

2019

Regulatory Agenda

January 1, 2019-December 31, 2019



COLORADO
Department of
Labor and Employment

Overview

The Colorado Department of Labor and Employment submits the following 2019 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4). Pursuant to state law, annually on November 1 executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department’s “Regulatory Efficiencies Reviews” during 2017 (which are denoted as such in the “purpose” column). The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department’s web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its “SMART Act” hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(III)(A).

The following constitutes Department of Labor and Employment’s Regulatory Agenda for 2017-2018 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):

Schedule	Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders <i>Consider including high-level outreach bullets</i>	List of all rules adopted since previous DRA was filed
June 2019	7 CCR 1101-2	Worker Classification Investigations and Fines	Rev	8-72-114(3)	To allow a monetary penalty to be assessed upon the first finding of an employee	Employers and workers, business associations, advocacy groups, labor and union organizations	

					misclassification and any time after should that misclassification continue.		
June 2019	7 CCR 1101-2	24-Hour Rule	Rev	8-72-108, 8-74-101 to 8-74-109, 8-76-103 (4), 8-76-113, and 8-80-102	To require parties to pre-register for their hearing in advance this will allow us to be more able to predict what coverage we have for hearings in advance. This will allow us to increase scheduling and assist with staffing shortages.	Claimants, employers, business representatives, attorneys, and third party administrators	
June 2019	7 CCR 1101-2	Phone Hearings	Rev	8-72-108, 8-74-101 to 8-74-109, 8-76-103 (4), 8-76-113, and 8-80-102	To allow the chief hearing officer or their designee to determine the method by which parties can participate in a hearing.	Claimants, employers, business representatives, attorneys, and third party administrators	
June 2019	7 CCR 1101-2	Filing a Continued Claim	Rev	8-70-111 (2)(a), 8-70-112, 8-73-107 (1)(a)(b)(e)(h), and 8-74-101 (1)	To allow a return to a seven-day filing threshold for continued claims to decrease delays in the payment of benefits.	Employers and workers, business associations, advocacy groups, labor and union organizations	
Oct 2019	7 CCR 1101-2	Definition of Remuneration	Rev	8-73-110	To further define the types of payments other than wages are included in additional remuneration received because	Employers and workers, business associations, advocacy groups, labor and union organizations	

					of a separation		
Jan 2019	7 CCR 1101-3 R3	Insurance Coverage	Rev	8-47-107	Update rule to reflect statutory changes	Insurers, self-insured employers, medical providers, claimants	
March 2019	7 CCR 1101-3 R2.5	Surcharge Rate	Rev	8-44-112	Mandatory Review		
July 2019	7 CCR 1101-3 R17	Medical Treatment Guidelines	Rev	8-42-101 (3)	Mandatory Review	Ongoing medical policy advisory panel (fee schedule)	
November 2019	7 CCR 1101-3 R16 & 18	Utilization Standards and Medical Fee Schedule	Rev	8-42-101	Mandatory Review	Ongoing medical policy advisory panel	
Ongoing	7 CCR 1101-3	General Rule Review	Rev	8-47-107	Eliminate red tape, clarify rules, improve efficient operation of the workers' compensation system	Task force meetings with impacted stakeholders	
1/1/19	7 CCR 1103-1	Colorado Minimum Wage Order Number 35	Rev	8-1-107(2)(p), 8-6-1-6, 8-6-108(2), 8-6-109	MWO 35 will adjust the Colorado state minimum wage rate to \$11.10 per hour required by the Colorado Constitution. It will also incorporate the \$3.02 minimum wage offset for employees who regularly receive tips	Labor and union organizations, non-profit organizations, advocacy groups, Wage Theft Task Force, national and local law firms and bar associations, universities, business associations and organizations, internal state agencies	
2/14/19	7 CCR 1103-8	Audit investigations	New	8-1-101, 8-4-101	To institute a new audit investigations process within the division, in	Labor and union organizations, non-profit organizations, advocacy groups, Wage Theft Task Force, national and local law firms and bar associations,	

					response to the directives outlines in Executive Order B2018 003, which created the Joint Enforcement Task Force on Payroll Fraud and Employee Misclassification in the Construction Industry	universities, business associations and organizations, internal state agencies	
November 2019 (Anticipated Hearing Date)	7 CCR 1103-1	Colorado Minimum Wage Order Number 36	Rev	8-1-107(2)(p), 8-6-1-6, 8-6-108(2), 8-6-109	MWO 36 will adjust the Colorado state minimum to \$12.00 an hour as required by the Colorado constitution. It will also incorporate a \$3.02 minimum wage offset for employees who regularly receive tips.	Labor and union organizations, non-profit organizations, advocacy groups, Wage Theft Task Force, national and local law firms and bar associations, universities, business associations and organizations, internal state agencies	7 CCR 1103-1 Colorado Minimum Wage Order Number 35
April 2019	7 CCR 1105-1 Vol 9	Vendor Certification	Rev	SB18-145, 8-84-106(3)(b)(III.5)	Require vendors of supported employment services to obtain a nationally recognized training certificate.	Recipients of VR services, vendors, consumer advocacy groups, parents/guardians of recipients of services, employers, State Rehabilitation Council	
January 2019	7 CCR 1101-8	Conveyance Regulations	Rev	CRS 98-5.5	Add new definitions, clarify existing requirements, amend	Conveyance owners, contractors, inspectors, mechanics, interested citizens	

					enforcement language		
February 2019	New rule Underground Damage Prevention Safety Commission	Oil & Public Safety	New	CRS 9-1.5	Develop new rules primarily pertaining to enforcement of violations	Utility Notification Center of Colorado, excavators, underground facility owners	
May 2019	7 CCR 1101-14	Storage Tank Regulation	Rev	CRS 8-20-102, 820.5-202, 820.5-302	Installer certifications and installation inspection procedures	Owners, operators, consultants and industry specialists	