

COLORADO EMPLOYERS FACE NEW EMPLOYMENT LAWS

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With Colorado's return to one-party control, Colorado employers face a spate of new employment laws. Employers in Colorado should review their practices, policies, and procedures to ensure that they are in compliance with these new laws.

Colorado Chance to Compete Act—"Ban the Box" Legislation: Under the new law, an employer may not state in an advertisement or application that a person with a criminal history may not apply to the position. The employer also may not inquire about or require the disclosure of an applicant's criminal history in an initial application. The law takes effect on September 1, 2019, for employers with 11 or more employees, and September 1, 2021 for employers with fewer than 11 employees.

Equal Pay for Equal Work Act: The law prohibits an employer from discriminating between employees on the basis of sex by paying an employee of one sex a wage rate less than the rate paid to an employee of a different sex for substantially similar work, regardless of job title. The law also prohibits an employer from seeking or relying on a prospective employee's wage rate history to determine a wage rate. Finally, employers may not prohibit employees from discussing their wage rates. The law takes effect January 1, 2021.

Criminal Penalties for Wage Violations: Employers who willfully refuse to pay a wage claim or falsely deny the validity of a wage claim over \$2,000 may be liable for felony theft. The penalty for theft ranges from \$50 to \$1,000,000 depending upon the circumstances. The law applies to employers that are covered by the federal Fair Labor Standards Act. The law takes effect on January 1, 2020.

Minimum Wage: Colorado's minimum wage will rise to \$12/hour in 2020. In addition, a new law will allow local governments to establish a higher minimum wage for individuals performing, or expected to perform four (4) or more hours of work for an employer in the local government's jurisdiction. The local minimum wage rates may exceed the state minimum rate by up to \$1.75 or 15 percent each year. The law will take effect on January 1, 2020.

Wage Garnishment Reform: The act decreases the amount of an individual's earnings that are subject to garnishment. Garnishments will be limited to the lesser of (a) 20 percent (formerly 25%) of the individual's disposable weekly earnings and (b) the amount by which the individual's

disposable weekly earnings exceed forty percent (formerly 30%) of the state or federal minimum wage. This law will apply to all writs of garnishments issued on or after January 1, 2020.

Bryan Cave Leighton Paisner LLP has a team of knowledgeable lawyers and other professionals prepared to help employers review their employee policies. If you or your organization would like more information on any state-specific laws or any other employment issue, please contact an attorney in the Employment and Labor practice group.

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