



## Interpretive Notice & Formal Opinion (“INFO”) #2:

### Summary: The Division Wage Claim Investigation, Appeals, and Enforcement Process

- (1) **Wage Claim Process** [Details in [INFO #2A](#)]: The Division investigates complaints filed by individuals who allege that their employer(s) did not pay wages.
- **Wage Complaint:** Claimants can file claims for unpaid wages using the Division’s complaint form. There is no minimum claim amount; the most the Division can order is \$7,500. After a claimant files their complaint, the Division may follow up with additional questions and requests for documents to understand the claim.
  - **Employer Response:** Once there is enough evidence of a possible violation, and of an approximate amount of wages that may be owed, the Division will send the employer a Notice of Complaint (NOC) with an explanation of the allegations, the relevant law, and a copy of the wage complaint and supporting documents. The employer has 14 days after the NOC to respond to the allegations and provide evidence.
  - **Determination:** Based on all information received, the Division will decide and issue either (a) a Citation and Notice of Assessment finding violations of law, or (b) a Notice of Compliance if no violation is found.
- (2) **Penalties and Fines** [Details in [INFO #2B](#)]: If an employer does not pay an employee all earned wages, on time, they may owe more than just the wages:
- **Penalties**, payable to the employee: If wages aren’t paid within 14 days of a valid written demand, including a Division NOC, the employer will owe penalties. If the Division finds the employer’s violation or failure to pay in response to a written demand was willful — when an employer knowingly or recklessly violates the law, or fails to respond to a demand — then the penalties owed will increase.
  - **Fines**, payable to the Division: The Division may order the employer to pay fines for not following the law, including these common fines:
    - (a) *Failure to pay wages*: up to \$50 per day wages were not paid, but typically less — and potentially waived for good-faith employer effort to comply, or increased if evidence shows bad-faith conduct.
    - (b) *Failure to respond* to an NOC or other Division notice: \$250 per non-response.
    - (c) *Failure to provide pay statements* with an NOC response: \$250 per month without a pay statement.
  - **After 60 days of non-payment**, fines and penalties increase.
  - When the Division finds wages are owed, it may also award Claimants a recovery of (A) certain **costs** of their claim and (B) **attorney fees** if they won over \$5,000 in wages and were represented by a lawyer.
- (3) **Appeals** [Details in [INFO #2C](#)]: Parties may appeal Division wage determinations by filing an appeal (see the Division [appeal form](#)), received by the Division within 35 days, explaining why the decision was wrong.
- After receiving a timely appeal, the Division will send the parties an appeal record (all documents in the claim), with either a Notice of Hearing — with the hearing date, time, participation instructions (phone or video method, how to present evidence, etc.) — or an explanation of why a hearing is not necessary.
  - Usually, filing an appeal will *not* extend deadlines in the Notice of Assessment.
  - After a hearing, the Division will issue a Hearing Officer decision. A party may ask for judicial review of the decision by filing in the appropriate Colorado district court within 35 days of the Hearing Officer decision.
- (4) **Enforcement** [Details in [INFO #2D](#)]: If an employer doesn’t pay by 60 days after a determination, the Division will impose increased fines and penalties (noted above), and may also enforce compliance with:
- **Filing Citations as Court Judgments:** The Division can file a certified copy of the determination in court, making the Division’s determination an official court judgment that allows all court order collection efforts.
  - **Liens and Levies:** the Division can order employers or others (e.g., banks) to freeze employer assets, and then can seize those assets in 30 days, using the assets to pay wages, penalties, and fines owed.