

COLORADO MINIMUM WAGE



COLORADO MINIMUM WAGE ORDER 35 POSTER

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

\$11.10

per hour effective
January 1, 2019

\$10.20 per hour effective January 1, 2018

\$9.30 per hour effective January 1, 2017

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.

Colorado Minimum Wage Order Number 35 regulates wages, hours, overtime, and working conditions for covered employees in the following industries: Retail and Service, Commercial Support Service, Food and Beverage, and Health and Medical.

MINIMUM WAGE Minimum wage shall be paid to all adult employees and emancipated minors whether employed on an hourly, piecework, commission, time, task, or other basis. This minimum wage shall be paid to employees who receive the state or federal minimum wage.

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.

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.

OVERTIME 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.

TIPPED EMPLOYEE MINIMUM WAGE

\$8.08 per hour effective January 1, 2019

\$7.18 per hour effective January 1, 2018

\$6.28 per hour effective January 1, 2017

A tipped employee is defined as 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(c). No more than \$3.02 per hour in tip income may be used to offset the minimum wage of tipped employees.

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.

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.

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.

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 § 8-6-118 C.R.S. (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, § 8-4-101, et seq., C.R.S. (2018).

DUAL JURISDICTION Whenever employers are subject to both federal and Colorado law, the law providing greater protection or setting the higher standard shall apply. For information on federal law contact the nearest office of the U. S. Department of Labor, Wage and Hour Division, 1999 Broadway, Suite 710, Denver, CO 80201-6550. Telephone (720) 264-3250.

**MUST BE POSTED IN AN AREA FREQUENTED BY EMPLOYEES
WHERE IT MAY BE EASILY READ**

www.colorado.gov/cdle/labor

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