



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

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

**COLORADO OVERTIME AND MINIMUM PAY STANDARDS ORDER #36 RULES;
WAGE PROTECTION ACT RULES; and
WAGE AND HOUR DIRECT INVESTIGATION RULES**

Notice is hereby given of a public hearing to afford all interested persons an opportunity to be heard prior to the adoption of the (1) Colorado Overtime and Minimum Pay Standards Order (“COMPS Order”) #36: 7 CCR 1103-1; (2) Wage Protection Act Rules: 7 CCR 1103-7; and (3) Wage and Hour Direct Investigation Rules: 7 CCR 1103-8, under the authority granted to the Division of Labor Standards and Statistics by the Administrative Procedure Act, C.R.S. § 24-4-103, and the provisions of Articles 1, 4, and 6, including C.R.S. §§ 8-1-101, 8-1-103, 8-1-107, 8-1-108, 8-1-111, 8-1-130, 8-4-111, 8-6-102, 8-6-104, 8-6-105, 8-6-106, 8-6-108, 8-6-109, 8-6-111, 8-6-116, 8-6-117, and 8-12-115 (2020).

Date and Time of Hearing: **Friday, May 15, 2020, at 9:00 am**

Written Comment Deadline: **6:00 p.m. on Wednesday, May 20, 2020**

The Division is administering this public hearing, and all interested persons are free to offer oral testimony and to listen to part or all of the hearing. However, due to the current public health crisis, **all participation will be by remote means**, not in-person at the Division’s office. Interested persons may listen and/or testify either by phone or by computer or other internet-enabled device, as detailed below.

Written comments become part of the same record as oral testimony, and are reviewed by the same officials. Accordingly, interested persons **may submit written comments in lieu of oral testimony**, but certainly are free to participate by both means.

While not required, we request and highly recommend that **anyone interested in submitting written comments or oral testimony use this [form](#)**, either to submit a written comment, to RSVP to testify orally, or both. At the hearing, the first oral testimony will be by those who RSVP’d to testify. After all those who RSVP’d have testified, we will entertain any further oral testimony from others.

Instructions to Participate: We highly encourage anyone *not* testifying to use **option (A), the live stream of the hearing**, which can be played from any internet-enabled device, and can be either audio-only or audio/video. Alternatively, you may **listen to a recording of the entire hearing** after it concludes; a recording will be posted to our [rulemaking page](#) shortly after the public hearing concludes. Any one of the below three options will work to participate, but for orderly administration of participation, and to avoid the possibility of audio feedback, please do not use *multiple* of the below forms of participation simultaneously.

(A) To Watch and/or Listen to a Live Stream, *Without* Testifying:

visit this webpage: stream.meet.google.com/stream/d51dbdc1-150a-4625-9794-9f2d9d6a6a90

(B) To Participate by Internet, *Including* Testifying:

visit this “hangouts meet” webpage: meet.google.com/zyk-eion-vhf



(C) **To Participate by Phone, Whether Just to Listen or to Testify:**

call (575) 414-0344, then enter this pin: 132 274 373#

You do not need to have any Google or other account to access any of the above means. This hearing is being held in accordance with the Colorado Administrative Procedure Act, C.R.S. § 24-4-101, et seq., and Colorado Open Meetings Law, C.R.S. § 24-6-401 (2019), to receive any testimony, written data, views, or arguments that interested parties may wish to submit regarding the proposed rules. There is no requirement to arrive by a particular time or stay the entire meeting.

Please contact us at the below email address if you need any accommodations or translation services to attend or participate.

Colorado Overtime and Minimum Pay Standards Order #36 Rules, 7 CCR 1103-1:

These rules conform Colorado Overtime and Minimum Pay Standards Order (“COMPS Order”) #36, 7 C.C.R. 1103-1, to recent wage law developments and other imperatives identified late in the process of adopting COMPS Order #36 in early 2020. The Director finds that those needs are best served by these rule updates, amendments, and supplements. The proposed rules amend current COMPS Order #36 by adding new rule 1.6.1 (defining joint employment) and new rule 2.2.7(G) (overtime exemption for “companions”), and by modifying rules 5.2.1(B) (additional rest period flexibility for certain Medicaid providers), and 7.2-7.3 (additional earnings statement flexibility for employers).

Wage Protection Act Rules, 7 CCR 1103-7:

These rules conform the Wage Protection Act (“WPA”) Rules, 7 C.C.R. 1103-7, to recent wage law developments and other imperatives identified in early 2020. The Director finds that those needs are best served by these rule updates, amendments, and supplements. The proposed rules amend the current WPA Rules by adding new rule 2.6 - 2.7 employee and employer, new rule 2.7.1 (defining joint employment) and by amending rule 6.2.1 (defining when new evidence is permissible or excluded in appeals).

Wage and Hour Direct Investigation Rules, 7 CCR 1103-8:

These rules conform the Wage and Hour Direct Investigation (“DI”) Rules, 7 C.C.R. 1103-8, to recent wage law developments and other imperatives identified in early 2020. The Director finds that those needs are best served by these rule updates, amendments, and supplements. The proposed rules amend the current DI Rules by deleting rule 3.3 (notice of preliminary findings as a written demand), amending rule 5.1.6 (stating the Citation and Notice(s) of Assessment constitute a written demand), and amending rule 6.5 (defining when new evidence is permissible or excluded in appeals).

Copies of the proposed sets of rules are available at www.coloradolaborlaw.gov or, by request at: **Colorado Division of Labor Standards and Statistics, 633 17th St., Denver, Colorado 80202.**

To ensure sufficient time for consideration prior to adopting final rules, **written comments must be provided to the Division by 6:00 p.m. on Wednesday, May 20, 2020.** Comments will be accepted any time prior to this date. Comments may be submitted through our online [form](#), delivered by mail, faxed to 303-318-8400, or emailed to michael.primo@state.co.us.