

EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

Who is Protected?

- Employees (current and former), including managers and temporary employees,
- Job applicants
- Union members and applicants for membership in a union

What Organizations are Covered?

- Most private employers
- State and local governments (as employers)
- Educational institutions (as employers)
- Unions
- Staffing agencies

What Types of Employment Discrimination are Illegal?

Under the EEOC's laws, an employer may not discriminate against you regardless of your immigration status, on the basis of:

- Race
- Color
- Religion
- National origin
- Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability
- Genetic information (including employer requests for, or purchase, use of, or disclosure of genetic tests, genetic services, or family medical history)

What Types of Employment Discrimination are Illegal?

- Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination investigation, or proceeding
- Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation
- What Employment Practices can be Challenged as Discriminatory?

All aspects of employment, including:

- Discharge, firing, or lay-off
- Harassment (including unwelcome verbal or physical conduct)
- Hiring or promotion
- Assignment
- Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerely held religious belief, observance or practice
- Benefits
- Job training
- Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability
- Genetic information (including employer requests for, or purchase, use of, or disclosure of genetic tests, genetic services, or family medical history)

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. You are applying for a job with, or are an employee of a company with a federal contract or subcontract, you are protected under federal law from discrimination on the following bases:

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability
- Genetic information (including employer requests for, or purchase, use of, or disclosure of genetic tests, genetic services, or family medical history)

PROTECTOR STATUS The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medical veterans.

Retaliation Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP)
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210
1-800-397-6251 (toll free)

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online at <https://www.ofcc.gov> or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's Contact Us webpage at <https://www.dol.gov/agencies/eoc/cpcc/contact>

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Race, Color, National Origin, Sex

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits employment discrimination on the basis of race, color, national origin, or sex. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment is a necessary condition for the receipt of the financial assistance. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity that receives Federal financial assistance. Employment discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job. If you believe you have been discriminated against in a program or activity that receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

Disability Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, training, or promotion, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is applying for a job or performing the essential functions of the job. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

ANTI-DISCRIMINATION NOTICE

It is illegal to discriminate against unauthorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have an update expiration date may constitute illegal discrimination. For information, please contact The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688.

FAMILY PROGRAM

2023 FAMLI Program Notice

Deductions from Employee Wages start January 1, 2023

The employee share of FAMLI premiums is set at 0.45% of employee wages through 2024. For 2025 and beyond, the director of the FAMLI Division shall determine the employee share of the fund based on the number of employees with a total of ten or more employees who are covered by the program. The employer share of the fund shall be 0.45% of employee wages for a total of 0.9%, but employers with nine or fewer employees are only responsible for sending the 0.45% employee share to the FAMLI Division.

Starting in 2023, employers may begin deducting up to 0.45% from employees' wages for FAMLI contributions. This can be done through a payroll deduction or by direct payment to the FAMLI Division. Employers are responsible for collecting those deductions and sending them to the FAMLI Division on behalf of their employees once a quarter.

Benefits start January 1, 2024

Starting in 2024, paid family and medical leave benefits are available to most Colorado employees who have a qualifying condition and who earned \$2,500 over the previous year for work performed in Colorado.

The qualifying conditions for paid family and medical leave are:

- Caring for a new child during the first year after the birth, adoption, or foster care placement of that child.
- Caring for a family member with a serious health condition.
- Caring for your own serious health condition.
- Making arrangements for a family member's military deployment.
- Obtaining safe housing, care, and/or legal assistance in response to domestic violence, stalking, sexual assault, or sexual abuse.

Covered employees are entitled to up to 12 weeks of paid family and medical leave per year. Individuals with serious health conditions caused by pregnancy complications or childbirth complications are entitled to up to 4 more weeks of paid family and medical leave per year for a total of 16 weeks.

Leave may be taken continuously, intermittently, or in the form of a reduced schedule.

Leave will be paid at a rate of up to 90% of the employee's average weekly wage, based on a sliding scale. Employees may estimate their benefits by using the benefits calculator available at coloradolaborlaw.gov.

You don't have to work for your employer a minimum amount of time in order to qualify for paid family and medical leave benefits.

If FAMLI leave is used for a reason that also qualifies as leave under the federal FMLA, then the leave will also count as FMLA leave used.

Employees may choose to use sick leave or other paid time off before using FAMLI benefits, but they are not required to do so.

Employers and employees may mutually agree to supplement FAMLI benefits with their own paid time off in order to provide full wage replacement.

Filing Claims

Employees will not be able to file for benefits until the last quarter of 2023. Benefits will be available starting January 2024. Instructions on how to apply for benefits can be found at coloradolaborlaw.gov.

Employers or their designated representatives apply for FAMLI benefits by submitting an application, along with required documentation, directly to the FAMLI Division. Employees cannot make employees apply for FAMLI benefits.

Applications may be submitted in advance of the absence from work, and in some circumstances, they may be submitted after the absence has begun.

Approved applications will be paid by the FAMLI Division within two weeks after the claim is properly filed, and every two weeks thereafter for the duration of the approved leave.

Employees can appeal claim determinations to the FAMLI Division.

Individuals who attempt to defraud the FAMLI program may be disqualified from receiving benefits.

Job protection and continued benefits

Employees must maintain health care benefits for employees while they are on FAMLI leave, and both the employer and the employee remain responsible for paying for those benefits in the same amounts as before the leave began.

An employee who has worked for the employer for at least 180 days is entitled to return to the same position, or an equivalent position, upon their return from FAMLI leave.

Retaliation, Discrimination, and Interference Prohibited

Employees may not interfere with employees' rights under FAMLI, and may not discriminate or retaliate against them for exercising those rights.

Employees who suffer retaliation, discrimination, or interference may file suit in court, or may file a complaint with the FAMLI Division.

Other Important Information

An employer may offer a private plan that provides the same benefits as the state FAMLI plan, and imposes no additional costs or restrictions. Private plans must be approved by the FAMLI Division.

Employees and employers are encouraged to report FAMLI violations to the FAMLI Division.

WORKPLACE PUBLIC HEALTH RIGHTS POSTER

Colorado Workplace Public Health Rights Poster: PAID LEAVE, WHISTLEBLOWING, & PROTECTIVE EQUIPMENT

Updated July 14, 2023
may be updated periodically

THE HEALTHY FAMILIES & WORKPLACES ACT ("HFWA") Paid Leave Rights Coverage: All Colorado employers, of any size, must provide paid leave.

- All employees earn 1 hour of paid leave per 30 hours worked ("accrued leave"), up to 48 hours a year.
- Employees are required to be paid their regular pay rate during leave, and the employer must continue their benefits.
- Up to 48 hours of unused accrued leave carries over for use during the next year.
- For details on specific situations (irregular use of leave, nonhourly pay, etc.), see Wage Protection Rule 3.5, 7 CCR 1103-7.
- Up to 80 hours of supplemental leave applies in a public health emergency (PHE), until 4 weeks after the PHE ends.

Employees can use accrued leave for the following safety or health needs:

- (1) a mental or physical illness, injury, or health condition that prevents work, including diagnosis or preventive care;
- (2) domestic abuse, sexual assault, or criminal harassment leading to health, relocation, legal, or other services needs;
- (3) caring for a family member experiencing a condition described in category (1) or (2);
- (4) grieving, funeral/memorial attendance, or financial/legal needs after a death of a family member;
- (5) due to inclement weather, power/heater/water loss, or other unexpected occurrence, the employees need to either (a) evacuate their residence, or (b) care for a family member whose school or place of work is closed;
- (6) in a PHE, a public official closed the workplace, or the school or place of care of the employee's child.

Employer Policies (Notice; Documentation; Incremental Use; Privacy; and Paid Leave Records)

Written notice and posters. Employers must: (1) provide notice to new employees no later than their onboarding documents and policies; and (2) display updated posters, and provide updated notices to current employees, by end of year.

Notice for "foreseeable" leave. Employers may adopt "reasonable procedures" in writing as to how employees should provide notice if they require "foreseeable" leave, but cannot deny paid leave for noncompliance with such a policy.

Notice for leave that cannot be reasonably anticipated. Employees must provide notice for a qualifying reason only if show that accrued leave was used for consecutive work days (i.e. days when an employee would have worked, not calendar days).

Documentation is not required to take accrued leave, but can be required as soon as an employee returns to work or separates from work (whichever is sooner). No documentation can be required for PHE leave.

To document leave for an employee's family member's health-related need, an employer may provide: (1) a document from a health or social services provider if services were received and a document can be obtained in reasonable time and without adverse effect; otherwise (2) the employee's own written statement.

Documentation as to domestic abuse, sexual assault, or criminal harassment can be a document or writing under (1) above (e.g. legal or social services provider) or (2) above in a document (restraining order, police report, etc.).

If an employer reasonably denies an employee's documentation deficient, the employer must: (A) notify the employee within seven days of the denial; and (B) the employee's return to work or separation (whichever is sooner), and (B) give the employee at least seven days to cure the deficiency.

PROTECTED HEALTH/SPEECH EXPRESSION & WHISTLEBLOWING ("PHEW") Worker Rights to Express Workplace Health/Safety Concerns & Use Protective Equipment

Coverage: All Employers and Employees, Plus Certain Independent Contractors

PHEW covers: an employee or a business with at least 5 independent contractors and "workers" (employees or independent contractors working for a "principal").

Worker Rights to Oppose Workplace Health/Safety Violations:

- It is unlawful to retaliate against, or interfere with, the following actions: (1) raising reasonable concerns, including informally to the principal, other workers, the government, or the public, about workplace violations of government health or safety rules, or a significant workplace health or safety threat;
- opposing or testifying, assisting, or participating in an investigation or proceeding about retaliation for, or interference with, the above-listed conduct.

Principals: A principal need not address a worker's PHEW-related concern, but it still cannot fire or take other action against the worker for raising such a concern, as long as the concern was reasonable and in good-faith.

Workers' Rights to Use Their Own Personal Protective Equipment ("PPE"):

- A worker must be allowed to voluntarily wear their own PPE (mask, faceguard, gloves, etc.) if the PPE (1) provides more protection than equipment provided at the workplace, (2) is recommended by a government health agency (federal, state, or local), and (3) does not make the worker unable to do the job.

COMPLAINT RIGHTS (under both HFWA & PHEW)

- Report violations to the Division as complaints or anonymous tips, or file in court after exhausting pre-lawsuit remedies.

This poster summarizes the Colorado workplace public health laws (C.R.S. 8-133-401 et seq., (paid leave), and C.R.S. 8-144-101 et seq., (health and safety whistleblowing) including amendments current as of the date of this poster. It does not cover other health or safety laws, rules, and orders, including under the federal Occupational Safety and Health Act (OSHA), from the Colorado Department of Public Health and Environment (CDPHE), or from local public health agencies. Contact those agencies for such health and safety information.

In a PHE, employees gain additional hours of leave for inability to work, testing, quarantining, caring for family in such situations, and related needs. This poster must be displayed where easily accessible to workers, shared with remote workers, provided in other languages as needed, and replaced with any annual updates displayed. This poster is a summary and cannot be relied on as complete labor law information. For all rules, fact sheets, translations, questions, or complaints, contact:

DIVISION OF LABOR STANDARDS & STATISTICS, ColoradoLaborLaw.gov, cde_labor_standards@state.co.us, 303-318-8441 / 888-390-7936.

EMPLOYEE POLYGRAPH PROTECTION ACT

EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act (EPPA) prohibits most private employers from using lie detector tests before or during the course of employment.

PROHIBITIONS: Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

EXEMPTIONS: Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities. The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security services, firms, (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR
1-866-487-9243
www.dol.gov/agencies/wHD
REV 02/22

FEDERAL MINIMUM WAGE

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

OVERTIME PAY At least 1 1/2 times your regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hour restrictions. Different rules apply in agricultural employment.

TIP CREDIT Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour it does not equal the minimum hourly wage, the employer must make up the difference.

PUMP AT WORK The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMENT The Department has authority to recover wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements.
- Some provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR
1-866-487-9243
www.dol.gov/agencies/wHD
WH08 REV 04/23

FMLA - FAMILY AND MEDICAL LEAVE ACT

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave? The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces FMLA. FMLA is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces FMLA. FMLA is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces FMLA.

Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you.
- Your serious mental or physical health condition that makes you unable to work.
- To care for your spouse, child or parent with a serious mental or physical health condition.
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military service member.

An eligible employee who is the spouse, child or parent of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise required by the law, you may be required to use FMLA leave in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #28M for more information.

FMLA leave is not paid leave, but you may choose to use your own paid leave, or any other paid leave, while you are on FMLA leave.

You are eligible to take FMLA leave if you are an eligible employee if all of the following apply:

- You work for a covered employer.
- You have worked for your employer at least 12 months.
- You have at least 1,250 hours of service for your employer during the 12 months before your leave.
- Your employer has at least 50 employees within 75 miles of your work location.

Unfired flight crew employees have different "work location" rules.

You work for a covered employer if one of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 weeks in the current or preceding calendar year.
- You work for an elementary or public or private secondary school.
- You work for a public agency, such as a local, state or federal government agency.

Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave? Generally, to request FMLA leave you must:

- Follow your employer's normal policies for requesting leave.
- Give your employer at least 30 days before your leave begins.
- If advance notice is not possible, give notice as soon as possible.

COLORADO MINIMUM WAGE

COLORADO OVERTIME & MINIMUM PAY STANDARDS ORDER

The COMPS Order (Colorado Overtime & Minimum Pay Standards) Poster & Notice

Colorado Minimum Wage: \$14.81 per hour in 2025, updated yearly (COMPS rule).

Must pay at least minimum wage for all time worked, whether by hour, salary, commission, piece rate, etc.

- Use the highest minimum wage applicable: ColoradoLaborLaw.gov lists all local minimum wages
- 15% lower is allowed for unmanipulated minors – but not for some local minimum wages

Overtime: 1 1/2 regular rate after 40 weekly hours, or 12 daily or consecutive (Rule 4)

- Can't give time off instead of overtime pay; can't average overtime hours over several weeks (or days)
- Agriculture: Overtime after 48 hours (56 at some highly seasonal sites); extra breaks and pay on long days
- Some (not all) jobs in health, ski, and heavy vehicles are partly or fully exempt (Rules 2.3-2.4)

Meal Periods: 30 minutes uninterrupted & duty-free, in shifts over 5 hours (Rule 5.1)

- Can be unpaid only for employees completely relieved of duty, and allowed do personal activities
- If work doesn't allow uninterrupted meal periods: must allow eating on duty, on paid time
- As much as practical, meal periods must be at least 1 hour after starting shifts, and 1 hour before ending

Rest Periods: 10 minutes, paid, every 4 hours (Rule 5.2)

#Work Hours: Rest Period:	Up to 2 0	>2, up to 6 1	>6, up to 10 2	>10, up to 14 3	>14, up to 18 4	>18, up to 22 5	>22 6
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Need not be off-site, but must not include work, and should be in the middle of the 4 hours if practical

- Rest periods count as time worked, including for minimum wage and overtime
- Extra pay is owed for rest period time not authorized or permitted, including for employees not paid hourly
- Break rules differ for some agricultural work (Rule 2.3, & the Agricultural Labor Conditions Rules)

Deductions, Credits, Charges, & Withheld Pay (Rule 6, & Colorado Wage Act)

- Unlaw pay: Owed promptly (if a termination by employer) or at next pay date (if employee resigned)
- Final pay: Must pay to departing employees, even if fired for cause or resigned without notice
- Tip credit: Can lower hourly pay up to \$3.02 if tips (not service charges) aren't diverted to untipped staff
- Meals: Can charge cost or value (without profit) of voluntarily accepted meals
- Lodging: Can charge \$25-\$100 weekly (by housing type) if voluntary and primarily for employee benefit
- Uniforms: Can't charge or require deposits for special uniforms, special cleaning, or ordinary wear and tear
- Other deductions: Only for items in C.R.S. 8-4-105; not for poor work, breakage, quitting without notice, etc.

Time Worked: All on-duty or on-premises time that must be paid (Rule 1.9)

- Cleanup or setup (examples: put on or remove clothes, or gear, worn only at work)
- Checking in or out (timeclock, security or safety screening, etc.), or waiting to do so
- Receiving or sharing work information, or wait for tasks – but not just off-duty time on premises
- Travel for employee benefit, but not normal commuting (Rule 1.9.2)
- Sleep time required to be on-site – but not if lengthy and uninterrupted (Rule 1.9.3)

Exemptions from COMPS (Rule 2.2 lists all; highlights below)

- Executive/supervisor, administrator, or professional: \$56,485 (updated yearly) in salary (not hourly pay)
- Other high-level work: non-manual jobs paid 24x times the above salary; 1/5 owners who actively manage
- Some (not all) salesperson, computer professionals, driver, camp/outdoor staff, or property managers
- Duties to pay wages, including most limits on deductions, still apply if exempt from COMPS

Employer Responsibilities (Rule 7)

- Give employees pay statements (total pay, rate, tips, credits, and time worked), and keep for 3 years
- Display this poster/notice where easily seen (or give to employees); also include in any handbook/manual
- Use translations (available from this Division) of this poster/notice for employees with limited English
- Not giving (or undercutting) posters or notices may disallow employer credits, deductions, or exemptions
- Individuals with control over work may be liable for wages and violations, even at incorporated employers

Complaint & Anti-Retaliation Rights (Rule 8)

- File complaints in the Division or Court, or send the Division confidential tips
- Retaliation, or actions interfering with rights, may yield fines or other sanctions for employers
- Immigration status is irrelevant to these rights, and can't be used to interfere with rights

Contact Us:

DIVISION OF LABOR STANDARDS & STATISTICS
303-318-8441 / 888-390-7936 / cde_labor_standards@state.co.us (English or Spanish)

WITHHOLDING STATUS

YOU MAY NEED TO CHECK YOUR WITHHOLDING

Since you last filed form W-4 with your employer did you...

- Marry or divorce?
- Gain or lose a dependent?
- Have other income or other services needs?

Where there major changes to...

- Your nonwage income (interest, dividends, capital gains, etc.)?
- Your family wage income (you or your spouse started or ended a job)?
- Your itemized deductions?

If you can answer "YES"...

To any of these questions or you owed extra tax when you filed your last return, you may need to file a new form W-4.

See your employer for a copy of Form W-4 or call the IRS at 1-800-829-1040.

Now is the time to check your withholding. For more details, get Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at www.irs.gov/individuals on the IRS website.

Employer: Please post or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and information on this subject.

Publication 213 (Rev. 8/2009)
Cat. No. 110499

UNEMPLOYMENT INSURANCE

NOTICE TO WORKERS

YOU HAVE THE RIGHT TO BE:

- Properly classified as an employee or an independent contractor
- Paid accurately and timely for the services you perform

There are resources available to you if you believe you are being subject to improper classification or inaccurate payment practices by your employer. For more information, go to www.coloradolaborlaw.gov or to www.coloradolaborlaw.gov.

Employers are required to follow the law when paying hourly wages, overtime, and properly covering you for unemployment insurance and workers' compensation purposes. As a worker, you have certain rights as an employee vs. independent contractor.

Employers have a number of specific rights, including the right to a written notice before firing, the right to rehire or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

ENFORCEMENT: The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR
1-866-487-9243
www.dol.gov/agencies/wHD
REV 02/22

AVISO A LOS TRABAJADORES

USTED TIENE EL DERECHO DE:

- Ser correctamente clasificado como un empleado o un contratista independiente.
- Ser pagado correctamente y puntualmente por los servicios que realiza.

Hay recursos disponibles para usted si cree que está sujeto a una clasificación incorrecta o prácticas de pago incorrectas por parte de su empleador. Para obtener más información, visite www.coloradolaborlaw.gov o llame al 1-800-829-1040.

Los empleadores están obligados a cumplir con la ley al pagar salarios por hora, horas extras, y lo que cobra adecuadamente para propósitos del seguro de desempleo y compensación de trabajadores. Como trabajador usted tiene ciertos derechos, sea que usted sea empleado o contratista independiente.

La clasificación incorrecta de los empleados como contratistas independientes y otras violaciones de la ley laboral crean muchos problemas, tanto para las empresas que respetan la ley para los trabajadores en Colorado.

Si cree que ha sido **clasificado incorrectamente** como un contratista independiente y realmente está desempeñando labores que encajan con los criterios de un empleado, usted puede solicitar beneficios de seguro de desempleo, y a www.coloradolaborlaw.gov o llame al 1-866-422-0402 (fuera del área metropolitana de Denver) o llame al 1-800-894-7330 (DDD fuera del área metropolitana de Denver) o al 1-800-894-7330 (DDD fuera del área de Denver-metro).

Seguro de Desempleo: Si usted tiene derecho a beneficios de seguro de desempleo al quedar sin empleo, y si ha sido clasificado como un empleado, usted puede solicitar beneficios de seguro de desempleo, y a www.coloradolaborlaw.gov o llame al 1-866-422-0402 (fuera del área metropolitana de Denver) o llame al 1-800-894-7330 (DDD fuera del área metropolitana de Denver) o al 1-800-894-7330 (DDD fuera del área de Denver-metro).

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ENFORCEMENT: El Secretario de Trabajo puede llevar acciones judiciales para restringir violaciones y evaluar sanciones civiles contra los infractores. Empleados o solicitantes de empleo también pueden llevar sus propias acciones judiciales.

LA LEY REQUIERE A LOS EMPLEADORES MOSTRAR ESTE AVISO DONDE LOS EMPLEADOS Y LOS SOLICITANTES PUEDAN VERLO FÁCILMENTE.

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR
1-866-487-9243
www.dol.gov/agencies/wHD
REV 02/22

USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

YOUR RIGHTS UNDER USERRA

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- you ensure that your employer receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services while with that particular employer;
- you return to work or apply for reemployment in a timely manner after conclusion of service; and
- you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you are a past or present member of the uniformed services, you have a right to membership in the uniformed service; or are obligated to serve in the uniformed service; then an employer may not deny you: - initial employment; - reemployment; - retention in employment; - promotion; or - any benefit of employment, because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA, including a person who files a complaint or participates in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION

- If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT

- The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4USA-DOL or visit its website at <https://www.dol.gov/agencies/vets>. An interactive USERRA Advisor can be viewed at <https://webapps.dol.gov/elaws/vets/userra>.
- If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- You may also pass the VETS process and bring a civil action against an employer for violations of USERRA.

Publication Date – May 2022

DISCRIMINATION IN EMPLOYMENT

Colorado Labor Prohibits Discrimination in Employment

C.R.S. § 24-34-401 et seq.

IT SHALL BE AN ILLEGAL PRACTICE OR UNFAIR EMPLOYMENT PRACTICE TO REFUSE TO HIRE, TO DISCHARGE, TO PROMOTE OR DEMOTE, TO HARASS DURING THE COURSE OF EMPLOYMENT, OR TO DISCRIMINATE IN MATTERS OF COMPENSATION, TERMS, CONDITIONS, OR WAGES OF EMPLOYMENT, BECAUSE OF DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, RELIGION, AGE, NATIONAL ORIGIN OR ANCESTRY, MARITAL STATUS, or, in certain circumstances, MARRIAGE TO A COWORKER.

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NOTICE

IF YOU ARE INJURED ON THE JOB, YOU HAVE RIGHTS UNDER THE COLORADO WORKERS' COMPENSATION ACT. YOUR EMPLOYER IS REQUIRED BY LAW TO HAVE WORKERS' COMPENSATION INSURANCE. THE COST OF THE INSURANCE IS PAID ENTIRELY BY YOUR EMPLOYER. IF YOUR EMPLOYER DOES NOT HAVE WORKERS' COMPENSATION INSURANCE, YOU STILL HAVE RIGHTS UNDER THE LAW.

IT IS AGAINST THE LAW FOR YOUR EMPLOYER TO HAVE A POLICY CONTRARY TO THE REPORTING REQUIREMENTS SET FORTH IN THE COLORADO WORKERS' COMPENSATION ACT. YOUR EMPLOYER IS INSURED THROUGH:

(Please write or type your insurance carrier name and contact information here.)

IF YOU ARE INJURED ON THE JOB, NOTIFY YOUR EMPLOYER AS SOON AS YOU ARE ABLE, AND REPORT YOUR INJURY TO YOUR EMPLOYER IN WRITING WITHIN 10 DAYS AFTER THE INJURY. IF YOU DO NOT REPORT YOUR INJURY PROMPTLY, YOU MAY STILL PURSUE A CLAIM.

ADVISE YOUR EMPLOYER IF YOU NEED MEDICAL TREATMENT. IF YOU OBTAIN MEDICAL CARE, BE SURE TO REPORT TO YOUR EMPLOYER AND HEALTH-CARE PROVIDER HOW, WHEN, AND WHERE THE INJURY OCCURRED.

YOU MAY FILE A WORKER'S CLAIM FOR COMPENSATION WITH THE DIVISION OF WORKERS' COMPENSATION. TO OBTAIN FORMS OR INFORMATION REGARDING THE WORKERS' COMPENSATION SYSTEM, THE CUSTOMER SERVICE CONTACT INFORMATION FOR THE DIVISION OF WORKERS' COMPENSATION IS:



Division of Workers' Compensation
633 17th Street, Suite 400
Denver, CO 80202



303-318-8700
1-888-390-7936 (Toll-Free)
cdle.colorado.gov/dwc

