

DEPARTMENT OF LABOR AND EMPLOYMENT

Division of Labor Standards and Statistics

COLORADO MINIMUM WAGE ORDER NUMBER 35

7-CCR-1103-4

Authority:

This Colorado Minimum Wage Order Number 35 is promulgated under the authority vested by C.R.S. Title 8, Articles 1, 4, 6, and 12 (2018). This Wage Order shall supersede all previous Wage Orders.

Important Information on Minimum Wage:

Colorado Minimum Wage Order Number 35 establishes a Colorado state minimum wage pursuant to the requirements of Article XVIII, Section 15, of the Colorado Constitution.

In addition to state minimum wage requirements, there are also federal minimum wage requirements. If an employee is covered by both state and federal minimum wage laws, the law which provides a higher minimum wage or sets a higher standard shall apply. For information on federal minimum wage law, contact the U.S. Department of Labor.

2019 Colorado State Minimum Wage:

Pursuant to Article XVIII, Section 15, of the Colorado Constitution, if either of the following two situations applies to an employee, then the employee is entitled to the \$11.10 state minimum wage or the \$8.08 state tipped employee minimum wage, effective January 1, 2019:

1. The employee is covered by the minimum wage provisions of Colorado Minimum Wage Order Number 35.
2. The employee is covered by the minimum wage provisions of the Fair Labor Standards Act.

The Division accepts complaints for minimum wage violations involving employees who receive the state or federal minimum wage.

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1. ~~Coverage:~~

~~This Colorado Minimum Wage Order Number 35 regulates wages, hours, working conditions and procedures for certain employers and employees for work performed within the boundaries of the state of Colorado in the following industries:~~

- | | |
|---|-----------------------------------|
| (A) Retail and Service | (C) Food and Beverage |
| (B) Commercial Support Service | (D) Health and Medical |

2. ~~Definitions:~~

- ~~(A) **Retail and Service:** any business or enterprise that sells or offers for sale, any service, commodity, article, good, real estate, wares, or merchandise to the consuming public, and that generates 50% or more of its annual dollar volume of business from such sales. The retail and service industry offers goods or services that will not be made available for resale. It also includes amusement and recreation, public accommodations, banks, credit unions, savings and loans, and includes any employee who is engaged in the performance of work connected with or incidental to such business or enterprise, including office personnel.~~

~~(B) — **Commercial Support Service:** any business or enterprise engaged directly or indirectly in providing services to other commercial firms through the use of service employees who perform duties such as: clerical, keypunching, janitorial, laundry or dry cleaning, security, building or plant maintenance, parking attendants, equipment operations, landscaping and grounds maintenance. Commercial support service also includes temporary help firms which provide employees to any business or enterprise covered by this Wage Order. Any employee, including office personnel, engaged in the performance of work connected with or incidental to such business or enterprise, is covered by the provisions of this Wage Order.~~

~~(C) — **Food and Beverage:** any business or enterprise that prepares and offers for sale, food or beverages for consumption either on or off the premises. Such business or enterprise includes but is not limited to: restaurants, snack bars, drinking establishments, catering services, fast food businesses, country clubs and any other business or establishment required to have a food or liquor license or permit, and includes any employee who is engaged in the performance of work connected with or incidental to such business or enterprise, including office personnel.~~

~~(D) — **Health and Medical:** any business or enterprise engaged in providing medical, dental, surgical or other health services including but not limited to medical and dental offices, hospitals, home health care, hospice care, nursing homes, and mental health centers, and includes any employee who is engaged in the performance of work connected with or incidental to such business or enterprise, including office personnel.~~

~~**Director:** the director of the division of labor standards and statistics.~~

~~**Division:** the division of labor standards and statistics in the Colorado Department of Labor and Employment.~~

~~**Emancipated Minor:** any individual less than eighteen years of age who:~~

- ~~a) — has the sole or primary responsibility for his or her own support.~~
- ~~b) — is married and living away from parents or guardian.~~
- ~~c) — is able to show that his or her well-being is substantially dependent upon being gainfully employed.~~

~~**Emergency:** an unpredictable or unavoidable occurrence at unscheduled intervals requiring immediate action with regard to the employment of minors in overtime situations.~~

~~**Employee:** any person performing labor or services for the benefit of an employer in which the employer may command when, where, and how much labor or services shall be performed. For the purpose of this Wage Order, an individual primarily free from control and direction in the performance of contracted labor or services, and who is customarily engaged in an independent trade, occupation, profession, or business related to the service performed is not an employee.~~

~~**Employer:** every person, firm, partnership, association, corporation, receiver, or other officer of court in Colorado, and any agent or officer thereof, of the above mentioned classes, employing any person in Colorado, except that the provisions of this Wage Order shall not apply to state, federal and municipal governments or political sub-divisions thereof, including: cities, counties, municipal corporations, quasi-municipal corporations, school districts, and irrigation, reservoir, or drainage conservation companies or special districts organized and existing under the laws of Colorado.~~

~~**Full Time Employee:** for the purpose of the exemption described in section 5(b) of this Wage Order, a full time employee is one who performs work for the benefit of an employer for a minimum of 32 hours per work week.~~

Regular Rate of Pay: the regular rate of pay actually paid to employees for a standard, non-overtime workweek. The regular rate of pay shall include all compensation paid to employees including the set hourly rate, shift differential, minimum wage tip credit, non-discretionary bonuses, production bonuses, and commissions used for the purpose of calculating the overtime hourly rate for non-exempt employees. Business expenses, bonafide gifts, discretionary bonuses, employer investment contributions, vacation pay, holiday pay, sick leave, jury duty, or other pay for non-work hours may be excluded from the regular rate of pay.

Time Worked: the time during which an employee is subject to the control of an employer, including all the time the employee is suffered or permitted to work whether or not required to do so. Requiring or permitting employees to remain at the place of employment awaiting a decision on job assignment or when to begin work or to perform clean up or other duties "off the clock" shall be considered time worked and said time must be compensated.

a) **Travel Time:** all travel time spent at the control or direction of an employer, excluding normal home to work travel, shall be considered as time worked.

b) **Sleep Time:** where an employee's tour of duty is 24 hours or longer, up to 8 hours of sleeping time can be excluded from overtime compensation, if: (1) an express agreement excluding sleeping time exists; and (2) adequate sleeping facilities for an uninterrupted night's sleep are provided; and (3) at least five hours of sleep are possible during the scheduled sleeping periods; and (4) interruptions to perform duties are considered time worked. When said employee's tour of duty is less than 24 hours, periods during which the employee is permitted to sleep are compensable work time, as long as the employee is on duty and must work when required. Only actual sleep time may be excluded up to a maximum of eight (8) hours per work day. When work related interruptions prevent five (5) hours of sleep, the employee shall be compensated for the entire work day.

Tipped Employee: any employee engaged in an occupation in which he or she customarily and regularly receives more than \$30.00 a month in tips. Tips include amounts designated as a "tip" by credit card customers on their charge slips. Nothing herein contained shall prevent an employer covered hereby from requiring employees to share or allocate such tips or gratuities on a pre-established basis among other employees of said business who customarily and regularly receive tips. Employer required sharing of tips with employees who do not customarily and regularly receive tips, such as management or food preparers, or deduction of credit card processing fees from tipped employees, shall nullify allowable tip credits towards the minimum wage authorized in section 3(e).

Wages or Compensation: all amounts due employees for labor or service; whether the amount is fixed or ascertained by the standard of time, task, piece, commission basis, or other method of calculating the same, or whether the labor or service is performed under contract, subcontract, partnership, subpartnership, station plan, or other agreement, provided that the labor or service is performed personally by the person demanding payment.

Workday: any consecutive twenty-four (24) hour period starting with the same hour each day and the same hour as the beginning of the workweek. The workday is set by the employer and may accommodate flexible work shift scheduling.

Work Shift: the hours an employee is normally scheduled to work within a work day.

Workweek: any consecutive seven (7) day period starting with the same calendar day and hour each week. A workweek is a fixed and recurring period of 168 hours, seven (7) consecutive twenty-four (24) hour periods.

~~3. Minimum Wage and Allowable Credits:~~

~~**Minimum Wage:** all adult employees and emancipated minors, employed in any of the industries covered herein, whether employed on an hourly, piecework, commission, time, task, or other basis, shall be paid not less than \$11.10 effective January 1, 2019, less any applicable lawful credits for all hours worked.~~

~~**Allowable Credits:** the only allowable credits that may be taken by an employer toward the minimum wage are as follows:~~

- ~~a) **Lodging:** the reasonable cost or fair market value for lodging (not to exceed \$25.00 per week) furnished by the employer and used by the employee may be considered part of the minimum wage when furnished.~~
- ~~b) **Meals:** the reasonable cost or fair market value of meals provided to the employee may be used as part of the minimum hourly wage. No profits to the employer may be included in the reasonable cost or fair market value of such meals furnished. The meal must be consumed before deductions are permitted.~~
- ~~c) **Tips:** employers of "tipped employees" must pay a cash wage of at least \$8.08 per hour if they claim a tip credit against their minimum hourly wage obligation. If an employee's tips combined with the employer's cash wage of at least \$8.08 per hour do not equal the minimum hourly wage, the employer must make up the difference in cash wages.~~

~~**Exception:** employees whose physical disability has been certified by the director to significantly impair such disabled employee's ability to perform the duties involved in the employment, and unemancipated minors under 18 years of age, may be paid 15% below the current minimum wage less any applicable lawful credits, for all hours worked.~~

~~4. Overtime Hours:~~

~~**Overtime Rate:** employees shall be paid time and one-half of the regular rate of pay for any work in excess of: (1) forty (40) hours per workweek; (2) twelve (12) hours per workday, or (3) twelve (12) consecutive hours without regard to the starting and ending time of the workday (excluding duty free meal periods), whichever calculation results in the greater payment of wages. Hours worked in two or more workweeks shall not be averaged for computation of overtime. Performance of work in two or more positions at different pay rates for the same employer shall be computed at the overtime rate based on the regular rate of pay for the position in which the overtime occurs, or at a weighted average of the rates for each position, as provided in the Fair Labor Standards Act.~~

~~**Note:** the requirement to pay overtime for work in excess of twelve (12) consecutive hours will not alter the employee's established workday or workweek, as previously defined.~~

~~**Exception:** in the event of a bonafide emergency situation, an employer may require minors, subject to the Colorado youth employment opportunity act, to work in excess of eight (8) hours in a twenty-four (24) hour period or in excess of forty (40) hours per week. Said minors shall be compensated at time and one-half the regular rate of pay for all hours worked in excess of eight (8) hours in any twenty-four (24) hour period, or for all work in excess of forty (40) hours per week, whichever calculation results in the greater payment of wages. The employer shall keep specific records to substantiate the existence of a bonafide emergency.~~

~~**Note:** a person under eighteen (18) years of age who has received a high school diploma or a passing grade on a General Education Development (GED) examination, is not considered a minor.~~

5. Exemptions from the Wage Order:

The following employees or occupations, as defined below, are exempt from all provisions of Minimum Wage Order No. 35: administrative, executive/supervisor, professional, outside sales employees, and elected officials and members of their staff. Other exemptions are: companions, casual babysitters, and domestic employees employed by households or family members to perform duties in private residences, property managers, interstate drivers, driver helpers, loaders or mechanics of motor carriers, taxi-cab drivers, and bona fide volunteers. Also exempt are: students employed by sororities, fraternities, college clubs, or dormitories, and students employed in a work-experience study program and employees working in laundries of charitable institutions which pay no wages to workers and inmates, or patient workers who work in institutional laundries.

Exemption Definitions:

- a) **Administrative Employee:** a salaried individual who directly serves the executive, and regularly performs duties important to the decision-making process of the executive. Said employee regularly exercises independent judgment and discretion in matters of significance and their primary duty is non-manual in nature and directly related to management policies or general business operations.
- b) **Executive or Supervisor:** a salaried employee earning in excess of the equivalent of the minimum wage for all hours worked in a workweek. Said employee must supervise the work of at least two full-time employees and have the authority to hire and fire, or to effectively recommend such action. The executive or supervisor must spend a minimum of 50% percent of the workweek in duties directly related to supervision.
- c) **Professional:** a salaried individual employed in a field of endeavor who has knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study. The professional employee must be employed in the field in which they are trained to be considered a professional employee.

Note: the requirement that a professional employee must be paid on a salary basis does not apply to doctors, lawyers, teachers, and employees in highly technical computer occupations earning at least \$27.63 per hour.

- d) **Outside Salesperson:** any person employed primarily away from the employer's place of business or enterprise for the purpose of making sales or obtaining orders or contracts for any commodities, articles, goods, real estate, wares, merchandise or services. Such outside sales employee must spend a minimum of 80% of the workweek in activities directly related to their own outside sales.

6. Exemptions from Overtime:

The following employees are exempt from the overtime provisions of Minimum Wage Order No. 35:

- a) **Salespersons, parts persons, and mechanics** employed by automobile, truck, or farm implement (retail) dealers; salespersons employed by trailer, aircraft and boat (retail) dealers.
- b) **Commission Sales Exemption:** sales employees of retail or service industries paid on a commission basis, provided that 50% of their total earnings in a pay period are derived from commission sales, and their regular rate of pay is at least one and one-half times the minimum wage. This exemption is only applicable for employees of retail or service employers who receive in excess of 75% of their annual dollar volume from retail or service sales.

- c) ~~**Ski Industry Exemption:** employees of the ski industry performing duties directly related to ski area operations for downhill skiing or snow boarding, and those employees engaged in providing food and beverage services at on-mountain locations, are exempt from the forty (40) hour overtime requirement of this Wage Order. The daily overtime requirement of one and one-half the regular rate of pay for all hours worked in excess of twelve (12) in a workday shall apply. This partial overtime exemption does not apply to ski area employees performing duties related to lodging.~~
- d) ~~**Medical Transportation Exemption:** employees of the medical transportation industry who are scheduled to work twenty-four (24) hour shifts, are exempt from the twelve (12) hour overtime requirement provided they receive overtime wages for hours worked in excess of forty (40) hours per work week.~~

~~**Note:** a hospital or nursing home may seek an agreement with individual employees to pay overtime pursuant to the provisions of the Federal Fair Labor Standards Act "8 and 80 rule", whereby employees are paid time and one-half their regular rate of pay for any work performed in excess of eighty (80) hours in a fourteen (14) consecutive day period and for any work in excess of eight (8) hours per day.~~

~~7. **Meal Periods:**~~

~~Employees shall be entitled to an uninterrupted and "duty free" meal period of at least a thirty minute duration when the scheduled work shift exceeds five consecutive hours of work. The employees must be completely relieved of all duties and permitted to pursue personal activities to qualify as a non-work, uncompensated period of time. When the nature of the business activity or other circumstances exist that makes an uninterrupted meal period impractical, the employee shall be permitted to consume an "on-duty" meal while performing duties. Employees shall be permitted to fully consume a meal of choice "on the job" and be fully compensated for the "on-duty" meal period without any loss of time or compensation.~~

~~8. **Rest Periods:**~~

~~Every employer shall authorize and permit rest periods, which, insofar as practicable, shall be in the middle of each four (4) hour work period. A compensated ten (10) minute rest period for each four (4) hours or major fractions thereof shall be permitted for all employees. Such rest periods shall not be deducted from the employee's wages. It is not necessary that the employee leave the premises for said rest period.~~

~~9. **Legal Deductions:**~~

~~No employer shall make a deduction from the wages or compensation of an employee in violation of the Colorado Wage Act, C.R.S. § 8-4-105 (2018).~~

~~10. **Presents, Tips, or Gratuities:**~~

~~It shall be unlawful to deny presents, tips, or gratuities intended for employees in violation of the Colorado Wage Act, C.R.S. § 8-4-103(6) (2018).~~

~~11. **Wearing of Uniforms:**~~

~~Where the wearing of a particular uniform or special apparel is a condition of employment, the employer shall pay the cost of purchases, maintenance, and cleaning of the uniforms or special apparel. If the uniform furnished by the employer is plain and washable and does not need or require special care such as ironing, dry cleaning, pressing, etc., the employer need not maintain or pay for cleaning. An employer may require a reasonable deposit (up to one-half of actual cost) as security for the return of each uniform furnished to employees upon issuance of a receipt to the employee for such deposit. The entire deposit~~

shall be returned to the employee when the uniform is returned. The cost of ordinary wear and tear of a uniform or special apparel shall not be deducted from the employee's wages or deposit.

Exception: clothing accepted as ordinary street wear and the ordinary white or any light colored plain and washable uniform need not be furnished by the employer unless a special color, make, pattern, logo or material is required.

12. — Record Keeping:

Every employer shall keep at the place of employment or at the employer's principal place of business in Colorado, a true and accurate record for each employee which contains the following information:

- a) — name, address, social security number, occupation and date of hire of said employee.
- b) — date of birth, if the employee is under eighteen (18) years of age.
- c) — daily record of all hours worked.
- d) — record of allowable credits and declared tips.
- e) — regular rates of pay, gross wages earned, withholdings made and net amounts paid each pay period.

An itemized earnings statement of this information shall be provided to each employee each pay period. An employer shall retain records reflecting the information contained in an employee's itemized earnings statement as described in this rule for a period of at least three (3) years after the wages or compensation were due.

13. — Administration and Interpretation:

The division shall have jurisdiction over all questions of fact arising with respect to the administration and interpretation of this Wage Order.

14. — Separability Clause:

If any section, sentence, clause or phrase of this Wage Order is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the Wage Order.

15. — Filing of Complaints:

Any person may register with the division, a written complaint that alleges a violation of the Minimum Wage Order within two (2) years of said violation(s), except that all actions brought for a willful violation shall be commenced within three (3) years after the cause of action accrues and not after that time.

16. — Investigations:

The director or designated agent shall investigate and take all proceedings necessary to enforce the payment of the minimum wage rate and other alleged violations of this Wage Order, pursuant to these rules and the Colorado Wage Act, C.R.S. § 8-4-101, et seq. (2018). Violations of this Wage Order may be subject to the administrative procedure as described in the Colorado Wage Act, C.R.S. § 8-4-101, et seq.

17. — Enforcement:

The director has the power, in person or through any authorized representative, to inspect, examine and make excerpts from any book, reports, contracts, payrolls, documents, papers, and other records of any

employer that in any way pertain to the question of wages, and to require from any such employer full and true statement of the wages paid.

18. — Recovery of Wages:

An employee receiving less than the legal minimum wage applicable to such employee is entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage, together with reasonable attorney fees and court costs, notwithstanding any agreement to work for a lesser wage, pursuant to C.R.S. § 8-6-118 (2018). Alternatively, an employee may elect to pursue a minimum wage complaint through the division's administrative procedure as described in the Colorado Wage Act, C.R.S. § 8-4-101, et seq. (2018).

19. — Reprisals:

Employers shall not threaten, coerce, or discharge any employee because of participation in any investigation or hearing relating to the minimum wage act. Violators may be subject to a fine of not less than two hundred dollars (\$200.00), up to one thousand dollars (\$1,000.00) for each violation, pursuant to C.R.S. § 8-6-115 (2018).

20. — Violations:

Any employer or other person who individually or as an officer, agent or employee of a corporation or other person, pays or causes to be paid an employee covered by this Wage Order less than the minimum wage, is guilty of a misdemeanor. Conviction thereof will subject the offender to a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not less than thirty (30) days, nor more than one (1) year, or both such fine and imprisonment, pursuant to C.R.S. § 8-6-116 (2018).

21. — Posting Requirements:

Every employer subject to this Wage Order must display a Wage Order poster in an area frequented by employees where it may be easily read during the work day. If the work site or other conditions make this unpractical, the employer shall keep a copy of this Wage Order and make it available to employees upon request.

22. — Dual Jurisdiction:

Whenever employers are subjected to both federal and Colorado law, the law providing greater protection or setting the higher standard shall apply. For information on the federal law contact the nearest office of the U.S. Department of Labor, Wage and Hour Division.

Annotations

Wrongful discharge in violation of public policy was based upon not receiving rest and lunch breaks in violation of Wage Order No. 22, sections 7 and 8, promulgated by the Colorado Department of Labor and Employment. *Bonidy v. Vail Valley Ctr. for Aesthetic Dentistry, P.C., and James J. Harding, DDS,* Colo. App. 06CA1849

Colorado Overtime & Minimum Pay Standards Order (COMPS Order) #36, 7 CCR 1103-1 (2020)

Rule 1. Authority and Definitions.

- 1.1 **Authority and relation to prior orders.** Colorado Overtime and Minimum Pay Standards Order (“COMPS Order”) #36 replaces [Colorado Minimum Wage Order #35 \(2019\)](#), and all prior Minimum Wage Orders. It renames the regularly-issued “Minimum Wage Order” to reflect that this order covers not only minimum wages, but also overtime and other related wage and hour standards. The COMPS Order is issued under the authority of, and as enforcement of, [Colorado Revised Statutes \(“C.R.S.”\) Title 8, Articles 1, 4, and 6 \(2020\)](#). See Appendix A for citations.
- 1.2 **“Director”** means the Director of the Division of Labor Standards and Statistics.
- 1.3 **“Division”** means the Division of Labor Standards and Statistics in the Colorado Department of Labor and Employment.
- 1.4 **“Employee,”** as defined by [C.R.S. § 8-4-101\(5\)](#), means any person, including a migratory laborer, performing labor or services for the benefit of an employer. For the purpose of the COMPS Order, relevant factors in determining whether a person is an employee include the degree of control the employer may or does exercise over the person and the degree to which the person performs work that is the primary work of the employer; except that an individual primarily free from control and direction in the performance of the service, both under his or her contract for the performance of service and in fact, and who is customarily engaged in an independent trade, occupation, profession, or business related to the service performed is not an “employee”.
- 1.5 **“Employer,”** as defined by [C.R.S. § 8-4-101\(6\)](#), has the same meaning as in the federal Fair Labor Standards Act at [29 U.S.C. § 203\(d\)](#), and includes a foreign labor contractor and a migratory field labor contractor or crew leader; except that the provisions of the COMPS Order do not apply to the state or its agencies or entities, counties, cities and counties, municipal corporations, quasi-municipal corporations, school districts, and irrigation, reservoir, or drainage conservation companies or districts organized and existing under the laws of Colorado. “Foreign labor contractor” and “field labor contractor” have the definitions in [C.R.S. §§ 8-4-101\(7\), \(8.5\)](#).
- 1.6 **“Minor,”** for purposes of wage provisions specific to minors, means a person under 18 years of age, but not one who has received a high school diploma or a passing score on the general educational development examination. “Emancipated minor” means any individual less than eighteen years of age who meets the definition provided by [C.R.S. § 8-6-108.5](#).
- 1.7 **“Regular rate of pay”** means the hourly rate actually paid to employees for a standard, non-overtime workweek. Employers need not pay employees on an hourly basis. If pay is on a piece-rate, salary, commission, or other non-hourly basis, any overtime compensation is based on an hourly regular rate calculated from the employee’s pay.
- 1.7.1 **Pay included in regular rate.** The regular rate includes all compensation paid to an employee, including set hourly rates, shift differentials, minimum wage tip credits, non-discretionary bonuses, production bonuses, and commissions used for calculating hourly overtime rates for non-exempt employees. Business expenses, bona fide gifts, discretionary bonuses, employer investment contributions, vacation pay, holiday pay, sick leave, jury duty, or other pay for non-work hours may be excluded from regular rates.

1.7.2 Regular rate for employees paid a weekly salary or other non-hourly basis.

- (A) A weekly salary or other non-hourly pay may be paid as straight time pay for all work hours, and the regular rate each workweek will be the total paid divided by hours worked, if the parties have a clear mutual understanding that the salary is:
- (1) compensation (apart from any overtime premium) for all hours each workweek;
 - (2) at least the applicable minimum wage for all hours in workweeks with the greatest hours;
 - (3) supplemented by extra pay for all overtime hours (in addition to the salary that covers the regular rate) of an extra $\frac{1}{2}$ of the regular rate; and
 - (4) paid for whatever hours the employee works in a workweek.
- (B) Where the requirements of (1)-(4) are not carried out, there is not the required "clear mutual understanding" that the non-hourly pay provides the regular rate for all hours with extra pay added for overtime hours. Absent such an understanding, the hourly regular rate is the applicable weekly pay divided by 40, the number of hours presumed to be in a workweek for an employee paid no overtime premium.

1.8 "Time worked" means time during which an employee is performing labor or services for the benefit of an employer, including all time s/he is suffered or permitted to work, whether or not required to do so. Requiring or permitting employees to remain at the place of employment awaiting a decision on job assignment or when to begin work, or to perform clean-up or other duties "off the clock," shall be considered time worked that must be compensated.

1.8.1 "Travel time" means time spent on travel for the benefit of an employer, excluding normal home to work travel, and shall be considered time worked.

1.8.2 "Sleep time" means time an employee may sleep, which is compensable as follows. Where an employee's shift is 24 hours or longer, up to 8 hours of sleeping time may be excluded from overtime compensation, if:

- (1) an express agreement excluding sleeping time exists;
- (2) adequate sleeping facilities for an uninterrupted night's sleep are provided;
- (3) at least 5 hours of sleep are possible during the scheduled sleep period; and
- (4) interruptions to perform duties are considered time worked.

When an employee's shift is less than 24 hours, periods when s/he is permitted to sleep are compensable work time, as long as s/he is on duty and must work when required. Only actual sleep time may be excluded, up to a maximum of 8 hours per work day. When work-related interruptions prevent 5 hours of sleep, the employee shall be compensated for the entire work day.

1.9 "Tipped employee" means any employee engaged in an occupation in which s/he customarily and regularly receives more than \$30 per month in tips. Tips include amounts designated as a tip by credit card customers on their charge slips. Nothing in this rule prevents an employer from requiring employees to share or allocate such tips or gratuities on a pre-established basis

among other employees who customarily and regularly receive tips. Employer-required sharing of tips with employees who do not customarily and regularly receive tips, such as management or food preparers, or deduction of credit card processing fees from tipped employees, shall nullify allowable tip credits towards the minimum wage.

- 1.10 “**Wages’ or ‘compensation’**” has the meaning provided by [C.R.S. § 8-4-101\(14\)](#).
- 1.11 “**Workday**” means any consecutive 24-hour period starting with the same hour each day and the same hour as the beginning of the workweek. The workday is set by the employer and may accommodate flexible shift scheduling.
- 1.12 “**Workweek**” means any consecutive set period of 168 hours (7 days) starting with the same calendar day and hour each week.

Rule 2. Coverage and Exemptions.

- 2.1 **Scope of coverage.** The COMPS Order regulates wages, hours, working conditions, and procedures for all employers and employees for work performed within Colorado, with the exceptions and exemptions contained within Rule 2.
- 2.2 **Exemption from All except Rules 1, 2, and 8.** The following are exempt from the COMPS Order except Rules 1 (Authority and Definitions), 2 (Coverage and Exemptions), and 8 (Administration and Interpretation).
 - 2.2.1 **Administrative employees.** This exemption covers a salaried employee, paid at least the applicable salary in Rule 2.5, who directly serves the executive, and regularly performs duties important to the decision-making process of the executive. The employee must regularly exercise independent judgment and discretion in matters of significance, with a primary duty that is non-manual in nature and directly related to management policies or general business operations.
 - 2.2.2 **Executives or supervisors.** This exemption covers a salaried employee, paid at least the applicable salary in Rule 2.5, who supervises the work of at least two full-time employees and has the authority to hire and fire, or to effectively recommend such action. The employee must spend a minimum of 50% of the workweek in duties directly related to supervision.
 - 2.2.3 **Professional employees.** This exemption covers a salaried employee, paid at least the applicable salary in Rule 2.5, employed in a field of endeavor who has knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study. The professional employee must be employed in the field in which s/he was trained.
 - 2.2.4 **Outside salespersons.** This exemption covers an employee working primarily away from the employer's place of business or enterprise for the purpose of making sales or obtaining orders or contracts for any commodities, articles, goods, real estate, wares, merchandise, or services. The employee must spend a minimum of 80% of the workweek in activities directly related to his or her own outside sales.

2.2.5 Owners or proprietors. This exemption covers a full-time employee actively engaged in management of the employer who either:

- (A) owns at least a bona fide 20% equity interest in the employer; or
- (B) for a non-profit employer, is the highest-ranked and highest-paid employee, and is paid at least the salary threshold in Rule 2.5.

2.2.6 Interstate transportation workers and taxi cab drivers. This exemption covers (A) an employee who is a driver, a driver's helper, or a loader or mechanic of a motor carrier, if the employee crosses state lines in the course of his or her work, and (B) taxi cab drivers employed by a taxi service provider licensed by a state or local government.

2.2.7 In-residence workers. This exemption covers the below-listed in-residence employees.

- (A) **Casual babysitters** employed in private residences directly by households, or directly by family members of the individual(s) receiving care from the babysitter.
- (B) **Property managers** residing on-premises at the property they manage.
- (C) **Student residence workers** working in premises where they reside for sororities, fraternities, college clubs, or dormitories.
- (D) **Laundry workers** who (a) are inmates, patients, or residents of charitable institutions, and (b) perform laundry services, (c) in institutions where they reside.

2.2.8 Bona fide volunteers and work-study students. This exemption covers those who need not be compensated under the federal Fair Labor Standards Act ([29 U.S.C. §§ 201 et seq.](#)) as either: (A) enrolled students receiving credit for an unpaid work-study program or internship; or (B) bona fide volunteers for non-profit organizations.

2.2.9 Elected officials and their staff. This exemption covers individuals elected to public office and members of their staff.

2.3 Agriculture.

2.3.1 Workers in jobs in agriculture are exempt from the entire COMPS Order if they are not covered by, or are exempt from, the minimum wage provisions of the federal Fair Labor Standards Act ([29 U.S.C. §§ 201 et seq.](#)). Other jobs in agriculture are exempt from Rule 4 (Overtime) and Rule 5 (Meal and Rest Periods), with the following two exceptions.

- (A) In workdays requiring multiple rest periods under Rule 5.2, rest periods need not total exactly 10 minutes in each 4-hour period, as long as an employee:
 - (1) receives rest periods that average (1), over the workday, at least 10 minutes per 4 hours worked; and
 - (2) receives at least 5 minutes of rest in every 4 hours worked.
- (B) This Rule 4-5 exemption does not apply if an employer draws at least 50% of its annual dollar volume of business from sales to the consuming public (rather than for resale) of any services, commodities, articles, goods, wares, or merchandise.¹

¹ Prior Orders for decades have covered any such employer, in any industry. *E.g.*, [Order #35, Rule 2\(A\)](#) (covering any employer "that sells or offers for sale, any service, commodity, article, good, ... wares, or merchandise to the consuming public" and draws "50% or more of its annual dollar volume ... from such sales," rather than from sales to other businesses "for resale.")

2.3.2 “Jobs in agriculture” means jobs with work primarily within the same definition of “agriculture” as under [29 U.S.C. § 203\(f\)](#) of the federal Fair Labor Standards Act: “farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including ... agricultural commodities ...), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.” “Jobs in agriculture” also includes temporary employees employed directly by the Western Stock Show Association for the annual National Western Stock Show.

2.4 Exemptions from Overtime Requirements of the COMPS Order. The following employees are exempt from Rule 4 (Overtime) unless otherwise specified.

2.4.1 Certain Salespersons and Mechanics. Salespersons, parts-persons, and mechanics employed by automobile, truck, or farm implement (retail) dealers; and salespersons employed by trailer, aircraft, and boat (retail) dealers are exempt from Rule 4 (Overtime).

2.4.2 Commission Sales. Sales employees of retail or service industries paid on a commission basis, provided that at least 50% of their total earnings in the pay period is derived from commission sales, and their regular rate of pay is at least one and one-half times the minimum wage, are exempt from Rule 4 (Overtime). This exemption is applicable for only employees of retail or service employers who receive over 75% of their annual dollar volume from retail or service sales.

2.4.3 Ski Industry. Employees of the ski industry performing duties directly related to ski area operations for downhill skiing or snowboarding, and those employees engaged in providing food and beverage services at on-mountain locations, are exempt from (within Rule 4) the 40-hour overtime requirement but not the requirement of overtime pay for over 12 hours that are consecutive or are within a workday. This partial overtime exemption does not apply to ski area employees performing duties related to lodging.

2.4.4 Medical Transportation. Employees of the medical transportation industry who work 24-hour shifts are exempt from the Rule 4.1.1(B)-(C) daily (12-hour) overtime rules if they receive the required Rule 4.1.1(A) weekly (40-hour) overtime pay.

2.4.5 Eight and Eighty Rule. A hospital or nursing home may seek an agreement with individual employees to pay overtime pursuant to the provisions of the federal Fair Labor Standards Act "8 and 80 rule" whereby employees are paid time and one-half their regular rate of pay for any work performed in excess of 80 hours in a 14 consecutive day period and for any work in excess of 8 hours per day.

2.5 Salary Thresholds for Certain Exemptions.

2.5.1 For exemptions requiring a salary, the “Salary Requirement” rules of the federal Fair Labor Standards Act in [29 C.F.R. Part 541 Subpart G](#), apply, except that under the COMPS Order, the salary must be at least the level listed below and sufficient for the minimum wage for all hours in a workweek (with the exception of certain professionals listed in Rule 2.5.2). As detailed below: The salary from July 1, 2020, through December 31, 2021, shall be \$817.31 per week (\$42,500 per year²), shall increase by \$3,000 per year every January 1 from 2022 to 2026 (inclusive), and then shall be indexed every January 1 by the same Consumer Price Index (“CPI”) as the Colorado minimum wage.

<u>Date</u>	<u>Weekly Overtime-Exempt Salary (& Rounded Annual Equivalent)</u>
July 1, 2020	\$817.31 per week (\$42,500 per year)
January 1, 2021	\$817.31 per week (\$42,500 per year)
January 1, 2022	\$875.00 per week (\$45,500 per year)
January 1, 2023	\$932.69 per week (\$48,500 per year)
January 1, 2024	\$990.38 per week (\$51,500 per year)
January 1, 2025	\$1048.08 per week (\$54,500 per year)
January 1, 2026	\$1,105.77 per week (\$57,500 per year)
January 1, 2027	The 2026 salary adjusted by the same CPI as the Colorado Minimum Wage

2.5.2 Exemption for Certain Professionals Exempt from the Salary Requirement under Federal Wage Law. The Rule 2.5.1 salaries do not apply to the following professionals who are exempt from the requirement of a salary under federal wage law.

- (A) Doctors, lawyers, and teachers** who qualify as exempt Rule 2.2.3 professional employees need not receive any particular salary or hourly pay to be exempt.
- (B) Highly technical computer occupations** must receive at least the lesser of **(1)** the applicable salary in Rule 2.5.1, or **(2)** hourly pay that is at least \$27.63 in 2020, adjusted annually by CPI thereafter.

² Annual equivalents are based on 2080 hours over 52 weeks of 40 hours, as under the federal Fair Labor Standards Act, and are rounded to the nearest dollar.

Rule 3. Minimum Wages.

- 3.1 Statewide Minimum Wage.** Effective January 1, 2020, under the minimum wage requirements of Article XVIII, Section 15, of the Colorado Constitution, all employees (with the exceptions detailed in Rule 3.3), whether employed on an hourly, piecework, commission, time, task, or other basis, shall be paid not less than \$12.00 per hour, less any applicable lawful credits or exceptions noted, for all hours worked, if the employee is covered by *either*:
- (A) Rule 2 (Coverage and Exemptions) of the COMPS Order; *or*
 - (B) the minimum wage provisions of the federal Fair Labor Standards Act ([29 U.S.C. §§ 201 et seq.](#)).
- 3.2 Minimum and Overtime Wage Requirements of Other Applicable Jurisdictions.** In addition to state wage requirements, federal or local laws or regulations may apply minimum, overtime, or other wage requirements to some or all Colorado employers and employees. If an employee is covered by multiple minimum or overtime wage requirements, the requirement providing a higher wage, or otherwise setting a higher standard, shall apply. The Division accepts state law complaints by employees who claim entitlement to a state, federal, or local minimum or overtime wages under the [C.R.S. § 8-4-101\(14\)](#) definition that the “unpaid wages” recoverable in a state-law claim include “[a]ll amounts for labor or service performed by employees,” as long as such amounts are “earned, vested, and determinable, at which time such amount shall be payable to the employee pursuant to this article.”
- 3.3 Reduced Minimum for Certain People with Disabilities and Minors.** The minimum wage may be reduced by 15% for (a) non-emancipated minors and (b) persons certified by the Director to be less efficient in performance of their job duties due to a physical disability.

Rule 4. Overtime.

- 4.1 Overtime Wages.**
- 4.1.1** Employees shall be paid time and one-half of the regular rate of pay for any work in excess of any of the following, except as provided below:
- (A) 40 hours per workweek;
 - (B) 12 hours per workday; *or*
 - (C) 12 consecutive hours without regard to the start and end time of the workday.
- 4.1.2** Whichever of the three calculations in 4.1.1 results in the greater payment of wages shall apply in any particular situation.
- 4.1.3** Hours worked in two or more workweeks shall not be averaged for computing overtime.
- 4.1.4** Performance of work in two or more positions, at different pay rates, for the same employer, shall be computed at the overtime rate based on the regular rate of pay for the position in which the overtime occurs, or at a weighted average of the rates for each position, as provided in the federal Fair Labor Standards Act.
- 4.1.5** In calculating when 12 consecutive hours are worked for purposes of the Rule 4.1.1 requirement of overtime after 12 hours, meal periods may be subtracted, but only if the meal periods comply with the Rule 5.1 requirements for meal periods.

- 4.2 **Effect of Daily Overtime on Workday and Workweek.** The requirement to pay overtime for work in excess of 12 consecutive hours will not alter the employee's established workday or workweek, as previously defined.
- 4.3 **Overtime for Minors.** Nothing in Rule 4 modifies the provisions on work hours for minors contained in [C.R.S. § 8-12-105](#).

Rule 5. Meal and Rest Periods.

- 5.1 **Meal Periods.** Employees shall be entitled to an uninterrupted and duty-free meal period of at least a 30-minute duration when the shift exceeds 5 consecutive hours. Such meal periods, to the extent practical, shall be at least one hour after the start, and one hour before the end, of the shift. Employees must be completely relieved of all duties and permitted to pursue personal activities for a period to qualify as non-work, uncompensated time. When the nature of the business activity or other circumstances make an uninterrupted meal period impractical, the employee shall be permitted to consume an on-duty meal while performing duties. Employees shall be permitted to fully consume a meal of choice on the job and be fully compensated for the on-duty meal period without any loss of time or compensation.
- 5.2 **Rest Periods.** Every employer shall authorize and permit a compensated 10-minute rest period for each 4 hours of work, or major fractions thereof, for all employees, as follows:

<u>Work Hours</u>	<u>Rest Periods Required</u>
2 or fewer	0
Over 2, and up to 6	1
Over 6, and up to 10	2
Over 10, and up to 14	3
Over 14, and up to 18	4
Over 18, and up to 22	5
Over 22	6

- 5.2.1 Rest periods shall be 10 minutes unless, on a given workday, the employee and the employer agree, voluntarily and without coercion, to have 2 - 3 breaks that add up to 10 minutes. Such an agreement does not change an employee's right to pay for rest periods under Rule 5.2.4.
- 5.2.2 Rest periods, to the extent practical, shall be in the middle of each 4-hour work period. It is not necessary that the employee leave the premises for a rest period.
- 5.2.3 Required rest periods are time worked for the purposes of calculating minimum wage and overtime obligations.
- 5.2.4 When an employee does not have a required 10-minute rest period, his or her shift is effectively extended by 10 minutes without compensation. Because a rest period requires 10 minutes of pay without work being performed, work during a rest period is additional work for which additional pay is not provided. Therefore, a failure by an employer to authorize and permit a 10-minute compensated rest period is a failure to pay 10 minutes of wages at the employee's agreed-upon or legally required (whichever is higher) rate of pay.

Rule 6. Deductions, Credits, and Charges.

- 6.1 Presents, Tips, or Gratuities.** It shall be unlawful to deny presents, tips, or gratuities intended for employees in violation of the Colorado Wage Act, including [C.R.S. § 8-4-103\(6\)](#).
- 6.2 Credits Toward Minimum Wages.** The only allowable credits an employer may take toward the minimum wage are those in Rules 6.2.1 - 6.2.3 below.
- 6.2.1 Lodging Credit.** A lodging credit for housing furnished by the employer and used by the employee may be considered part of the minimum wage if it is:
- (A)** no greater than the smaller of (1) the reasonable and actual cost to the employer of providing the housing, (2) the fair market value of the housing, or (3) \$25 per week for a room (in a shared residence, dormitory, or hotel) or \$100 per week for a private residence (an apartment or a house);
 - (B)** accepted voluntarily and without coercion, and primarily for the benefit or convenience of the employee, rather than of the employer; and
 - (C)** recorded in a written agreement (electronic form is acceptable) that states the fact and amount of the credit (but need not be a lease).
- 6.2.2 Meal Credit.** A meal credit, equal to the reasonable cost or fair market value of meals provided to the employee, may be used as part of the minimum hourly wage. No profits to the employer may be included in the reasonable cost or fair market value of such meals furnished. Employee acceptance of a meal must be voluntary and uncoerced.
- 6.2.3 Tip Credit.** A tip credit no greater than \$3.02 per hour may be used to offset cash wages for employers of tipped employees. An employer must pay a cash wage of at least \$8.98 per hour if it claims a tip credit against its minimum hourly wage obligation; if an employee's tips combined with the cash wage of at least \$8.98 per hour do not equal the minimum hourly wage, the employer must make up the difference in cash wages.
- 6.3 Uniforms.**
- 6.3.1** Where wearing a particular uniform or special apparel is a condition of employment, the employer shall pay the cost of purchases, maintenance, and cleaning of the uniforms or special apparel, with the following exceptions:
- (A)** if the uniform furnished by the employer is plain and washable, and does not need or require special care such as ironing, dry cleaning, pressing, etc., the employer need not maintain or pay for cleaning; and
 - (B)** clothing that is ordinary, plain, and washable street wear that is prescribed as a uniform need not be furnished by the employer unless a special color, make, pattern, logo, or material is required.
- 6.3.2** The cost of ordinary wear and tear of a uniform or special apparel shall not be deducted from an employee's wages.

Rule 7. Employer Record-Keeping and Posting Requirements.

- 7.1 Employee Records.** Every employer shall keep at the place of employment, or at the employer's principal place of business in Colorado, a true and accurate record for each employee which contains the following information:
- (A) name, address, occupation, and date of hire of the employee;
 - (B) date of birth, if the employee is under 18 years of age;
 - (C) daily record of all hours worked;
 - (D) record of credits claimed and of tips; and
 - (E) regular rates of pay, gross wages earned, withholdings made, and net amounts paid each pay period.
- 7.2 Issuance of Earnings Statement.** An itemized earnings statement of the information in Rule 7.1 shall be provided to each employee each pay period.
- 7.3 Maintenance of Earnings Statement Information.** An employer shall retain records reflecting the information contained in an employee's itemized earnings statement as described in this rule for at least 3 years after the wages or compensation were due, and for the duration of any pending wage claim pertaining to the employee.
- 7.4 Posting and Distribution Requirements.**
- 7.4.1 Posting.** Every employer subject to the COMPS Order must display a COMPS Order poster published by the Division in an area frequented by employees where it may be easily read during the work day. If the work site or other conditions make a physical posting impractical (including private residences employing only one worker, and certain entirely outdoor worksites lacking an indoor area), the employer shall provide a copy of the COMPS Order or poster to each employee within his or her first month of employment, and shall make it available to employees upon request. An employer that does not comply with the above requirements of this paragraph shall be ineligible for any employee-specific credits, deductions, or exemptions in the COMPS Order, but shall remain eligible for employer- or industry-wide exemptions, such as exempting an entire employer or industry from any overtime or meal/rest period requirements in Rules 4-5.
- 7.4.2 Distribution.** Every employer publishing or distributing to employees any handbook, manual, or written or posted policies shall include a copy of the COMPS Order, or a COMPS Order poster published by the Division, with any such handbook, manual, or policies. Every employer that requires employees to sign any handbook, manual, or policy shall, at the same time or promptly thereafter, include a copy of the COMPS Order, or a COMPS Order poster published by the Division, and have the employee sign an acknowledgement of being provided the COMPS Order or the COMPS Order poster.
- 7.4.3 Translation.** Employers with any employees with limited English language ability shall:
- (A) use a Spanish-language version of the COMPS Order and poster published by the Division, if the employee(s) in question speak Spanish; or
 - (B) contact the Division to request that the Division, if possible, provide a version of the COMPS Order and poster in another language that any employee(s) need.

Rule 8. Administration and Interpretation.

- 8.1 Recovery of Wages.** An employee receiving less than the full wages or other compensation owed is entitled to recover in a civil action the unpaid balance of the full amount owed, together with reasonable attorney fees and court costs, notwithstanding any agreement to work for a lesser wage, pursuant to [C.R.S. §§ 8-4-121, 8-6-118](#). Alternatively, an employee may elect to pursue a complaint through the Division's administrative procedure as described in the Colorado Wage Act, [C.R.S. § 8-4-101, et seq.](#)
- 8.2 Complaints.** Any person may register with the Division a written complaint that alleges a violation of the COMPS Order within 2 years of the alleged violation(s), except that actions brought for a willful violation shall be commenced within 3 years.
- 8.3 Investigations.** The Director or a designated agent shall investigate and take all proceedings necessary to enforce the payment of the minimum wage and other provisions of the COMPS Order, pursuant to these rules and [C.R.S. Title 8, Articles 1, 4, and 6](#). Violations may be subject to the administrative procedure as described in the Colorado Wage Act, [C.R.S. § 8-4-101, et seq.](#)
- 8.4 Violations.** It is theft under the Criminal Code (C.R.S. § 18-4-401) if an employer or agent:
- (A) willfully refuses to pay wages or compensation, or falsely denies the amount of a wage claim, or the validity thereof, or that the same is due, with intent to secure for himself, herself, or another person any discount upon such indebtedness or any underpayment of such indebtedness or with intent to annoy, harass, oppress, hinder, coerce, delay, or defraud the person to whom such indebtedness is due ([C.R.S. § 8-4-114](#)); or
 - (B) intentionally pays or causes to be paid to any such employee a wage less than the minimum ([C.R.S. § 8-6-116](#)).
- 8.5 Reprisals.** Employers shall not threaten, coerce, or discriminate against any person for the purpose of reprisal, interference, or obstruction as to any actual or anticipated investigation, hearing, complaint, or other process or proceeding relating to a wage claim, right, or rule. Violators may be subject to penalties under [C.R.S. §§ 8-1-116, 8-4-120, and/or 8-6-115](#).
- 8.6 Division and Dual Jurisdiction.** The Division shall have jurisdiction over all questions arising with respect to the administration and interpretation of the COMPS Order. Whenever employers are subjected to Colorado law as well as federal and/or local law, the law providing greater protection or setting the higher standard shall apply. For information on federal law, contact the U.S. Department of Labor, Wage and Hour Division.
- 8.7 Construction.** Under the [C.R.S. § 8-6-102](#) "Construction" provision ("Whenever this article or any part thereof is interpreted by any court, it shall be liberally construed by such court."), applicable to rules on "wages which are inadequate to supply the necessary cost of living" ([§8-6-104](#)), on "conditions of labor detrimental to [worker] health or morals" ([§ 8-6-104](#)), on "conditions of labor and hours of employment not detrimental to health or morals for workers" ([§ 8-6-106](#)), on "what are unreasonably long hours" ([§ 8-6-106](#)), on what requirements are "necessary to carry out the provisions of this article" ([§ 8-6-108.5](#)), and on minimum and overtime wages ([§§ 8-6-109, -111, -116, -117](#)): The provisions of the COMPS Order shall be liberally construed, with exceptions and exemptions accordingly narrowly construed.
- 8.8 Separability.** The COMPS Order is intended to remain in effect to the maximum extent possible. If any part (including any section, sentence, clause, phrase, word, or number) is held invalid, **(A)** the remainder of the Order remains valid, and **(B)** if the provision is held not wholly invalid, but merely in need of narrowing, the provision should be retained in narrowed form.

Appendix A. Statutory Authority.

- C.R.S. §§ 8-1-101 (“‘General order’ means an order of the director applying generally throughout the state to all persons, employments, or places of employment under the jurisdiction of the division”);
- 8-1-103 (“[P]owers, duties, and functions of the director ... , includ[e] ... promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications”);
- 8-1-107 (“[T]he director has the duty and the power to ... [a]dopt reasonable and proper rules and regulations relative to the exercise of his powers and proper rules and regulations to govern the proceedings of the division and to regulate the manner of investigations and hearings.”)
- 8-1-108 (“[G]eneral orders shall be effective ... after they are adopted by the director and posted”; “All orders of the division shall be ... in force and prima facie reasonable and lawful until ... found otherwise.”);
- 8-1-111 (“The director is vested with the power and jurisdiction to have such supervision of every employment and place of employment ... [to] determine the conditions under which the employees labor ... , to enforce all provisions of law relating thereto ... to administer all provisions of this article with respect to the relations between employer and employee and to do all other acts and things convenient and necessary to accomplish the purposes of this article.”);
- 8-1-130 (“The director has full power to hear and determine all questions within his jurisdiction, and his findings, award, and order issued thereon shall be final agency action.”);
- 8-4-111 (“It is the duty of the director ... to enforce generally the provisions of this article.”);
- 8-6-102 (“Whenever this article or any part thereof is interpreted by any court, it shall be liberally construed.”);
- 8-6-104 (“It is unlawful to employ workers in any occupation ... for wages which are inadequate to supply the necessary cost of living and to maintain the health of the workers It is unlawful to employ workers in any occupation ... under conditions of labor detrimental to their health or morals.”);
- 8-6-105 (“It is the duty of the director to inquire into the wages paid to employees and into the conditions of labor ... in any occupation ... if the director has reason to believe ... conditions of labor are detrimental to the health or morals of said employees or that the wages paid to a substantial number of employees are inadequate to supply the necessary cost of living and to maintain such employees in health.”);
- 8-6-106 (“The director shall determine the minimum wages sufficient for living wages ... ; standards of conditions of labor and hours ... not detrimental to health or morals for workers; and what are unreasonably long hours.”);
- 8-6-108 (“[F]or the purpose of investigating any of the matters [s/]he is authorized to investigate by this article ... [t]he director has power to make reasonable and proper rules and procedure and to enforce said rules and procedure.”);
- 8-6-109 (“If after investigation the director is of the opinion that the conditions of employment surrounding said employees are detrimental to the health or morals or that a substantial number of workers in any occupation are receiving wages ... inadequate to supply the necessary costs of living and to maintain the workers in health, the director shall proceed to establish minimum wage rates.”);
- 8-6-111 (“Overtime, at a rate of one and one-half times the regular rate of pay, may be permitted by the director under conditions and rules and for increased minimum wages which the director, after investigation, determines and prescribes by order and which shall apply equally to all employers in such industry or occupation.”);
- 8-6-116 (“The minimum wages fixed by the director, as provided in this article, shall be the minimum wages paid to the employees, and the payment ... of a wage less than the minimum ... is unlawful”);
- 8-6-117 (“In every prosecution ... of this article, the minimum wage established by the director shall be prima facie presumed to be reasonable and lawful and the wage required to be paid. The findings of fact made by the director acting within prescribed powers, in the absence of fraud, shall be conclusive.”);
- 8-12-115 (“The director shall enforce ... this article” and “shall promulgate rules and regulations more specifically defining the occupations and types of equipment permitted or prohibited by this article.”); and
- the Administrative Procedure Act, C.R.S. § 24-4-103.