

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

**NOTICE OF PUBLIC HEARING CONCERNING
SEVEN PROPOSED SETS OF RULES:**

**RULES OF PROCEDURE TO THE COLORADO LABOR PEACE ACT AND
INDUSTRIAL RELATIONS ACT
COLORADO MINIMUM WAGE ORDER NUMBER 33
EMPLOYMENT OPPORTUNITY ACT RULES
SOCIAL MEDIA AND THE WORKPLACE LAW RULES
KEEP JOBS IN COLORADO ACT RULES
WAGE PROTECTION ACT RULES
EMPLOYMENT VERIFICATION LAW RULES (REPEAL)**

Notice is hereby given of a public hearing to afford all interested persons an opportunity to be heard prior to the adoption of the Rules of Procedure to the Colorado Labor Peace Act and Industrial Relations Act: 7 C.C.R. 1101-1, the Colorado Minimum Wage Order Number 33: 7 C.C.R. 1103-1, the Employment Opportunity Act Rules: 7 C.C.R. 1103-4, the Social Media and the Workplace Law Rules: 7 C.C.R. 1103-5, the Keep Jobs in Colorado Act Rules: 7 C.C.R. 1103-6, the Wage Protection Act Rules: 7 C.C.R. 1103-7, and the repeal of the Employment Verification Law Rules: 7 C.C.R. 1103-3 under the authority granted the Division of Labor Standards and Statistics in C.R.S. § 8-1-107(2)(p), § 8-1-103(3), § 8-1-111, § 8-3-105, § 8-6-106, § 8-6-108(2), § 8-6-109, § 8-2-126(6), § 8-2-127(5), § 8-17-101 et. seq., § 8-4-111(1)(b), § 8-4-111(2)(a)(i), and § 8-4-111.5(1) (2016).

Date and Time of Hearing: **Tuesday, November 1, 2016, at 1:00 p.m.**

Place of Hearing: **Colorado Division of Labor Standards and Statistics
633 17th Street, Second Floor
Denver, CO 80202**

This hearing will be held in accordance with the Colorado Administrative Procedure Act, C.R.S. § 24-4-101, et seq. (2016), to receive any testimony, written data, views, or arguments that interested parties may wish to submit regarding the proposed rules.

Rules of Procedure to the Colorado Labor Peace Act and Industrial Relations Act:

It is proposed that the Director of the Division of Labor Standards and Statistics adopt the amendments to the Rules of Procedure to the Colorado Labor Peace Act and Industrial Relations Act, 7 C.C.R. 1101-1, to clarify and modernize the processes required under the Acts.

The proposed rules differ from the current 7 C.C.R. 1101-1 in the petition process for union elections required under the Act and in the Division's name pursuant to House Bill 16-1323.

Colorado Minimum Wage Order Number 33:

It is proposed, in accordance with Article XVIII, Section 15, of the Colorado Constitution, that the Director of the Division of Labor Standards and Statistics adopt Colorado Minimum Wage Order Number 33, 7 C.C.R. 1103-1, to reflect the new state minimum wage.

Pursuant to Article XVIII, Section 15, of the Colorado Constitution, Colorado Minimum Wage Order Number 33 will establish a new state minimum wage of \$8.56 per hour.

Colorado Minimum Wage Order Number 33 differs from the current Colorado Minimum Wage Order Number 32 in the state minimum wage, a minor change to the paragraph prior to the Table of Contents, and in the Division's name pursuant to House Bill 16-1323.

Employment Opportunity Act Rules:

It is proposed that the Director of the Division of Labor Standards and Statistics adopt the amendments to the Colorado Employment Opportunity Act Rules, 7 C.C.R. 1103-4, to clarify the hearing procedures under C.R.S. § 8-2-126.

The proposed rules differ from the current 7 C.C.R. 1103-4 in the hearing requirements and in the Division's name pursuant to House Bill 16-1323.

Social Media and the Workplace Law Rules:

It is proposed that the Director of the Division of Labor Standards and Statistics adopt the amendment to the Colorado Social Media and the Workplace Law Rules, 7 CCR 1103-5, to clarify the hearing procedures under C.R.S. § 8-2-127.

The proposed rules differ from the current 7 C.C.R. 1103-5 in the hearing requirements and in the Division's name pursuant to House Bill 16-1323.

Keep Jobs in Colorado Act Rules:

It is proposed that the Director of the Division of Labor Standards and Statistics adopt amendments to the Keep Jobs in Colorado Act Rules, 7 C.C.R. 1103-6, to clarify the hearing procedures under C.R.S. § 8-17-101, et seq.

The proposed rules differ from the current 7 C.C.R. 1103-6 in the hearing requirements and in the Division's name pursuant to House Bill 16-1323.

Wage Protection Act Rules:

It is proposed that the Director of the Division of Labor Standards and Statistics adopt the amendments to the Colorado Wage Protection Act Rules, 7 C.C.R. 1103-7, to supplement and clarify the statutory language and to provide a step-by-step guide to the Division's wage complaint process.

The proposed rules completely revise the current 7 C.C.R. 1103-7.

Employment Verification Law Rules:

It is proposed that the Director of the Division of Labor Standards and Statistics repeal the Employment Verification Law Rules, 7 C.C.R. 1103-3, in accordance with House Bill 16-1114, which amended C.R.S. § 8-2-122 and eliminated the Division's authority to issue fines.

Copies of the proposed sets of rules shall be available at least five days before the hearing at www.coloradolaborlaw.gov or:

Colorado Division of Labor Standards and Statistics
633 17th Street, Suite 600
Denver, Colorado 80202

To ensure sufficient time for consideration prior to adopting final rules, comments must be provided to the Division by 5:00 pm on Thursday, November 3, 2016. Comments will be accepted at any time prior to the hearing.

Comments may be delivered by mail, faxed to 303-318-8400, or emailed to Elizabeth.Funk@state.co.us.

Comment Deadline: Thursday, November 3, 2016

**STATEMENT OF BASIS AND PURPOSE
FOR
COLORADO MINIMUM WAGE ORDER NUMBER 33
7 C.C.R. 1103-1**

BASIS: C.R.S. § 8-1-107(2)(p), § 8-6-106, § 8-6-108(2), and § 8-6-109 (2016) provide the Director of the Division of Labor Standards and Statistics with the authority to adopt rules and regulations pertaining to state minimum wage rates and workplace conditions.

PURPOSE: The purpose of Colorado Minimum Wage Order Number 33 is to reflect the new state minimum wage of \$8.56 per hour, to change a sentence to the paragraph prior to the Table of Contents, and to change the Division's name pursuant to House Bill 16-1323.

The new state minimum wage is required by Article XVIII, Section 15 of the Colorado Constitution, which provides:

Section 15. State minimum wage rate.

Effective January 1, 2007, Colorado's minimum wage shall be increased to \$6.85 per hour and shall be adjusted annually for inflation, as measured by the Consumer Price Index used for Colorado. This minimum wage shall be paid to employees who receive the state or federal minimum wage. No more than \$3.02 per hour in tip income may be used to offset the minimum wage of employees who regularly receive tips.

Pursuant to C.R.S. § 24-4-103(4)(b), the Director finds that: 1) there is a demonstrated need for the rules; 2) the proper statutory authority exists for the rules; 3) to the extent practicable, the rules are clearly stated so that their meaning will be understood by any party required to comply with the rules; 4) the rules do not conflict with other provisions of law; and 5) the duplicating or overlapping of the rules is explained by the agency proposing the rules.