



---

## Small Business Owners Oppose Joint Employer Expansion

---

Thu, May 21, 2020 at 1:44 PM

To: michael.primo@state.co.us

Bernard Kenney

Manager

Daly Kenney Group LLC

Mr. Michael Primo

Director of Operations

Colorado Department of Labor

[633 17th Street](#)

Small Business Owners Oppose Joint Employer Expansion

Dear Mr. Primo:

I am one of over 25 Dunkin' Brands franchisees in the United States that independently own and operate over 75 Dunkin' and Baskin-Robbins locations in Colorado. I am a small business owner that is impacted by the amendments to Colorado Overtime & Minimum Pay Standards (COMPS Order) #36 proposed by the Department of Labor and Employment published on April 25, 2020 (the "Proposed Order"). I write today to express significant concerns with the substance of the Proposed Order, its potentially profound economic negative impact on Colorado's franchise businesses and their employees, the process by which the proposal is being considered, and also the timing. By adopting a new and expanded definition of "joint employer," the Proposed Order will provide a substantially different definition of "employer" under state wage and hour law than that under the federal Fair Labor Standards Act (the substance of which was adopted via the Colorado state legislature only a year ago), thereby upending the franchise business model in the state. Additionally, pushing through major operational changes at this time is simply not appropriate. Colorado owned franchise businesses are facing a dire economic situation because of COVID-19. As the state begins the slow task of safely resuming economic activity for all franchises, the threat of expanded and unclear liability has the potential to grind this already daunting process to a halt. For these reasons, I request that the Department reconsider moving forward on the Proposed Order at this unprecedented time. Thank you for your consideration.

Sincerely,

Bernard Kenney

Manager Daly Kenney Group LLC