees—annual military leave | 964 |
| § 28-3-602 | Public employees—extended military leave..... | 965 |
| § 28-3-603 | Public employees—emergency military leave..... | 965 |
| § 28-3-604 | Reinstatement..... | 965 |
| § 28-3-605 | Public officer—certificate for reinstatement | 966 |
| § 28-3-606 | Public pension rights retained | 966 |
| § 28-3-607 | Public employees—substitute during service | 967 |
| § 28-3-608 | Sections supplemental | 967 |
| § 28-3-609 | Private employees—annual military leave..... | 967 |
| § 28-3-610 | Private employees—benefits retained | 968 |
| § 28-3-610.5 | Private employees—state service— reemployment rights—benefits retained..... | 968 |
| § 28-3-611 | Employer’s noncompliance—actions | 968 |
| TITLE 29. GOVERNMENT—LOCAL..... | | 969 |
| ARTICLE 5. PEACE OFFICERS AND FIREFIGHTERS | | 969 |
| PART 2. COLLECTIVE BARGAINING AND MEET AND CONFER | | 969 |
| § 29-5-215 | Protect public workers | 969 |
| ARTICLE 33. PROTECTIONS FOR PUBLIC WORKERS | | 969 |
| § 29-33-101 | Short title | 969 |
| § 29-33-102 | Legislative declaration..... | 969 |
| § 29-33-103 | Definitions..... | 970 |
| § 29-33-104 | Protections for public workers | 972 |
| § 29-33-105 | Enforcement—rules | 973 |
| TITLE 31. GOVERNMENT—MUNICIPAL..... | | 975 |
| MUNICIPAL ELECTIONS | | 975 |
| ARTICLE 10. MUNICIPAL ELECTION CODE..... | | 975 |
| PART 6. CONDUCT OF ELECTIONS..... | | 975 |
| § 31-10-603 | Employee entitled to vote | 975 |
| PART 15. ELECTION OFFENSES | | 976 |
| § 31-10-1522 | Employer’s unlawful acts | 976 |

TABLE OF CONTENTS

| | |
|--|-----|
| TITLE 38. PROPERTY—REAL AND PERSONAL | 977 |
| UNCLAIMED PROPERTY | 977 |
| ARTICLE 13. REVISED UNIFORM UNCLAIMED PROPERTY ACT | 977 |
| PART 1. IN GENERAL | 978 |
| § 38-13-101 Short title | 978 |
| § 38-13-102 Definitions | 978 |
| § 38-13-103 Inapplicability to wholly foreign transaction | 984 |
| § 38-13-104 Rule-making | 984 |
| § 38-13-108.6 Repealed by Laws 2019, Ch. 110 (S.B. 19-088), § 1, eff. July 1, 2020 | 984 |
| §§ 38-13-110 to 38-13-112 Repealed by Laws 2019, Ch. 110 (S.B. 19-088), § 1, eff. July 1, 2020 | 984 |
| § 38-13-112.5 Repealed by Laws 1995, S.B.95-8, § 6, eff. May 16, 1995 | 984 |
| §§ 38-13-113 to 38-13-115 Repealed and relocated by Laws 2019, Ch. 110 (S.B. 19-088), § 1, eff. July 1, 2020 | 984 |
| PART 2. PRESUMPTION OF ABANDONMENT | 984 |
| § 38-13-201 When property presumed abandoned | 984 |
| § 38-13-202 When tax-deferred retirement account presumed abandoned | 986 |
| § 38-13-203 When other tax-deferred account presumed abandoned | 987 |
| § 38-13-216 Money held by the public employees' retirement association—definitions | 987 |
| TITLE 39. TAXATION | 989 |
| SPECIFIC TAXES INCOME TAX | 989 |
| ARTICLE 22. INCOME TAX | 989 |
| PART 6. PROCEDURE AND ADMINISTRATION | 989 |
| § 39-22-604 Withholding tax—requirement to withhold—tax lien—exemption from lien—annual statement—notice—definitions | 989 |

| | |
|--|-------------|
| SECTION VI. COLORADO EMPLOYMENT REGULATIONS | 1001 |
| 3 CCR § 708-1: STATE OF COLORADO CIVIL RIGHTS COMMISSION RULES AND REGULATIONS | 1003 |
| INTRODUCTION | 1006 |
| Rule 708-1:10.1 Statement of Purpose | 1006 |
| Rule 708-1:10.2 Definitions | 1006 |
| PRACTICE AND PROCEDURE | 1009 |
| Rule 708-1:10.3 Repealed | 1009 |
| Rule 708-1:10.4 Charges | 1009 |
| Rule 708-1:10.5 Mediation, Investigation, Dismissal and Conciliation | 1012 |
| Rule 708-1:10.6 Appeal of the Director's Determination | 1016 |
| Rule 708-1:10.7 General Rules Governing Hearing Procedures | 1017 |
| Rule 708-1:10.8 Declaratory Orders | 1018 |
| Rule 708-1:10.9 Administrative Law Judge's Initial Decision | 1020 |
| Rule 708-1:10.10 Appeals of (Exceptions to) the Administrative Law Judge's Decision | 1020 |
| Rule 708-1:10.11 Charges Initiated by the Commission, a Commissioner, or the Attorney General | 1021 |
| Rule 708-1:10.12 Investigations of Discrimination Charges Referred by the Colorado State Personnel Board | 1023 |
| Rule 708-1:10.13 Interpretation | 1024 |
| Rule 708-1:10.14 Transferred to 708-1:10.13 | 1024 |
| GENERAL PROVISIONS | 1024 |
| Rule 708-1:20.1 Anti-Discrimination Notices in Employment and Places of Public Accommodation | 1024 |
| Rule 708-1:20.2 Anti-Discrimination Notices in Housing | 1025 |
| Rule 708-1:20.3 Photographs of Applicants for Employment | 1025 |
| Rule 708-1:20.4 Discriminatory Signage in Places of Public Accommodation | 1025 |
| Rule 708-1:20.5 Preservation of Records | 1026 |
| Rule 708-1:20.6 Preventative Action | 1026 |
| HOUSING | 1026 |
| Rule 708-1:30.1 Housing Provisions of the Law Consistent with the Federal Fair Housing Act | 1026 |
| AGE | 1027 |
| Rule 708-1:40.1 Employment Violations | 1027 |

TABLE OF CONTENTS

| | | |
|---|--|-------------|
| Rule 708-1:40.2 | Exceptions..... | 1027 |
| CREED AND RELIGION | | 1028 |
| Rule 708-1:50.1 | Accommodation of Creed and Religious Practices | 1028 |
| DISABILITY | | 1028 |
| Rule 708-1:60.1 | General Provisions | 1028 |
| Rule 708-1:60.2 | Determination of Additional Expense | 1029 |
| Rule 708-1:60.3 | Employment..... | 1029 |
| Rule 708-1:60.4 | Housing..... | 1030 |
| Rule 708-1:60.5 | Places of Public Accommodation..... | 1031 |
| Rule 708-1:60.6 | Reasonable Accommodation | 1031 |
| NATIONAL ORIGIN AND ANCESTRY | | 1033 |
| Rule 708-1:70.1 | General | 1033 |
| Rule 708-1:70.2 | Accents, Language Fluency, and English-Only Requirements..... | 1034 |
| Rule 708-1:70.3 | Non-Citizens | 1035 |
| INDEPENDENT CONTRACTORS | | 1035 |
| Rule 708-1:75.1 | Jurisdiction | 1035 |
| Rule 708-1:75.2 | Rebuttable Presumption of Covered Employment..... | 1035 |
| Rule 708-1:75.3 | Independent Contractor Status | 1035 |
| Rule 708-1:75.4 | Direction and Control..... | 1035 |
| Rule 708-1:75.5 | Independently Established | 1036 |
| Rule 708-1:75.6 | Independent Contractor Agreements | 1036 |
| SEX..... | | 1037 |
| Rule 708-1:80.1 | Sex as a Bona Fide Occupational Qualification (BFOQ)..... | 1037 |
| Rule 708-1:80.2 | Separate Lines of Progression and Seniority Systems..... | 1037 |
| Rule 708-1:80.3 | Pre-Employment Inquiries as to Sex..... | 1037 |
| Rule 708-1:80.4 | Pension and Retirement Plans..... | 1037 |
| Rule 708-1:80.5 | Discriminatory Compensation, Conditions of Employment, and Job Classifications | 1038 |
| Rule 708-1:80.6 | Pregnancy, Childbirth, and Related Conditions | 1038 |
| Rule 708-1:80.7 | Job Opportunities Advertising | 1040 |
| Rule 708-1:80.8 | Sexual Harassment | 1040 |
| SEXUAL ORIENTATION | | 1040 |
| Rule 708-1:81.1 | Separate Lines of Progression and Seniority Systems..... | 1040 |

EMPLOYMENT LAW AND PRACTICE HANDBOOK

| | | |
|--|---|-------------|
| Rule 708-1:81.2 | Medical Leave | 1040 |
| Rule 708-1:81.3 | Pre-Employment & Other Inquiries..... | 1040 |
| Rule 708-1:81.4 | Background Checks | 1041 |
| Rule 708-1:81.5 | Discriminatory Wages..... | 1041 |
| Rule 708-1:81.6 | Sexual Orientation Harassment..... | 1041 |
| Rule 708-1:81.7 | Advertising..... | 1041 |
| Rule 708-1:81.8 | Dress & Grooming Standards..... | 1042 |
| Rule 708-1:81.9 | Gender-Segregated Facilities..... | 1042 |
| WORKPLACE HARASSMENT | | 1042 |
| Rule 708-1:85.1 | Harassment Based Upon Protected Classes in the Workplace Prohibited..... | 1042 |
| Rule 708-1 | Statements of basis, specific statutory authority, and purpose, incorporated on the date of adoption..... | 1043 |
| 7 CCR § 1101-1: LABOR PEACE AND INDUSTRIAL RELATIONS (LPIR) RULES | | 1048 |
| 1101-1:1 | Statement of Purpose and Authority | 1048 |
| § 1101-1:2 | Definitions and Clarifications..... | 1049 |
| § 1101-1:3 | Notices by Employers..... | 1052 |
| § 1101-1:4 | Filing, Service, and Deadlines..... | 1052 |
| § 1101-1:5 | Elections | 1053 |
| § 1101-1:6 | Unfair Labor Practices | 1061 |
| § 1101-1:7 | Notices of Intent to Strike Required by the Labor Peace Act | 1066 |
| § 1101-1:8 | Intervention in Labor Disputes (Industrial Relations Act, C.R.S. § 8-1-125)..... | 1068 |
| § 1101-1:9 | Transferred to 1101-1:8..... | 1069 |
| 7 CCR § 1101-2: REGULATIONS CONCERNING EMPLOYMENT SECURITY..... | | 1070 |
| PART I. GENERAL PROVISIONS | | 1072 |
| 1101-2:1.1 | Preamble..... | 1072 |
| 1101-2:1.2 | Purpose and Scope..... | 1072 |
| 1101-2:1.3 | Definitions | 1078 |
| 1101-2:1.4 | Use of Pronouns | 1081 |
| 1101-2:1.5 | Repeal..... | 1081 |
| 1101-2:1.6 | Substitution of the Word “Premium” for the Word “Tax” | 1081 |
| 1101-2:1.7 | Amendment of Regulations Concerning Employment Security by Emergency Rule Made Permanent | 1081 |
| 1101-2:1.8 | Date of Filing | 1082 |
| 1101-2:1.9 | Division or Panel Communications | 1082 |
| 1101-2:1.10 | Use of Personal Identification Number (PIN)..... | 1082 |

TABLE OF CONTENTS

| | | |
|---|---|-------------|
| 1101-2:1.11 | Mailing Address of Parties | 1082 |
| PART II. CLAIMS FOR BENEFITS | | 1083 |
| 1101-2:2.1 | Registration and Filing Claims | 1083 |
| 1101-2:2.2 | Benefits Rights of Part-Time Workers..... | 1086 |
| 1101-2:2.3 | Week of Unemployment..... | 1087 |
| 1101-2:2.4 | Job Attachment | 1088 |
| 1101-2:2.5 | Self-Employment..... | 1090 |
| 1101-2:2.6 | Approved-Training Course..... | 1091 |
| 1101-2:2.7 | Reserved | 1092 |
| 1101-2:2.8 | Eligibility Requirements | 1092 |
| 1101-2:2.9 | Disqualifying Payments..... | 1098 |
| 1101-2:2.10 | [Expired] | 1098 |
| PART III. WAGES | | 1098 |
| 1101-2:3.1 | Remuneration Payable in Any Medium Other Than Cash..... | 1098 |
| 1101-2:3.2 | TIPS, Gratuities, and Service Charges..... | 1099 |
| PART IV. JOB SEPARATIONS..... | | 1099 |
| 1101-2:4.1 | Separations Related to Relocation | 1099 |
| 1101-2:4.2 | Separations Related to Domestic Violence | 1100 |
| 1101-2:4.3 | [Expired] | 1100 |
| PART V. BENEFIT CHARGING | | 1100 |
| 1101-2:5.1 | Benefit Charge-Backs in Cases of Two or More Employers | 1100 |
| PART VI. PREMIUMS AND ASSESSMENTS... | | 1101 |
| 1101-2:6.1 | Employer Premiums..... | 1101 |
| 1101-2:6.2 | Assessments and Recomputations | 1103 |
| PART VII. EMPLOYER RECORDS AND REPORTS | | 1104 |
| 1101-2:7.1 | Records..... | 1104 |
| 1101-2:7.2 | Reports..... | 1105 |
| 1101-2:7.3 | Posting Notices to Workers | 1108 |
| 1101-2:7.4 | Pattern Of Failing to Respond | 1109 |
| PART VIII. EMPLOYER BOND REQUIREMENTS | | 1109 |
| 1101-2:8.1 | Bonding Requirements | 1109 |

| | |
|---|------|
| PART IX. COVERED EMPLOYMENT | |
| RESERVED | 1110 |
| PART X. SEASONAL INDUSTRY | 1110 |
| 1101-2:10.1 Seasonal Determinations | 1110 |
| PART XI. REDETERMINATIONS AND | |
| APPEALS | 1113 |
| 1101-2:11.1 Redeterminations | 1113 |
| 1101-2:11.2 Appeals Procedure | 1115 |
| PART XII. GOOD CAUSE | 1124 |
| 1101-2:12.1 Determination of Good Cause | 1124 |
| PART XIII. INTERSTATE ARRANGEMENTS .. | 1128 |
| 1101-2:13.1 Payment of Benefits to Interstate Claimants | 1128 |
| 1101-2:13.2 Combining Employment and Wages | 1131 |
| 1101-2:13.3 Employer Elections to Cover Workers Performing Services in More Than One State | 1137 |
| 1101-2:13.4 Interstate Reciprocal Overpayment Recovery | 1140 |
| PART XIV. RESERVED | 1142 |
| PART XV. BENEFIT OVERPAYMENTS | 1142 |
| 1101-2:15.1 Write-Off of Recovery | 1142 |
| 1101-2:15.2 Waiver of Recovery | 1143 |
| 1101-2:15.3 [Expired] | 1144 |
| PART XVI. EMPLOYEE-LEASING | |
| COMPANIES | 1144 |
| 1101-2:16.1 Employee-Leasing Company Certifications | 1144 |
| 1101-2:16.2 Employee-Leasing Company Status | 1146 |
| 1101-2:16.3 Provision of Bond or Other Security | 1146 |
| 1101-2:16.4 Qualified Assurance Organization | 1147 |
| PART XVII. WORKER CLASSIFICATION | 1147 |
| 1101-2:17.1 Classification Guidance and Clarification | 1147 |
| 1101-2:17.2 Nonbinding Advisory Opinion | 1150 |
| 1101-2:17.3 Worker Classification Investigations and Fines | 1150 |
| PART XVIII. SPECIAL PROGRAMS | 1151 |
| 1101-2:18.1 Work Share | 1151 |

TABLE OF CONTENTS

| | |
|--|-------------|
| PART XIX. OPERATIONS DURING OTHER THAN NORMAL CONDITIONS | 1152 |
| 1101-2:19.1 Economic Crisis or Declared State of Emergency.. | 1152 |
| 7 CCR 1103-1. COLORADO OVERTIME AND MINIMUM PAY STANDARDS ORDER (COMPS ORDER) #38 | 1155 |
| 1103-1:1 Authority and Definitions | 1155 |
| 1103-1:2 Coverage and Exemptions | 1161 |
| 1103-1:3 Minimum Wages | 1172 |
| 1103-1:4 Overtime | 1172 |
| 1103-1:5 Meal and Rest Periods..... | 1173 |
| 1103-1:6 Deductions, Credits, and Charges..... | 1175 |
| 1103-1:7 Employer Record-Keeping and Posting Requirements | 1176 |
| 1103-1:8 Administration and Interpretation..... | 1178 |
| § 1103-1:9 [Repealed] | 1180 |
| § 1103-1:10 [Repealed] | 1180 |
| § 1103-1:11 [Repealed] | 1180 |
| § 1103-1:12 [Repealed] | 1180 |
| § 1103-1:13 [Repealed] | 1181 |
| § 1103-1:14 [Repealed] | 1181 |
| § 1103-1:15 [Repealed] | 1181 |
| § 1103-1:16 [Repealed] | 1181 |
| § 1103-1:17 [Repealed] | 1181 |
| § 1103-1:18 [Repealed] | 1181 |
| § 1103-1:19 [Repealed] | 1181 |
| § 1103-1:20 [Repealed] | 1181 |
| § 1103-1:21 [Repealed] | 1182 |
| § 1103-1:22 [Repealed] | 1182 |
| 1103-1 Appendix A Statutory Authority | 1182 |
| 7 CCR § 1103-6: PREVAILING WAGE AND RESIDENCY (PWR) RULES | 1186 |
| 1103-6:1 Statement of Purpose; Dual Jurisdiction; Separability | 1186 |
| 1103-6:2 Definitions | 1188 |
| 1103-6:3 KJICA: The “Colorado Labor” Requirement and Contractor Obligations..... | 1192 |
| 1103-6:4 Prevailing Wage Act: Contractor Payment Obligations | 1193 |
| 1103-6:5 Prevailing Wage Act: Coverage of Energy Projects... | 1193 |
| 1103-6:6 Filing and Investigation of Complaints | 1194 |
| 1103-6:7 Remedies and Fines | 1196 |
| 1103-6:8 Retaliation Prohibited | 1197 |
| 1103-6:9 Appeals | 1197 |
| 1103-6:10 [Repealed] | 1197 |

EMPLOYMENT LAW AND PRACTICE HANDBOOK

| | | |
|--|---|-------------|
| 1103-6:11 | [Repealed] | 1198 |
| 1103-6:12 | [Repealed] | 1198 |
| 1103-6:13 | [Repealed] | 1198 |
| 1103-6:14 | [Repealed] | 1198 |
| 1103-6:15 | [Repealed] | 1198 |
| 7 CCR § 1103-7: WAGE PROTECTION RULES | | 1199 |
| 1103-7:1 | Statement of Purpose and Authority .. | 1199 |
| 1103-7:2 | Definitions and Clarifications..... | 1200 |
| 1103-7:3 | Filing a Wage Complaint..... | 1206 |
| 1103-7:4 | Investigation and Mediation..... | 1214 |
| 1103-7:5 | Determination..... | 1218 |
| 1103-7:6 | Appeal..... | 1219 |
| 1103-7:7 | Attorney Fees and Costs | 1222 |
| 1103-7:8 | Administrative Liens and Levies..... | 1222 |
| 1103-7:9 | Wage Theft Enforcement Fund..... | 1225 |
| 1103-7:10 to 1103-7:20 | Repealed | 1227 |
| 7 CCR 1103-8. DIRECT INVESTIGATION RULES | | 1228 |
| 1103-8:1 | Statement of Purpose and Authority | 1228 |
| 1103-8:2 | Definitions | 1229 |
| 1103-8:3 | Investigations | 1231 |
| 1103-8:4 | Determination..... | 1232 |
| 1103-8:5 | Appeal..... | 1233 |
| 1103-8:6 | Certified Copy | 1236 |
| 1103-8:7 | Preservation of Actions..... | 1236 |
| 1103-8:8 | Discrimination and Reprisal Prohibited..... | 1236 |
| 1103-8:9 | Transferred to 7 CO ADC 1103-8:8 | 1237 |
| 1103-8:10 | [Expired]..... | 1237 |
| 7 CCR 1103-11. COLORADO WHISTLEBLOWER, ANTI-RETALIATION, NON-INTERFERENCE, AND NOTICE-GIVING RULES (“COLORADO WARNING RULES”) | | 1238 |
| 1103-11:1 | Statement of Purpose, Authority, and Construction . | 1238 |
| 1103-11:2 | Definitions and Clarifications | 1239 |
| 1103-11:3 | Complaint, Investigation, and Appeal Procedures ... | 1244 |
| 1103-11:4 | Notice and Posting Rights and Responsibilities..... | 1249 |
| 1103-11:5 | Protected Activity under PHEW | 1252 |
| 1103-11:6 | [Expired]..... | 1254 |
| 7 CCR 1103-12. STATE LABOR RELATIONS RULES | | 1255 |
| 1103-12:1 | Authority..... | 1255 |
| 1103-12:2 | Definitions..... | 1256 |
| 1103-12:3 | Filing..... | 1256 |

TABLE OF CONTENTS

| | | |
|---|---|-------------|
| 1103-12:4 | Unfair Labor Practices..... | 1257 |
| 1103-12:5 | Appeals of Coverage Decisions by the State Personnel Director..... | 1260 |
| 7 CCR 1103-14. 2023 PUBLICATION AND YEARLY CALCULATION OF ADJUSTED LABOR COMPENSATION (2023 PAY CALC) ORDER..... | | 1262 |
| 1103-14:1 | Statement of Purpose, Requirements, and Calculations. | 1262 |
| 1103-14:2 | Authority, Construction, and Definitions..... | 1264 |
| 7 CCR 1103-15. AGRICULTURAL LABOR CONDITIONS RULES | | 1266 |
| § 1103-15:1 | Statement of Purpose, Authority, and Construction. | 1266 |
| § 1103-15:2 | Definitions Applicable to These Rules..... | 1267 |
| § 1103-15:3 | Heat Illness and Injury Protection. .. | 1269 |
| § 1103-15:4 | Access to Key Service Providers. | 1276 |
| § 1103-15:5 | Enforcement..... | 1278 |
| § 1103-15:6 | Effective Date. | 1279 |
| § 1103-15 APPENDIX A | EXCERPTS FROM RELEVANT STATUTES REFERENCED IN THESE RULES | 1279 |
| 7 CCR 1103-16. COUNTY COLLECTIVE BARGAINING (COBCA) RULES | | 1281 |
| § 1103-16:1 | Statement of Purpose and Authority | 1281 |
| § 1103-16:2 | Definitions..... | 1282 |
| § 1103-16:3 | Filing, Service, and Deadlines | 1284 |
| § 1103-16:4 | Certification or Decertification of Exclusive Representative | 1285 |
| § 1103-16:5 | Unfair Labor Practices..... | 1290 |
| § 1103-16:6 | Judicial Review | 1294 |
| 7 CCR 1103-17. PROTECTIONS FOR PUBLIC WORKERS ACT (PROPWA) RULES | | 1295 |
| § 1103-17:1 | Statement of Purpose and Authority..... | 1295 |
| § 1103-17:2 | Definitions and Clarifications..... | 1296 |
| § 1103-17:3 | Filing, Service, and Deadlines..... | 1298 |
| § 1103-17:4 | Scope of Rights and Responsibilities under PROPWA. | 1299 |
| § 1103-17:5 | Unfair Labor Practice Filings and Proceedings.... | 1302 |
| 7 CCR 1103-18. POSTING, SCREENING, AND TRANSPARENCY RULES (“POST | | |

EMPLOYMENT LAW AND PRACTICE HANDBOOK

| | |
|---|------|
| RULES”) | 1307 |
| § 1103-18:1 Statement of Purpose and Authority..... | 1307 |
| § 1103-18:2 Definitions. | 1308 |
| § 1103-18:3 Complaints..... | 1311 |
| § 1103-18:4 Investigations. | 1312 |
| § 1103-18:5 Determinations and Remedies..... | 1313 |
| § 1103-18:6 Recordkeeping Requirements..... | 1314 |
| § 1103-18:7 Appeals..... | 1314 |
| § 1103-18:8 Rules as to the Employment Opportunity Act. | 1315 |
| § 1103-18:9 Rules as to the Social Media and the Workplace Law. | 1315 |
| § 1103-18:10 Rules as to the Colorado Chance to Compete Act. | 1315 |
| § 1103-18:11 Rules as to the Equal Pay for Equal Work Act... | 1315 |
| § 1103-18:12 Rules as to the Job Application Fairness Act.... | 1319 |
| § 1103-18:13 Geographic Limits. | 1320 |

| | |
|---|------|
| SECTION VII. COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT INTERPRETIVE NOTICE, FORMAL OPINIONS AND GUIDANCE | 1321 |
|---|------|

| | |
|--|------|
| SECTION VIII. COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT FACT SHEETS | 1547 |
|--|------|

Table of Laws and Rules

Table of Cases

Index