

## A few brief labor standards updates:

- **Pay transparency** under the Equal Pay for Equal Work Act
- **Wage & hour law** changes from new legislation



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# 2023 Publication And Yearly Calculation of Adjusted Labor Compensation (2023 PAY CALC) Order

This Publication And Yearly Calculation of Adjusted Labor Compensation Order ("PAY CALC Order"), 7 CCR 1103-14, publishes values that adjust periodically under the Colorado Overtime and Minimum Pay Standards Order ("COMPS Order"), 7 CCR 1103-1, or other laws.

Coverage and Application. Following are the 2023 minimum pay and income levels and future adjustments in each cited COMPS Order rule, and/or mandated by constitutional, statutory, or rule provisions the COMPS Order implements, or from which it derives.

	Minimum Pay Level in COMPS Order Rule	2023 Level (Yearly Calculation)	Future Annual Adjustments
(A)	Full Colorado minimum wage (R. 3.1)	<b>\$13.65</b> per hour <i>{Denver, \$17.29}</i>	Last year's minimum adjusted by CPI (Consumer Price Index) for Colorado
(B)	Amount of minimum wage that employers must pay to tipped employees (R. 1.10, 6.2.3)	<b>\$10.63</b> per hour to the extent that adding tips raises total pay to full minimum wage <i>{Denver, \$14.27}</i>	<b>\$3.02</b> per hour below full minimum wage to the extent that adding tips raises total pay to full minimum wage
(C)	Minimum wage for non-emancipated minors (R. 3.3)	<b>\$11.61</b> per hour	15% below full minimum wage
(D)	Minimum pay for agricultural range workers (R. 2.4.9)	<b>\$559.29</b> per week	Prior year's level adjusted by inflation
(E)	Executive/supervisor, administrative, or professional employees ("EAP") (R. 2.5.1); certain owners or proprietors of non-profit employers (R. 2.2.5); decision-making managers at livestock employers (R. 2.4.8)	<b>\$961.54</b> per week (\$50,000 rounded annual equivalent); and sufficient for the minimum wage for all hours worked in a workweek	Per week, <b>\$1,057.69</b> in 2024 (\$55,000 rounded annually), and the prior year's level adjusted by CPI each year as of 2025
(F)	Highly technical computer employees (R. 2.5.2, 2.2.10)	<b>\$31.41</b> per hour or the EAP salary above (row E)	Prior year's hourly wage adjusted by inflation, or the EAP salary above
(G)	Highly compensated employees (R. 2.2.11)	<b>\$112,500</b> annually, <i>and</i> the EAP salary (row E) weekly	The annual EAP salary (row E) multiplied by 2.25

# Colorado Equal Pay for Equal Work Act

*(“EPEWA”) passed by legislature May 2019, effective Jan. 2021*

**“Part 1” (C.R.S. 8-5-101 et seq.)**

## Prohibits Pay Disparities (Discrimination) by Gender

- Stricter Standards than before
- Prohibits paying less by gender for work **substantially similar** in skill, effort, and responsibility
- **No CDLE/DLSS role**; employees can file lawsuits



# Colorado Equal Pay for Equal Work Act

(“EPEWA”) passed by legislature May 2019, effective Jan. 2021

“Part 2” (C.R.S. 8-5-201 et seq.)

## Pay Transparency:

- Required of all employers with any employees in CO
- All Job Postings must disclose the compensation & benefits
  - range of pay is acceptable:  
good-faith estimate, highest to lowest for the *particular position*
  - outside-range offer ok in unforeseen circumstances
  - “general description” is enough for benefits
  - no external postings is required



# Colorado Equal Pay for Equal Work Act

(“EPEWA”) passed by legislature May 2019, effective Jan. 2021

“Part 2” (C.R.S. 8-5-201 et seq.)

## Promotion Transparency:

- Must notify all employees of promotion opportunities, including:
  - existing or new position the employer intends to fill
  - notify *all* employees it’d be a “promotion” for (pay, status, duties, etc.) – not just those deemed “qualified”
  - doesn’t limit employer choice
    - *can* have someone in mind, or “in line”
    - no requirement to *interview* more applicants
- Keep job description and wage rate records, for duration of employment & 2 years after





# Colorado Equal Pay for Equal Work Act

## “Part 2” (C.R.S. 8-5-201 et seq.)

So what’s the “update”? **Employers are Complying!**

- ~40 complaints/mn: - almost all re **pay, not promotions**
  - spot checks, **large employers: fewer violations**
- Before (& to avoid) investigation: “Opportunity to Cure” (“OTC”) letter
  - If employer **fixes, no investigation**; else, sent notice of investigation
  - Either after OTC or after investigation notice: **>95% fix**
- Of several hundred complaints, **only 5 employers fined** so far
  - **none** until law in effect ~1yr
  - all 5, where **violations continued** after **multiple notices**
  - **no appeals**: paid & fixed violations
  - eg Twitter: (1) **notified** in OTC
    - (2) **promised** to fix, but asked (& given) long delay (8 mn)
    - (3) **never fixed**, then no defense in investigation
    - (4) \$43K fine for 43 violations (Act, \$500-\$10K ea.)



# Extensive Updates to DLSS Published Guidance

**DLSS Homepage:** [ColoradoLaborLaw.gov](https://ColoradoLaborLaw.gov) / [LeyesLaboralesDeColorado.gov](https://LeyesLaboralesDeColorado.gov)

*specific topic pages: click on topic on homepage, or these direct links*

- paid sick: [cdle.colorado.gov/HFWA](https://cdle.colorado.gov/HFWA)
- pay transparency: [cdle.colorado.gov/EqualPayTransparency](https://cdle.colorado.gov/EqualPayTransparency)

*general resources:*

- Required Posters: [cdle.colorado.gov/posters-0](https://cdle.colorado.gov/posters-0)  
*wage/hour; paid sick; agriculture -- all in multiple languages*
- INFOs (fact sheets): [cdle.colorado.gov/INFOs](https://cdle.colorado.gov/INFOs)  
*new content: commissions; deductions; appeal process;  
new penalties/fines as of 1/1/23 (SB22-161)*



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# Resources on Labor Standards

DLSS Website

[ColoradoLaborLaw.gov](https://coloradolaborlaw.gov/) / [LeyesLaboralesDeColorado.gov](https://leyeslaboralesdecolorado.gov/)

HFVA (Paid Sick) Webpage

<https://cdle.colorado.gov/hfva>

Equal Pay Transparency Webpage

<https://cdle.colorado.gov/equalpaytransparency>

DLSS INFOs (Fact Sheets)

[cdle.colorado.gov/interpretive-notice-formal-opinions-infos-other-published-guidance](https://cdle.colorado.gov/interpretive-notice-formal-opinions-infos-other-published-guidance)

Required Paid Sick Leave & Wage Law Posters

<https://cdle.colorado.gov/posters-0>





# Reach Out

Division of Labor Standards and Statistics

**[CDLE Labor Standards@state.co.us](mailto:CDLE_Labor_Standards@state.co.us)**

**DLSS Call Center:**

**(303) 318-8441**

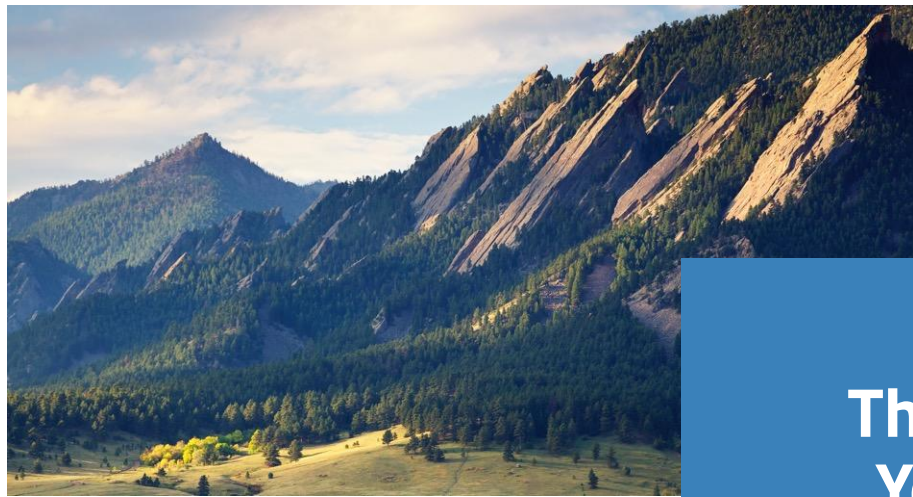
**MWF 8:30-4:30**

**TTH 8:30-12:30**

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Thank  
You!

