

Department of Labor and Employment, Division of Labor Standards & Statistics

COLORADO WAGE & HOUR RIGHTS & RESPONSIBILITIES: The COMPS Order (Colorado Overtime & Minimum Pay Standards) Poster & Notice

Effective 1/1/2025
Use new version released by each Employer (Rule 1.9)

Colorado Minimum Wage: \$14.81 per hour in 2025, updated yearly (COMPS Rule 3)

- Most pay at least minimum wage for all time worked, whether by hour, salary, commission, piece rate, etc.
- Use the highest minimum wage applicable: [ColoradoLaborLaw.gov](https://cdle.colorado.gov/labor-law) lists all local minimum wages
- 15% lower is allowed for unemancipated minors – but not for some local minimum wages

Overtime: 1½ regular rate after 40 weekly hours, or 12 daily or consecutive (Rule 4)

- Can't give time off instead of overtime pay; can't average overtime and non-overtime weeks (or days)
- Agriculture: Overtime after 48 hours (56 at some highly seasonal sites); extra breaks and pay on long days
- Some (not all) jobs in health, ski, and heavy vehicles are partly or fully exempt (Rules 2.3-2.4)

Meal Periods: 30 minutes uninterrupted & duty-free, in shifts over 5 hours (Rule 5.1)

- Can be unpaid only for employees completely relieved of duty, and allowed do personal activities
- If work doesn't allow uninterrupted meal periods: must allow eating on duty, on paid time
- As much as practical, meal periods must be at least 1 hour after starting shifts, and 1 hour before ending

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

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

- Need not be off-site, but must not include work, and should be in the middle of the 4 hours if practical
- Rest periods count as time worked, including for minimum wage and overtime
- Extra pay is owed for rest period time not authorized or permitted, including for employees not paid hourly
- Break rules differ for some agricultural work (Rule 2.3, & the Agricultural Labor Conditions Rules)

Deductions, Credits, Charges, & Withheld Pay (Rule 6, & Colorado Wage Act)

- Final pay: Owed promptly (if a termination by employer) or at next pay date (if employee resigned)
- Unused vacation: Must pay to departing employees, even if fired for cause or resigned without notice
- Tip credit: Can lower hourly pay up to \$3.02 if tips (not service charges) aren't diverted to unlicensed staff
- Meals: Can charge cost or value (without profit) of voluntarily accepted meals
- Lodging: Can charge \$25-\$100 weekly (by housing type) if voluntary and primarily for employee benefit
- Uniforms: Can't charge or require deposits for special uniforms, special cleaning, or ordinary wear and tear
- Other deductions: Only for items in CRS 8-4-105; not for poor work, breakage, quitting without notice, etc.

Time Worked: All on-duty or on-premises time that must be paid (Rule 1.9)

- Cleanup or setup (examples: put on or remove clothes, or gear, worn only at work)
- Checking in or out (timeclock, security or safety screening, etc.), or waiting to do so
- Receiving or sharing work information, or wait for tasks – but not just off-duty time on premises
- Travel for employer benefit – but not normal commuting (Rule 1.9.2)
- Sleep time required to be on-site – but not if lengthy and uninterrupted (Rule 1.9.3)

Exemptions from COMPS (Rule 2.2 lists all; highlights below)

- Executive/supervisor, administrator, or professional: \$56.485 (updated yearly) in salary (not hourly pay)
- Other high-level work: non-manual jobs paid 2¼ times the above salary; ½ owners who actively manage
- Some (not all) salespeople, computer professionals, drivers, camp/outdoor ed staff, or property managers
- Duties to pay wages, including most limits on deductions, still apply if exempt from COMPS

Employer Responsibilities (Rule 7)

- Give employees pay statements (total pay, rate, tips, credits, and time worked), and keep for 3 years
- Display this poster/notice where easily seen (or give to employees); also include in any handbook/manual
- Use translations (available from this Division of this poster/notice for employees with limited English
- Not giving (or undercutting) posters or notices may disallow employer credits, deductions, or exemptions
- Individuals with control over work may be liable for wages and violations, even at incorporated employers

Complaint & Anti-Retaliation Rights (Rule 8)

- File complaints in the Division or Court, or send the Division confidential tips
- Retaliation, or actions interfering with rights, may yield fines or other consequences
- Immigration status is irrelevant to these rights, and can't be used to interfere with rights

Contact Us:

DIVISION OF LABOR STANDARDS & STATISTICS,
303-318-8441 / 888-390-7936 / cdle.labor_standards@state.co.us (English or Spanish)

For all laws, guidance, & complaints: cdle.colorado.gov

Spanish guidance & complaints: leylaboraleenelcolorado.gov

This notice in other languages: cdle.colorado.gov/LaborStandardsPosters

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

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

Department of Labor and Employment

Colorado Workplace Public Health Rights Poster: PAID LEAVE, WHISTLEBLOWING, & PROTECTIVE EQUIPMENT

Updated July 14, 2023
may be updated periodically

THE HEALTHY FAMILIES & WORKPLACES ACT ("HFWA"): Paid Leave Rights

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

- All employees earn 1 hour of paid leave per 30 hours worked ("accrued leave"), up to 48 hours a year.
- Employees are required to be paid their regular pay rate during leave, and the employer must continue their benefits.
- Up to 48 hours of unused accrued leave carries over for use during the next year.
- For details on specific situations (irregular hours, non-hourly pay, etc.), see Wage Protection Rule 3.5, 7 (CRS 1103-7).
- Up to 80 hours of supplemental leave applies in a public health emergency (PHE), until 4 weeks after the PHE ends.

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

- (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);
- (4) grieving, funeral/mental attendance, or financial/legal needs after a death of a family member;
- (5) due to imminent weather, power/hot/cold loss, or other unexpected occurrence, the employees needs to either (a) evacuate their residence, or (b) care for a family member whose school or place of care was closed; or
- (6) in a PHE, a public official closed the workplace, or the school or place of care of the employee's child.

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

- **Written notice and posters.** Employers must (1) provide notice to new employees no later than their 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 non-compliance 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 (whichever is sooner). No documentation can be required for PHE leave.**
- **To document leave for an employee (or an employee's family member's) health-related need,** an employer may provide: (1) a document from a health or social services provider if services were received and a document can be obtained in reasonable time and without added expense, **otherwise** (2) the employee's own writing.
- **Documentation as to domestic abuse, sexual assault, or criminal harassment** can be a document or writing under (1) above (e.g. legal or shelter services provided) or (2) above, or a legal document (restraining order, police report, etc.).
- **If an employer reasonably denies an employee's documentation deficient,** the employer must: (A) notify the employee within seven days of either receiving the documentation or the employee's return to work or separation (whichever is sooner), and (B) give the employee at least seven days to cure the deficiency.
- **Incremental Use.** Depending on employer policy, employees can use leave in either hourly or six-minute increments.

Whistleblowing: Employees cannot require employers to disclose "status" about an employee (or their family's) HFWA-related health or safety information; such information must be treated as a confidential medical record.

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

Retaliation or Interference with HFWA Rights

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

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

Coverage: All Employees and Employers, Plus Certain Independent Contractors

- PHEW covers not just "employees" and "employers," but all "principals" (an employer or a business with at least 5 independent contractors) and "workers" (employees or independent contractors working for a "principal").
- **Workers Rights to Oppose Workplace Health/Safety Violations:** It is unlawful to retaliate against, or interfere with, the following acts:
 - (1) **raising reasonable concerns,** including informally, to the principal, other workers, the government, or the public, about workplace violations of government health or safety rules, or a significant workplace health or safety concern;
 - (2) **offering or testifying, assisting, or participating** in an investigation or proceeding about retaliation for, or interference with, the above listed conduct.
- A principal need not address a worker's PHEW-related concern, but it still cannot fire or take other action against the worker for raising such a concern, as long as the concern was reasonable and in good-faith.
- **Workers' Rights to Use Their Own Personal Protective Equipment ("PPE"):** A worker must be allowed to voluntarily wear their own PPE (mask, faceguard, gloves, etc.) if the PPE (1) provides more protection than equipment provided at the workplace, (2) is recommended by a government health agency (federal, state, or local), and (3) does not make the worker **unable to do the job.**
- **COMPLAINT RIGHTS (under both HFWA & PHEW)** Report violations to the Division as complaints or anonymous tips, or file an court after exhausting pre-lawsuit remedies.

Other Important Information

- An employer may offer a private plan that provides the same benefits as the state FAMILI plan, and impose no additional costs or restrictions. Private plans must be approved by the FAMILI Division.
- Employees and employers are encouraged to report FAMILI violations to the FAMILI Division.

Retaliation, Discrimination, and Interference Prohibited

- Employers may not interfere with employees' rights under FAMILI, and may not discriminate or retaliate against them for exercising those rights, including taking FAMILI leave, talking to others about FAMILI, and filing complaints of FAMILI violations.
- An employee who has worked for the employer for at least 300 days is entitled to return to the same position, or an equivalent position, upon their return from FAMILI leave.

Other Important Information

- An employer may offer a private plan that provides the same benefits as the state FAMILI plan, and impose no additional costs or restrictions. Private plans must be approved by the FAMILI Division.
- Employees and employers are encouraged to report FAMILI violations to the FAMILI Division.

This Poster summarizes two Colorado workplace public health laws: C.R.S. 8-6-13.3-401 et seq. (paid leave), and C.R.S. 8-6-14.4-101 et seq. (health and safety whistleblowing) including amendments current as of the date of this poster. It does not cover other health or safety laws, rules, and orders, including under the Federal Occupational Safety and Health Act (OSHA), or from local public agencies. Contact those agencies for such health or safety information.

"In a PHE, employees gain additional hours of leave for inability to work, testing, quarantining, caring for family in such situations, and related needs. No PHE in effect; this poster will be updated if one is declared.

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

This Poster is a summary and cannot be relied on as 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.

Employment Security Act

NOTICE TO WORKERS

YOU HAVE THE RIGHT TO BE:

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

There are resources available to you if you believe you are being subject to improper classification or inaccurate payment practices by your employer. For more information, go to [WorkRight.cde.co](https://www.labor7.org)

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

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

If you believe you have been **improperly classified** as an independent contractor and are really performing duties that fit the criteria of an employee, visit cdle.colorado.gov/dlc/tipsheet, or call at 303-318-9100 or select Option 4. To be classified as an employee, you must meet the criteria in Colorado Revised Statute 8-79-115. You can read the law online and find out more at cdle.colorado.gov/ProperClassification.

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

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

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