

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-0412.01 Josh Schultz x5486

HOUSE BILL 24-1095

HOUSE SPONSORSHIP

Lieder and Amabile,

SENATE SPONSORSHIP

Sullivan,

House Committees

Business Affairs & Labor
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTION FOR MINOR WORKERS IN THE "COLORADO**
102 **YOUTH EMPLOYMENT OPPORTUNITY ACT OF 1971", AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill increases penalties for violations of the "Colorado Youth Employment Opportunity Act of 1971" (act) and requires that the penalties be deposited into the wage theft enforcement fund. Entities that violate the act must also pay specified damages to the individual who is aggrieved. The bill eliminates a provision in current law penalizing a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
April 24, 2024

person, having legal responsibility for a minor, who knowingly permits the minor to be employed in violation of the act.

The director of the division of labor standards and statistics (director) is required to include a description of the penalties and damages owed in the written notice issued to an employer if the act is violated.

The division of labor standards and statistics is required to treat all final orders issued for violations of the act as public records and to release information related to a violation to the public upon request pursuant to the "Colorado Open Records Act", unless the director makes a determination that the information is a trade secret.

The director may, or, at the request of the individual aggrieved, must, file a certified copy of a final order for a violation of the act with the clerk of any court having jurisdiction over the parties at any time after the entry of the order.

The bill applies the state's discrimination and retaliation prohibitions to individuals attempting to exercise rights protected by the act and creates a rebuttable presumption of retaliatory action if an entity engages in adverse action against an individual aggrieved within 90 calendar days after the individual aggrieved exercises a right protected by the act.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 8-12-115, **amend** (3)
3 and (4); and **add** (4.5), (5.5), and (8) as follows:

4 **8-12-115. Director of division of labor standards and statistics**
5 **- powers and duties - public records - filing final orders - rules -**
6 **definition.** (3) (a) The director shall receive and investigate complaints
7 and may from time to time visit employers at reasonable times and inspect
8 pertinent records to determine compliance with this ~~article~~ ARTICLE 12.

9 (b) FOR THE PURPOSE OF INVESTIGATING A VIOLATION OF THIS
10 ARTICLE 12, THE DIRECTOR MAY APPLY THE INFORMATION-GATHERING
11 AUTHORIZATIONS DESCRIBED IN ARTICLE 1 OF THIS TITLE 8 TO AN
12 EMPLOYER, AN EMPLOYEE, OR OTHER PERSON.

13 (4) (a) If investigation of any place of employment or complaint
14 discloses a violation of this ~~article, except section 8-12-105(3)~~ ARTICLE

1 12, the director shall give the employer A written notice OF VIOLATION
2 describing the violation, ORDERING MONETARY OR OTHER RELIEF AS
3 APPROPRIATE, and specifying the provisions of this ~~article~~ ARTICLE 12 that
4 ~~such~~ THE employer is ~~allegedly violating~~ VIOLATED. Within ~~ten~~
5 THIRTY-FIVE days ~~of~~ AFTER receipt of ~~such~~ THE notice of violation, the
6 employer may file a written request for a AN APPEAL hearing, ~~on the issue~~
7 ~~of whether the violation exists~~, which hearing shall be conducted in
8 accordance with ~~section 24-4-105, C.R.S.~~ After a hearing concerning a
9 violation of this article, or after the expiration of twenty days after the
10 issuance of a notice of violation during which the employer has neither
11 requested a hearing nor ceased the conduct that constitutes the alleged
12 violation, the director may issue a final order requiring the employer to
13 cease and desist the conduct found to be in violation SECTION 8-4-111.5.

14 (b) At any time ~~thereafter~~ AFTER ISSUANCE OF A FINAL ORDER, the
15 director may order ~~the violating employer to pay a penalty of twenty~~
16 ~~dollars~~ PENALTIES PURSUANT TO SECTION 8-1-140 (2) FOR EACH OFFENSE.
17 Each day that the conduct constituting the violation is continued after the
18 order is made final, and each minor employed in violation of this ~~article~~
19 ARTICLE 12, constitutes a separate offense. The order imposing the
20 penalty ~~shall become~~ IS final upon issuance, and the penalty ~~shall be~~ IS
21 due and payable ~~thirty~~ THIRTY-FIVE days after the order assessing the
22 penalty is entered, unless prior to that time the order has been modified
23 or a hearing on the penalty has been requested as provided by ~~section~~
24 ~~24-4-105, C.R.S.~~ SECTION 8-4-111.5.

25 (c) ~~All penalties imposed by this section shall be collected as~~
26 ~~provided in section 8-1-142~~ THE DIVISION SHALL COLLECT ALL PENALTIES
27 IMPOSED BY THIS SECTION AS PROVIDED IN SECTION 8-1-142 AND

1 TRANSMIT THE COLLECTED PENALTIES TO THE STATE TREASURER. THE
2 STATE TREASURER SHALL DEPOSIT THE MONEY INTO THE WAGE THEFT
3 ENFORCEMENT FUND CREATED IN SECTION 8-4-113 (3).

4 ~~(b) (I) If investigation of any place of employment or complaint~~
5 ~~discloses a violation of section 8-12-105 (3), the director shall give the~~
6 ~~employer written notice describing the violation and specifying the~~
7 ~~provisions of this article that such employer is allegedly violating. Within~~
8 ~~ten days after receipt of such notice of violation, the employer may file a~~
9 ~~written request for a hearing on the issue of whether the violation exists,~~
10 ~~which hearing shall be conducted in accordance with section 24-4-105,~~
11 ~~C.R.S. After a hearing concerning a violation of section 8-12-105 (3), or~~
12 ~~after the expiration of twenty days after the issuance of a notice of~~
13 ~~violation during which the employer has neither requested a hearing nor~~
14 ~~ceased the conduct which constitutes the alleged violation, the director~~
15 ~~may issue a final order requiring the employer to cease and desist the~~
16 ~~conduct found to be in violation. At any time thereafter, the director may~~
17 ~~order the violating employer to pay a penalty pursuant to subparagraph~~
18 ~~(H) of this paragraph (b). The order imposing the penalty shall become~~
19 ~~final upon issuance, and the penalty shall be due and payable thirty days~~
20 ~~after the order assessing the penalty is entered, unless prior to that time~~
21 ~~the order has been modified or a hearing on the penalty has been~~
22 ~~requested as provided by section 24-4-105, C.R.S. All penalties imposed~~
23 ~~by this section shall be collected as provided in section 8-1-142.~~

24 ~~(H) Failure to comply with the provisions of this paragraph (b)~~
25 ~~shall make the offender liable for administrative fines pursuant to the~~
26 ~~following penalty schedule:~~

27 ~~(A) For a first offense, by a fine of not less than two hundred~~

1 ~~dollars nor more than five hundred dollars;~~

2 ~~(B) For a second offense within six months after the first offense,~~
3 ~~by a fine of not less than five hundred dollars nor more than one thousand~~
4 ~~dollars;~~

5 ~~(C) For a third or subsequent offense within six months after the~~
6 ~~first offense, by a fine of not less than one thousand dollars nor more than~~
7 ~~ten thousand dollars.~~

8 (4.5) (a) AFTER TWENTY DAYS ELAPSE TO ALLOW AN EMPLOYER
9 TO NOTIFY THE DIRECTOR OF A POTENTIAL TRADE SECRET PURSUANT TO
10 SUBSECTION (4.5)(a)(II) OF THIS SECTION, THE DIVISION SHALL TREAT ANY
11 FINAL ORDER ISSUED FOR A VIOLATION OF THIS ARTICLE 12 AS A PUBLIC
12 RECORD AND SHALL RELEASE THE INFORMATION RELATED TO THE
13 VIOLATION TO THE PUBLIC UPON REQUEST PURSUANT TO THE "COLORADO
14 OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24; EXCEPT THAT:

15 (I) THE DIVISION SHALL REDACT ANY IDENTIFYING INFORMATION
16 PERTAINING TO A MINOR WORKER; AND

17 (II) THE DIVISION SHALL NOT RELEASE INFORMATION RELATED TO
18 A VIOLATION OF THIS ARTICLE 12 IF THE DIRECTOR MAKES A
19 DETERMINATION THAT THE INFORMATION IS A TRADE SECRET. UPON
20 ISSUING A FINAL ORDER, THE DIRECTOR SHALL NOTIFY THE EMPLOYER OF
21 THE POTENTIAL RELEASE OF THE INFORMATION. THE EMPLOYER MAY,
22 WITHIN TWENTY DAYS AFTER THE NOTIFICATION, PROVIDE THE DIRECTOR
23 WITH ANY DOCUMENTATION DEMONSTRATING THAT THE INFORMATION, OR
24 SPECIFIC MATTERS INCLUDED IN THE INFORMATION, IS A TRADE SECRET. IF
25 THE DIRECTOR, IN THE DIRECTOR'S DISCRETION, DETERMINES THAT THE
26 INFORMATION, OR ANY PORTION OF THE INFORMATION, IS A TRADE SECRET,
27 THE DIRECTOR SHALL TREAT THE INFORMATION AS CONFIDENTIAL.

1 (b) AS USED IN THIS SUBSECTION (4.5), "TRADE SECRET" HAS THE
2 MEANING SET FORTH IN SECTION 7-74-102 (4).

3 (5.5) (a) THE DIRECTOR MAY, OR, AT THE REQUEST OF ANY
4 INDIVIDUAL AGGRIEVED BY A VIOLATION OF THIS ARTICLE 12, SHALL, FILE
5 A CERTIFIED COPY OF A FINAL ORDER ISSUED PURSUANT TO THIS ARTICLE
6 12 WITH THE CLERK OF ANY COURT HAVING JURISDICTION OVER THE
7 PARTIES AT ANY TIME AFTER THE ENTRY OF THE ORDER. THE DIRECTOR
8 MAY FILE ONE CERTIFIED COPY OF THE FINAL ORDER FOR ALL AMOUNTS
9 OWED TO, OR FOR OTHER RELIEF FOR, ALL INDIVIDUALS AGGRIEVED.

10 (b) THE CLERK OF THE COURT SHALL RECORD THE FINAL ORDER IN
11 THE JUDGMENT BOOK OF THE COURT AND MAKE AN ENTRY IN THE
12 JUDGMENT DOCKET. UPON RECORDING, THE FINAL ORDER HAS THE EFFECT
13 OF AND MAY BE EXECUTED AS A JUDGMENT OF THE COURT.

14 (c) (I) UPON RECORDING PURSUANT TO SUBSECTION (5.5)(b) OF
15 THIS SECTION, THE JUDGMENT IS SUFFICIENT TO SUPPORT THE ISSUANCE OF
16 WRITS OF GARNISHMENT IN THE MANNER PROVIDED BY LAW IN THE CASE
17 OF A JUDGMENT THAT IS WHOLLY OR PARTIALLY UNSATISFIED.

18 (II) THE COURT SHALL MAIL A COPY OF THE JUDGMENT TO ALL
19 PARTIES TO THE MATTER WITHIN THREE DAYS AFTER THE DIRECTOR HAS
20 FILED THE ORDER WITH THE CLERK OF THE COURT.

21 (8) THE DIRECTOR MAY ADOPT RULES AS NECESSARY TO
22 IMPLEMENT AND ADMINISTER THIS ARTICLE 12.

23 **SECTION 2.** In Colorado Revised Statutes, **amend** 8-12-116 as
24 follows:

25 **8-12-116. Penalty and damages for violations.** (1) Any person,
26 ~~having legal responsibility for a minor under the age of eighteen years,~~
27 ~~who knowingly permits such minor to be employed in violation of this~~

1 ~~article, is guilty of a misdemeanor and, upon conviction thereof, shall be~~
2 ~~punished by a fine of not less than twenty dollars nor more than one~~
3 ~~hundred dollars for each offense.~~ INCLUDING ANY FIRM OR CORPORATION,
4 OR ANY AGENT, MANAGER, SUPERINTENDENT, OR FOREPERSON OF ANY
5 FIRM OR CORPORATION, THAT, INDIVIDUALLY OR THROUGH AN AGENT,
6 SUBAGENT, MANAGER, SUPERINTENDENT, OR FOREPERSON, VIOLATES OR
7 FAILS TO COMPLY WITH THIS ARTICLE 12 IS SUBJECT TO THE FOLLOWING
8 PENALTIES:

9 (a) EXCEPT AS DESCRIBED IN SUBSECTIONS (1)(c) AND (5) OF THIS
10 SECTION, A PERSON WHO COMMITS A VIOLATION OF SECTION 8-12-110 OR
11 RULES PROMULGATED UNDER THAT SECTION SHALL BE REQUIRED TO PAY
12 A FINE OF NOT LESS THAN TWO THOUSAND DOLLARS BUT NOT MORE THAN
13 FOUR THOUSAND DOLLARS;

14 (b) EXCEPT AS DESCRIBED IN SUBSECTIONS (1)(d) AND (5) OF THIS
15 SECTION, A PERSON WHO COMMITS A VIOLATION OF ANY PROVISION OF
16 THIS ARTICLE 12 OTHER THAN SECTION 8-12-110 SHALL BE REQUIRED TO
17 PAY A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS BUT NOT
18 MORE THAN ONE THOUSAND DOLLARS;

19 (c) A PERSON WHO COMMITS A WILLFUL VIOLATION OF SECTION
20 8-12-110 OR RULES PROMULGATED UNDER THAT SECTION OR A SECOND OR
21 SUBSEQUENT VIOLATION OF SECTION 8-12-110 OR RULES PROMULGATED
22 UNDER THAT SECTION WITHIN FIVE YEARS AFTER THE PERSON'S MOST
23 RECENT VIOLATION OF THIS ARTICLE 12 SHALL BE REQUIRED TO PAY A FINE
24 OF NOT LESS THAN FIVE THOUSAND DOLLARS BUT NOT MORE THAN TEN
25 THOUSAND DOLLARS; AND

26 (d) A PERSON WHO COMMITS A WILLFUL VIOLATION OF ANY
27 PROVISION OF THIS ARTICLE 12 OTHER THAN SECTION 8-12-110 OR A

1 SECOND OR SUBSEQUENT VIOLATION OF ANY PROVISION OF THIS ARTICLE
2 12 OTHER THAN SECTION 8-12-110 WITHIN FIVE YEARS AFTER THE
3 PERSON'S MOST RECENT VIOLATION OF THIS ARTICLE 12 SHALL BE
4 REQUIRED TO PAY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS BUT
5 NOT MORE THAN FOUR THOUSAND DOLLARS.

6 (2) THE DIVISION SHALL COLLECT ALL PENALTIES IMPOSED BY
7 SUBSECTION (1) OF THIS SECTION AS PROVIDED IN SECTION 8-1-142 AND
8 TRANSMIT THE COLLECTED PENALTIES TO THE STATE TREASURER. THE
9 STATE TREASURER SHALL DEPOSIT THE MONEY INTO THE WAGE THEFT
10 ENFORCEMENT FUND CREATED IN SECTION 8-4-113 (3).

11 (3) IN ADDITION TO ANY PENALTIES TO WHICH A PERSON MAY BE
12 SUBJECT PURSUANT TO SUBSECTION (1) OF THIS SECTION, ANY PERSON,
13 INCLUDING ANY FIRM OR CORPORATION, OR ANY AGENT, MANAGER,
14 SUPERINTENDENT, OR FOREPERSON OF ANY FIRM OR CORPORATION, THAT,
15 INDIVIDUALLY OR THROUGH AN AGENT, SUBAGENT, FOREPERSON,
16 SUPERINTENDENT, OR MANAGER, VIOLATES OR FAILS TO COMPLY WITH
17 THIS ARTICLE 12 IS LIABLE FOR DAMAGES IN THE FOLLOWING AMOUNTS
18 PAYABLE TO ANY INDIVIDUAL AGGRIEVED:

19 (a) EXCEPT AS DESCRIBED IN SUBSECTIONS (3)(c) AND (5) OF THIS
20 SECTION, NOT LESS THAN SEVEN THOUSAND DOLLARS BUT NOT MORE THAN
21 TWENTY-SEVEN THOUSAND DOLLARS FOR THE FIRST VIOLATION OF
22 SECTION 8-12-110 OR RULES PROMULGATED UNDER THAT SECTION;

23 (b) EXCEPT AS DESCRIBED IN SUBSECTIONS (3)(d) AND (5) OF THIS
24 SECTION, NOT LESS THAN FIVE HUNDRED DOLLARS BUT NOT MORE THAN
25 TWO THOUSAND DOLLARS FOR THE FIRST VIOLATION OF ANY PROVISION OF
26 THIS ARTICLE 12 OTHER THAN SECTION 8-12-110;

27 (c) NOT LESS THAN FIFTEEN THOUSAND DOLLARS BUT NOT MORE

1 THAN SIXTY-FIVE THOUSAND DOLLARS FOR A WILLFUL VIOLATION OF
2 SECTION 8-12-110 OR RULES PROMULGATED UNDER THAT SECTION OR A
3 SECOND OR SUBSEQUENT VIOLATION OF SECTION 8-12-110 OR RULES
4 PROMULGATED UNDER THAT SECTION WITHIN FIVE YEARS AFTER THE
5 PERSON'S MOST RECENT VIOLATION OF THIS ARTICLE 12; OR

6 (d) NOT LESS THAN TWO THOUSAND DOLLARS BUT NOT MORE THAN
7 SIX THOUSAND DOLLARS FOR A WILLFUL VIOLATION OF ANY PROVISION OF
8 THIS ARTICLE 12 OTHER THAN SECTION 8-12-110 OR A SECOND OR
9 SUBSEQUENT VIOLATION OF ANY PROVISION OF THIS ARTICLE 12 OTHER
10 THAN SECTION 8-12-110 WITHIN FIVE YEARS AFTER THE PERSON'S MOST
11 RECENT VIOLATION OF THIS ARTICLE 12.

12 (4) ALL DAMAGES THAT A PERSON IS ORDERED TO PAY PURSUANT
13 TO SUBSECTION (3) OF THIS SECTION MUST BE PAID TO THE PERSON
14 AGGRIEVED UNLESS THAT PERSON, AFTER REASONABLE AND DILIGENT
15 EFFORT BY THE DIRECTOR, CANNOT BE FOUND, IN WHICH CASE THE
16 DAMAGES MUST BE PAID TO THE STATE TREASURER, WHO SHALL DEPOSIT
17 THE MONEY INTO THE WAGE THEFT ENFORCEMENT FUND CREATED IN
18 SECTION 8-4-113 (3).

19 (5) (a) THE DIVISION MAY REDUCE OR DECLINE TO IMPOSE
20 PENALTIES OR DAMAGES PURSUANT TO SUBSECTION (1) OR (3) OF THIS
21 SECTION IF:

22 (I) THE MINOR WORKER INTENTIONALLY MISLED THE EMPLOYER
23 WITH REGARD TO THE MINOR'S AGE; AND

24 (II) THE EMPLOYER ENGAGED IN OUTREACH TO A RELIABLE THIRD
25 PARTY TO VERIFY THE MINOR WORKER'S AGE IF ANY REASONABLE
26 EMPLOYER COULD HAVE BELIEVED THAT THE MINOR WORKER MIGHT BE
27 UNDER EIGHTEEN YEARS OF AGE AT THE TIME OF HIRING. THE RECEIPT OF

1 AN AGE CERTIFICATE, AS DESCRIBED IN SECTION 8-12-111, CONSTITUTES
2 OUTREACH TO A RELIABLE THIRD PARTY.

3 (b) IN DETERMINING WHETHER TO REDUCE OR DECLINE TO IMPOSE
4 DAMAGES AS DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION, THE
5 DIVISION SHALL CONSIDER THE FOLLOWING FACTORS:

6 (I) THE REASONABLENESS OF EFFORTS TAKEN BY THE EMPLOYER
7 TO VERIFY THE AGE OF THE MINOR WORKER;

8 (II) THE EMPLOYER'S HISTORY OF COMPLIANCE OR
9 NONCOMPLIANCE WITH THIS ARTICLE 12;

10 (III) CORRECTIVE ACTION TAKEN BY THE EMPLOYER; AND

11 (IV) HARM TO THE MINOR WORKER.

12 ~~(2)~~ (6) IN ADDITION TO ANY PENALTIES OR DAMAGES TO WHICH A
13 PERSON MAY BE SUBJECT PURSUANT TO SUBSECTION (1) OR (3) OF THIS
14 SECTION, any person, firm, or corporation, or any agent, manager,
15 superintendent, or foreman of any firm or corporation, who, by ~~himself~~
16 ~~or herself~~ ONESELF or through an agent, subagent, foreman,
17 superintendent, or manager, knowingly violates or knowingly fails to
18 comply with any of the provisions of this article 12 ~~is guilty of~~ COMMITS
19 a misdemeanor and, upon conviction thereof, shall be punished by a fine
20 of not less than ~~twenty~~ TWO HUNDRED dollars nor more than ~~one~~ FIVE
21 hundred dollars for each offense. Upon conviction of a second or
22 subsequent offense, such person shall be punished by a fine of not less
23 than ~~one~~ FIVE hundred dollars nor more than ~~five hundred~~ TWO
24 THOUSAND dollars.

25 (7) ON JANUARY 1, 2026, AND ON JANUARY 1 OF EACH YEAR
26 THEREAFTER, THE DIVISION SHALL INCREASE THE PENALTY AND DAMAGE
27 AMOUNTS DESCRIBED IN THIS SECTION FOR INFLATION, IF ANY. THE

1 DIVISION MAY ROUND THE ADJUSTED AMOUNT UPWARD TO THE NEAREST
2 DOLLAR. INFLATION IS MEASURED BY THE ANNUAL PERCENTAGE CHANGE
3 IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR
4 STATISTICS CONSUMER PRICE INDEX, OR A SUCCESSOR INDEX, FOR
5 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY URBAN
6 CONSUMERS. THE DIRECTOR SHALL PUBLISH UPDATED PENALTY AND
7 DAMAGE AMOUNTS ANNUALLY.

8 **SECTION 3.** In Colorado Revised Statutes, **add** 8-12-118 as
9 follows:

10 **8-12-118. Protection from retaliation - rebuttable presumption**
11 **of retaliation.** (1) THE RETALIATION PROTECTIONS DESCRIBED IN SECTION
12 8-4-120 PROTECT AN INDIVIDUAL ATTEMPTING TO EXERCISE ANY RIGHT
13 PROTECTED UNDER THIS ARTICLE 12.

14 (2) IF A PERSON, INCLUDING ANY FIRM OR CORPORATION, OR ANY
15 AGENT, MANAGER, SUPERINTENDENT, OR FOREPERSON OF ANY FIRM OR
16 CORPORATION, INDIVIDUALLY OR THROUGH AN AGENT, SUBAGENT,
17 MANAGER, SUPERINTENDENT, OR FOREPERSON, TAKES A DISCIPLINARY OR
18 ADVERSE ACTION AGAINST AN INDIVIDUAL AGGRIEVED BY A VIOLATION OF
19 THIS ARTICLE 12 WITHIN NINETY CALENDAR DAYS AFTER THE INDIVIDUAL
20 AGGRIEVED EXERCISES A RIGHT PROTECTED UNDER THIS ARTICLE 12,
21 THERE IS A REBUTTABLE PRESUMPTION THAT THE ACTION WAS
22 RETALIATORY.

23 **SECTION 4.** In Colorado Revised Statutes, 8-4-113, **amend**
24 (3)(a), (4)(a) introductory portion, and (5)(a) as follows:

25 **8-4-113. Fines pursuant to enforcement - wage theft**
26 **enforcement fund - created - administrative lien and levy of employer**
27 **assets - wage claim payments from the fund - definition - rules.**

1 (3) (a) The division shall transmit all fines collected for the state pursuant
2 to this section or section 8-1-114 (2), 8-1-116 (2), 8-1-117 (2), ~~or~~ 8-1-140
3 (2), ~~8-12-115 (4)(c)~~, OR ~~8-12-116 (2)~~ OR (4) to the state treasurer, who
4 shall credit the money to the wage theft enforcement fund, which fund is
5 created and referred to in this section as the "fund". The money in the
6 fund may be used by the division to make payments to employees for
7 unpaid liabilities for wage law violations pursuant to subsection (5) of
8 this section and for the division's direct and indirect costs associated with
9 implementing this article 4.

10 (4) (a) On or after January 1, 2023, if an employer fails to pay
11 wages determined to be due to the employer's employees or fines or
12 penalties determined to be due pursuant to this article 4 OR ARTICLE 6 OR
13 12 OF THIS TITLE 8 OR OTHER ARTICLES AUTHORIZING INVESTIGATION OF
14 ALLEGED VIOLATIONS OF EMPLOYEE PROTECTIONS, within sixty days after
15 receiving a written employee request or upon its own initiative, the
16 division may issue a notice of administrative lien and levy to the
17 employer or any other person that has possession, custody, or control of
18 the employer's assets. The division may issue the notice of administrative
19 lien and levy when an employer is past due on paying wages determined
20 to be due to its employees and any fines or penalties determined to be due
21 pursuant to this article 4 OR ARTICLE 6 OR 12 OF THIS TITLE 8 without an
22 order staying or reversing the applicable deadline for payment. The notice
23 must include the following statements and information:

24 (5) (a) On and after April 1, 2024, if an employer fails to pay an
25 employee an amount of wages, ~~or~~ compensation, OR OTHER MONETARY
26 RELIEF owed the employee, as determined by the division pursuant to
27 ~~section 8-4-111(2)(c)~~ THIS ARTICLE 4 OR ARTICLE 6 OR 12 OF THIS TITLE

1 8 or as decided by a hearing officer pursuant to section 8-4-111.5, within
2 six months after the division's determination, the hearing officer's
3 decision, or the expiration of any order from the division, the hearing
4 officer, or a court staying or postponing the employer's payment
5 obligation, whichever is later, the division may disburse the amount of
6 wages, ~~or~~ compensation, OR OTHER MONETARY RELIEF determined to be
7 owed the employee, subject to available resources in the fund and the
8 division's prioritization, from the fund to the employee.

9 **SECTION 5.** In Colorado Revised Statutes, 8-4-120, **amend**
10 (1)(a) as follows:

11 **8-4-120. Discrimination and retaliation prohibited - employee**
12 **protections - criminal penalties - civil remedies.** (1) An employer shall
13 not intimidate, threaten, restrain, coerce, blacklist, discharge, or in any
14 manner discriminate or retaliate against any employee who has:

15 (a) Filed any complaint or instituted or caused to be instituted any
16 proceeding under this article 4 or any other law or rule related to wages,
17 ~~or~~ hours, OR EMPLOYMENT OF MINORS; or

18 **SECTION 6.** In Colorado Revised Statutes, 8-6-111, **amend** (2)
19 as follows:

20 **8-6-111. Director to review report.** (2) After publication of
21 notice and the meeting, the director ~~if so desired,~~ may ~~make and render~~
22 ~~such~~ ISSUE an order ~~as may be proper or necessary~~ to adopt the
23 recommendations and carry ~~the same~~ THEM into effect and TO require all
24 employees in the occupation directly affected ~~thereby~~ BY THE
25 RECOMMENDATIONS to preserve and comply with ~~such~~ THE
26 recommendations and order. ~~Such~~ THE order is BECOMES effective thirty
27 days after it is made. ~~and rendered and shall be in full force and effect on~~

1 ~~and after that day.~~ After the order is effective, it is unlawful for any
2 employer to violate or disregard any of the terms of the order or to
3 employ any worker in any occupation covered by the order at lower
4 wages or under other conditions than authorized or permitted by the
5 order. The director shall, as far as is practicable, mail a copy of any such
6 order to every employer affected ~~thereby~~, BY THE ORDER, and every
7 employer affected by the order shall keep a copy ~~thereof~~ OF THE ORDER
8 posted in a conspicuous place in ~~such~~ THE employer's establishment. ~~Such~~
9 THE order ~~shall~~ MUST include a notice of the contents of sections
10 8-12-105 (3), 8-12-115 (4)(b)(II), ~~and 8-12-116 (2)~~ **8-12-116**, AND
11 **8-12-118**.

12 **SECTION 7. Appropriation.** For the 2024-25 state fiscal year,
13 \$125,255 is appropriated to the department of labor and employment for
14 use by the division of labor standards and statistics. This appropriation is
15 from the general fund and is based on an assumption that the division will
16 require an additional 1.2 FTE. To implement this act, the division may
17 use this appropriation for program costs related to labor standards.

18 **SECTION 8. Effective date - applicability.** This act takes effect
19 January 1, 2025, and applies to conduct occurring on or after said date.

20 **SECTION 9. Safety clause.** The general assembly finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety or for appropriations for
23 the support and maintenance of the departments of the state and state
24 institutions.