

● WAGE PAYMENT LAWS

STATUTORY CITATION: Colo. Rev. Stat. §§ 8-4-101 – 8-4-123

GENERAL SUMMARY: Article 4 of the state labor laws governs the payment of wages by Colorado employers, including farm operators, migratory field labor contractors and crew leaders.

SPECIFIC TERMS AND CONDITIONS

FORM OF PAYMENT — Employers and their agents are prohibited from paying wages in any medium other than cash or direct deposit, unless the check or draft used to pay wages is negotiable and payable immediately in cash, without discount. Earnings may not be paid in scrip or coupons redeemable in merchandise unless this form of pay is also immediately redeemable in cash, without discount.

PAY PERIODS AND PAYDAYS — Unless the employer and employee mutually agree on an alternative schedule, all compensation due (other than final wages at termination) must be paid no later than 10 days following the end of the regular pay period, which may not exceed one month or 30 days' duration, whichever is longer. With respect to agricultural workers for whom the employer furnishes board and lodging, earnings are payable for regular periods not exceeding one month, on paydays no later than 10 days after the close of each pay period.

FINAL WAGES AT TERMINATION — When employment is terminated by the employer, the worker's final wages are due and payable immediately. When an employee quits or resigns, final wages are due and payable on the next regular payday.

PAY STATEMENTS — At least once a month, or at the time of each payment of wages, every employer must provide each employee with an itemized written pay statement showing gross wages earned, all withholding and deductions, net wages earned, inclusive dates of the pay period, the employee's name and Social Security number, and the name and address of the employer.

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).* It is the duty of this agency to respond to complaints of unpaid wages or other alleged violations of the wage payment laws, and to institute actions to recover unpaid wages and enforce penalties whenever violations are confirmed.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — Using public or private legal counsel, any worker who fails to receive wages, or who is otherwise aggrieved by an apparent violation of the state wage payment laws, may take civil action against the employer or other party at fault to recover damages. A worker who has filed a wage claim must terminate the Department's enforcement process within 35 days after the issuance of a determination, citation or assessment in the case in order to preserve the right to sue.