

● MINIMUM WAGE LAW

STATUTORY CITATION: Colo. Rev. Stat. §§ 8-6-101 – 8-6-119; Colo. Const. Art. XVIII, § 15

RELATED REGULATIONS: 7 Code Colo. Regs. 1103-1 (*Colorado Minimum Wage Order No. 32*)

GENERAL SUMMARY: A ballot initiative approved by Colorado voters in November 2016 raises the existing state minimum wage in four steps between 2017 and 2020, as follows:

Effective January 1, 2017: \$9.30 per hour

Effective January 1, 2018: \$10.20 per hour

Effective January 1, 2019: \$11.10 per hour

Effective January 1, 2020: \$12.00 per hour

Each year thereafter, the existing minimum wage will be adjusted to account for inflation.

Article XVIII, Section 15, of the state constitution extends the applicability of the state minimum wage to any Colorado employee who is covered by the minimum wage provisions of the federal Fair Labor Standards Act (*see entry, U.S. — Wages & Hours — Minimum Wage*).

PROVISIONS APPLICABLE TO AGRICULTURE: Under the constitutional provision referred to above, only those farmworkers in the state who work in agricultural establishments that used more than 500 worker-days of agricultural labor during any calendar quarter of the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination) are covered. However, since the federal minimum wage is currently lower than Colorado's current minimum wage, those workers are entitled to receive at least the minimum rate specified above for each hour of work.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Division of Labor Standards and Statistics, Colorado Department of Labor and Employment, Denver, Colorado 80202 (303-318-8441)*. Any worker who is entitled to the state minimum wage and who has not been paid accordingly may file a complaint with the Division, which is required to investigate and take action to enforce payment if the charge is determined valid.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — As an alternative to filing an administrative wage claim, a worker may bring civil action against the employer directly, using a private attorney or a public legal service provider. If the worker prevails, the employer is liable for the full amount of unpaid wages, plus court costs and attorney's fees.