



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

NOTICE OF PAYDAYS

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

Every employer shall post and keep posted conspicuously at the place of work if practicable, or otherwise where it can be seen as employees come or go to their places of work, or at the office or nearest agency for payment kept by the employer a notice specifying the regular paydays and the time and place of payment, in accordance with the provisions of section 8-4-103, and also any changes concerning them that may occur

Pay periods can be no greater duration than a calendar month or 30 days, whichever is longer. Paydays must occur no later than 10 days following the close of each pay period. 8-4-103, C.R.S.

EMPLOYEES ARE PAID ON REGULAR PAYDAYS AS FOLLOWS:

Other Notice of Paydays Posters may be acceptable provided that they contain the elements and information required by 8-4-107, C.R.S.



NOTICE TO WORKERS

YOU HAVE THE RIGHT TO BE:

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

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

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

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

If you believe you have been improperly classified as an independent contractor and are really performing duties that fit the criteria of an employee, visit colorado.gov/cdle/TipForm, or call us at 303-318-9100 and select Option 4. To be classified as an employee, you must meet the criteria in Colorado Revised Statute 8-70-115. You can read the law online and find out more at coloradoui.gov/ProperClassification.

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

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

If you cannot access a computer, call one of the following numbers: 303-318-9000 (Denver-metro area) or 1-800-388-5515 (outside Denver-metro area); hearing impaired 303-318-9016 (TDD Denver-metro area) or 1-800-894-7730 (TDD outside Denver-metro area) Denver-metro area).

EMPLOYERS ARE REQUIRED BY LAW TO POST THIS NOTICE

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

COLORADO
Department of Labor and Employment
Labor and Employment

COLORADO OVERTIME & MINIMUM PAY STANDARDS ORDER

Department of Labor and Employment ("COMPS Order") #38, POSTER & NOTICE

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

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

- The minimum wage is adjusted each year for inflation, so the above amounts are for only 2023
- · All employees must be paid at least the minimum wage (unless exempt in Rule 2), whether paid hourly or another way (salary, commission, piecework, etc.), except unemancipated minors can be paid 15% under full minimum wage
- $\bullet \ Use the highest standard if other labor laws also apply, such as \ Denver's \ minimum \ wage (\$17.29 \ in \ 2023)$
- Overtime: 1½ times regular pay rates for hours over 40 weekly, 12 daily, or 12 consecutive (Rule 4)
- · Overtime is required each week over 40 hours, or day over 12, even if 2 or more weeks or days average fewer hours
- Employers cannot provide time off ("comp time") instead of time-and-a-half premium pay for overtime hours
- . Key variances/exemptions (all are detailed in Rules 2.3-2.4):
- Modified overtime in a small number of health care jobs; exemption for certain heavy vehicle drivers No 40-hour weekly overtime in downhill ski/snowboard jobs (but 56-hour overtime for many under federal law) - Agriculture, as of 11/1/22: overtime after 60 hours; half-hour paid break in days over 12 hours, extra pay if over 15
- Meal Periods: 30 minutes uninterrupted and duty-free, for shifts over 5 hours (Rule 1.9)
- · Can be unpaid, but only if employees are completely relieved of all duties, and allowed to pursue personal activities
- . If work makes uninterrupted meal periods impractical, eating on-duty must be permitted, and the time must be paid . To the extent practical, meal periods must be at least 1 hour after starting and 1 hour before ending shifts

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

#Work Hours: Up to 2 >2, up to 6 >6, up to 10 >10, up to 14 >14, up to 18 >18, up to 22 >22 ed not be off-site, but must not include work, and should be in the middle of the 4 hours to the extent practica

- rest periods, they must pay extra for time that would have been rest periods, including for non-hourly-paid employees · Key variances/exemptions:
- In some circumstances, 10-minute rest periods can be divided into two of 5 minutes (Rule 5.2.1) - Agriculture: certain work requires more breaks; other is exempt (Rule 2.3, & Agricultural Labor Conditions Rules)

Time Worked: Pay for time employers allow performing labor/service for their benefit (Rule 1.9)

- · All time on-premises, on duty, or at workplaces (but not just letting off-duty employees be on-premises), including: - putting on/removing work clothes/gear (but not clothes worn outside work), cleanup/setup, or other off-clock duty,
- waiting for assignments at work, or receiving or sharing work-related information,
- security/safety screening, or clocking/checking in or out, or
- waiting for any of the above tasks.

- Deductions, Credits, Charges, & Withheld Pay (Rule 6, and Article 4 of C.R.S. Title 8) . Final pay: Owed promptly (if a termination by employer) or at next pay date (if employee resigned)
- · Vacation pay: Departing employees must be paid all accrued and unused vacation pay, including paid time off usable for vacation, without deducting or declaring forfeiture based on cause for termination, lack of resignation notice, etc.
- · Deductions from nav: Allowed if listed below or in C.R.S. 8-4-105 (including deductions required by law, in a
- written agreement for the benefit of the employee, for theft in a police report, or for property loss after au • Tip credits: Employers can pay up to \$3.02 under minimum wage (\$10.63 in 2023, or \$14.27 in Denver), if: (a) times
- (not mandatory service charges) raise pay to full minimum, & (b) tips aren't diverted to non-tipped staff/o
- · Meal credits/deductions: Allowed for the cost or value (without employer profit) of voluntarily accepted meals
- Lodging credits/deductions: Allowed if housing is voluntarily accepted by the employee, primarily for the employee's (not the employer's) benefit, recorded in writing, and limited to \$25 or \$100 per week (based on housing type)
- Uniforms: Must be provided at no cost unless they are ordinary clothes without special material or design; employers
 must pay for any special cleaning required, and cannot require deposits or deduct for ordinary wear and tear

- (\$55,000 in 2024, then inflation-adjusted), except \$31.41/hour for highly technical computer wor
- · 20% owners, or at a nonprofit the highest-paid/highest-ranked employee, if actively engaged in management

- Employers must give all employees (and keep for three years) pay statements that include time worked, pay rate
- . This year's poster must be displayed where easily accessible, or if not practical (such as for remote workers), wided within one month of beginning work and when employees request a copy
- · Violation of notice of rights rules (posting or distribution), including by providing information undercutting this poster, may yield fines and/or ineligibility for employee-specific credits, deductions, or exemptions in COMPS

Complaint & Anti-Retaliation Rights (Rule 8)

- · Employees can send the Division (contact info below) complaints or tips about violations, or file lawsuits in court
- · Employers cannot retaliate against, or interfere with, employees exercising their rights
- · Anonymous tips are accepted; anonymity or confidentiality are protected if requested (Wage Protection Rule 4.7)
- even if the business is a corporation, partnership, or other entity separate from its owner(s) (Rule 1.6)

This Poster is a summary and cannot be relied on as complete labor law information. For all rules, fact sheets, translations, questions, or complaints, contact: DIVISION OF LABOR STANDARDS & STATISTICS, ColoradoLaborLaw.gov, cdle_labor_standards@state.co.us, 303-318-8441 / 888-390-7936

Colorado Workplace Public Health Rights Poster: Department of Labor and Employment PAID LEAVE, WHISTLEBLOWING, & PROTECTIVE EQUIPMENT up-to-date poster available each mid-December

Coverage: All Colorado employers, of any size, must provide paid leave

- · All employees earn 1 hour of paid leave per 30 hours worked ("accrued leave"), up to 48 hours a year
- Up to 80 hours of supplemental leave applies in a public health emergency (PHE), until 4 weeks after the PHE ends.* Employees are required to be paid their regular pay rate during leave, and the employer must continue their benefits Up to 48 hours of unused accrued leave carries over for use during the next year.
- For details on specific situations (irregular hours, non-hourly pay, etc.), see Wage Protection Rule 3.5, 7 CCR 1103-7.
 - Employees can use accrued leave for the following safety or health needs:
- (1) a mental or physical illness, injury, or health condition that prevents work, including diagnosis or preventive care; (2) domestic abuse, sexual assault, or criminal harassment leading to health, relocation, legal, or other services needs; 3) caring for a family member experiencing a condition described in category (1) or (2); or
- (4) in a PHE, a public official closed the workplace, or the school or place of care of the employee's child. In a public health emergency (PHE), employees can use supplemental PHE leave for the following needs*:
- (1) self-isolating or work exclusion due to exposure, symptoms, or diagnosis of the communicable illness in the PHE: seeking a diagnosis, treatment, or care (including preventive care) of such an illness;
- 3) being unable to work due to a health condition that may increase susceptibility to or risk of such an illness; or (4) caring for a child or other family in category (1)-(3), or whose school or child care is unavailable due to the PHE. During a PHE, employees still earn up to 48 hours of accrued leave and may use supplemental leave before accrued leave.
- Employer Policies (Notice; Documentation; Incremental Use; Privacy; and Paid Leave Records) Written notice and posters. Employers must (1) provide notice to new employees no later than other onboarding
- documents/policies; and (2) display updated posters, and provide updated notices to current employees, by end of year. Notice for "foreseeable" leave. Employers may adopt "reasonable procedures" in writing as to how employees should provide notice if they require "foreseeable" leave, but cannot deny paid leave for noncompliance with such a policy.
- An employer can require documentation to show that accrued leave was for a qualifying reason only if leave was for four or more consecutive work days (i.e. days when an employee would have worked, not calendar days). Documentation is not required to take accrued leave, but can be required as soon as an employee returns to work or

separates from work (whichever is sooner). No documentation can be required for PHE leave.

(whichever is sooner), and (B) give the employee at least seven days to cure the deficiency.

- To document leave for an employee's (or an employee's family member's) health-related need, an employee may provide: (1) a document from a health or social services provider if services were received and a document can be obtained in reasonable time and without added expense; otherwise (2) the employee's own writing.
- To document that an employee (or an employee's family member) required leave for a need related to domestic abuse, sexual assault, or criminal harassment, an employee may provide: a document or writing under (1) above (e.g. from a provider of legal or shelter services) or (2) above, or a legal document (e.g., a restraining order or police report).
- If an employer reasonably deems an employee's documentation deficient, the employer must: (A) notify the

- THE HEALTHY FAMILIES & WORKPLACES ACT ("HFWA"): Paid Leave Rights | Incremental Use. Depending on employer policy, employees can use leave in either hourly or six-minute incr · Employee Privacy. Employers cannot require employees to disclose "details" about an employee's (or their family's)
 - HFWA-related health or safety information; such information must be treated as a confidential medical record. Records must be retained and provided upon request. Employers must provide documentation of the current amount of paid leave employees have (1) available for use, and (2) already used during the current benefit year, including any supplemental PHE leave. Information may be requested once per month or when the need for HFWA leave arises.
 - Paid leave cannot be counted as an "absence" that may result in firing or another kind of adverse action
 - · An employee can't be required to find a "replacement worker" or job coverage when taking paid leave.
 - · An employer cannot fire, threaten, or otherwise retaliate against, or interfere with use of leave by, an employee who: (1) requests or takes HFWA leave; (2) informs or assists another person in exercising HFWA rights; (3) files a HFWA complaint; or (4) cooperates/assists in investigation of a HFWA violation.
 - If an employee's reasonable, goodsfaith HESWA complaints request, or other activity is incorrect can employer need

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

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

Worker Rights to Oppose Workplace Health/Safety Violations:

- It is unlawful to retaliate against, or interfere with, the following acts:
- about workplace violations of government health or safety rules, or a significant workplace health or safety threat; (2) opposing or testifying, assisting, or participating in an investigation or proceeding about retaliation for investigation or proceeding about retaliation or investigation o
- interference with, the above-listed conduct. A principal need not address a worker's PHEW-related concern, but it still cannot fire or take other action against the

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

COMPLAINT RIGHTS (under both HFWA & PHEW)

This Poster summarizes three Colorado workplace public health laws: SB 20-205 (paid leave), HB 20-1415 & SB 22-097 (healthy and safety whistleblowing). It does not cover other health or safety laws, rules, and orders, including under the federal Occupational Safety and Health Act (OSHA), from the Colorado Department of Public Health and Environment (CDPHE), or from local public health agencies. Contact those agencies for such health and safety information.

This Poster is a summary and cannot be relied on as complete labor law information. For all rules, fact sheets, translations, questions, or complaints, or for the status of the public health emergency (*a qualifying emergency remains in effect as of June 2022), contact:

DIVISION OF LABOR STANDARDS & STATISTICS, ColoradoLaborLaw.gov, cdle_labor_standards@state.co.us, 303-318-8441 / 888-390-7936.



COLORADO Department of Regulatory Agencies

Colorado Law Prohibits Discrimination in:

C.R.S. § 24-34-401 et seq.

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

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

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

PREGNANT WORKERS FAIRNESS ACT - C.R.S. § 24-34-402.3

An employee with a health condition(s) related to pregnancy or physical recovery from childbirth is entitled a reasonable accommodation(s) necessary to perform the essential functions of the job. An accommodation is not reasonable if its provision would result in an undue hardship on the employer's business. RETALIATION PROHIBITED - C.R.S. § 24-34-402(e)

It is a discriminatory act to retaliate against a person who opposes a discriminatory practice or who participates in a discrimination investigation, proceeding or hearing.

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

CROWN Act of 2020:

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

TO FILE A COMPLAINT OF DISCRIMINATION, OR FOR MORE INFORMATION CONTACT THE COLORADO CIVIL RIGHTS DIVISION; 1560 BROADWAY, LOBBY WELCOME CENTER, SUITE # 110, DENVER, CO 80202

MAIN PHONE: 303-894-2997; HOTLINE ESPANOL: 720-432-4294; TOLL-FREE: 800-262-4845; V/TTD RELAY: 711; FAX: 303-894-7830; EMAIL: DORA_CCRD@STATE.CO.US CLAIMS ASSERTING EMPLOYMENT DISCRIMINATION MUST BE FILED AS A FORMAL

COMPLAINT WITHIN 300-DAYS* FROM NOTICE OF THE EMPLOYMENT ACTION.

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

ccrd.colorado.gov



Deductions from Employee Wages start January 1, 2023

- The employee share of FAMLI premiums is set at 0.45% of employee wages through 2024. For 2025 and beyond, the director of the
 FAMLI Division sets the premium rate according to a formula based on the monetary value of the fund each year. Employers with a total of
 ten or more employees nationwide must also contribute an additional 0.45% of wages for a total of 0.9%, but employers with nine or fewer
- a simple payroll deduction, and employees will notice the deduction on their regular paychecks. Employers are responsible for collecting those deductions and sending them into the FAMLI Division on behalf of their employees once a quarter.

Benefits start January 1, 2024

- · Starting in 2024, paid family and medical leave benefits are available to most Colorado employees who have a qualifying condition and who
- earned \$2,500 over the previous year for work performed in Colorado.

 The qualifying conditions for paid family and medical leave are:
- Caring for a new child during the first year after the birth, adoption, or foster care placement of that child.
 Caring for a family member with a serious health condition.
- Carring for your own serious health condition.
 Making arrangements for a family member's military deployment.
 Obtaining safe housing, care, and/or legal assistance in response to domestic violence, stalking, sexual assault, or sexual abuse.
 Covered employees are entitled to up to 12 weeks of paid family and medical leave per year. Individuals with serious health conditions caused by pregnancy complications or childbirth complications are entitled to up to 4 more weeks of paid family and medical leave per year for a total of 16 weeks.
- Leave may be taken continuously, intermittently, or in the form of a reduced schedule.
 Leave will be paid at a rate of up to 90% of the employee's average weekly wage, based on a sliding scale. Employees may estimate their benefits by using the benefits calculator available at famli.colorado.gov.
- Employees may choose to use sick leave or other paid time off before using FAMLI benefits, but they are not required to do so.
 Employers and employees may mutually agree to supplement FAMLI benefits with sick leave or other paid time off in order to provide full
- Filing Claims
- Employees or their designated representatives apply for FAMLI benefits by submitting an application, along with required documentation, directly to the FAMLI Division. Employers cannot make employees apply for FAMLI benefits.
 Applications may be submitted in advance of the absence from work, and in some circumstances, they may be submitted after the absence
- Approved applications will be paid by the FAMLI Division within two weeks after the claim is properly filed, and every two weeks thereafter
- Individuals who attempt to defraud the FAMLI program may be disqualified from receiving benefits. Job protection and continued benefits

Retaliation, Discrimination, and Interference Prohibited

mplaint with the FAMLI Division

- Employers must maintain health care benefits for employees while they are on FAMLI leave, and both the employer and the employee
- · Employers may not interfere with employees' rights under FAMLI, and may not discriminate or retaliate against them for exercising those rights. · Employees who suffer retaliation, discrimination, or interference may file suit in court, or may file a
- Other Important Information · An employer may offer a private plan that provides the same benefits as the state FAMLI plan, and

- Exemptions from COMPS (Rule 2.2 lists all; key exemptions are below)
- Executives/supervisors, administrators, and professionals paid at least a salary (not hourly wages) of \$50,000 in 2023
- $\bullet \ \ Other\ highly\ compensated, non-manual-labor\ employees\ paid\ at\ least\ 2.25\ the\ above\ salary\ (\$112,500\ in\ 2023)$
- Various (not all) types of salespersons, taxi drivers, camp/outdoor education field staff, or property managers
- Record-Keeping & Notices of Rights (Rule 7)
- · Rest periods are time worked for minimum wage and overtime purposes, and if employers do not authorize and permit
 - Employers must include a copy of this poster, or a COMPS Order, in any employment handbook or manual

- · Owners and other individuals with control over work may be liable for certain violations not just the business.
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PAID LEAVE AND WHISTLEBLOWER

<u>Updated June 1, 2022</u>: may be updated annually;

Retaliation or Interference with HFWA Rights

not agree or grant it, but cannot act against the employee for it. Employees can face consequences for misusing leave.

Coverage: All Employers and Employees, Plus Certain Independent Contractors

(1) raising reasonable concerns, including informally, to the principal, other workers, the government, or the public,

worker for raising such a concern, as long as the concern was reasonable and in good-faith. Workers' Rights to Use Their Own Personal Protective Equipment ("PPE"):

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

This poster must be displayed where easily accessible to workers, shared with remote workers, provided in other languages as needed, and replaced with any annually undated versions,

PAID FAMILY AND MEDICAL LEAVE

2023 FAMLI Program Notice

- employees are only responsible for sending the 0.45% employee share to the FAMLI Division.

 Starting in 2023, employers may begin deducting up to 0.45% from employees' wages for FAMLI contributions. This can be done through

- You don't have to work for your employer a minimum amount of time in order to qualify for paid family and medical leave benefits.
 If FAMLI leave is used for a reason that also qualifies as leave under the federal FMLA, then the leave will also count as FMLA leave used.
- Employees will not be able to file for benefits until the last quarter of 2023. Benefits will be available starting January 2024. Instructions on how to apply for benefits will be available on famili.colorado.gov in the last quarter of 2023.
- for the duration of the approved leave.

 Employees can appeal claim determinations to the FAMLI Division.
- remain responsible for paying for those benefits in the same amounts as before the leave began. An employee who has worked for the employer for at least 180 days is entitled to return to the same position, or an equivalent position, upon their return from FAMLI leave.
- imposes no additional costs or restrictions. Private plans must be approved by the FAMLI Division.

 Employees and employers are encouraged to report FAMLI violations to the FAMLI Division.
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