

# 2018

## Regulatory Agenda

January 1, 2018-December 31, 2018



**COLORADO**  
Department of  
Labor and Employment

## Overview

The Colorado Department of Labor and Employment submits the following 2018 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
Anticipated Hearing or Adoption Date			If a only a part of a CCR is repealed , it should	Statutory authority		Categories of stakeholders, not individual stakeholders	

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			be classified as "revised"				
Hearing 10/30/2017	7 CCR 1101-2, Parts 11.2 & 12.1	Appeals Procedures & Determination of Good Cause	Rev	8-72-102	Facilitate a streamlined process for determining good cause as it relates to actions associated with appeals.	Employers and employer representatives, claimants, Labor & union organizations, Non-profit organizations, Advocacy groups, National & local law firms and bar associations, Business associations and organizations	Emergency rule adopted 8/15/2017 on Parts 11.2 and 12.1
Anticipate Hearing 01/2018	7 CCR 1101-2, Part 7	Employer Records and Reports	New	8-79-105 (5)	To define the pattern of nonresponse that would allow the UI Division to charge an employer for benefits paid erroneously as a result of the employer's failure to respond.	Employers and employer representatives, claimants, Labor & union organizations, Non-profit organizations, Advocacy groups, National & local law firms and bar associations, Business associations and organizations	
Anticipate Hearing 02/2018	7 CCR 1101-2, Part 7.2	Reports	Rev	8-76-104 (3)(g) & 8-76-106 (4)	Require employers to submit quarterly wage reports electronically; include a waiver process	Employers and employer representatives, claimants, Labor & union organizations, Non-profit organizations, Advocacy groups, National & local law firms and bar associations, Business associations and organizations	
Anticipate Hearing	7 CCR 1101-2, Part 2.8	Eligibility Requirements	Rev	8-73-107	Amend the requirements that	Employers and employer representatives, claimants,	

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02/2018					define a work search	Labor & union organizations, Non-profit organizations, Advocacy groups, National & local law firms and bar associations, Business associations and organizations	
Anticipate Hearing 05/2018	7 CCR 1101-2, Part 17.3	Worker Classification Fines	Rev	8-73-114	Amend the fines associated with improper classification of worker	Employers and employer representatives, claimants, Labor & union organizations, Non-profit organizations, Advocacy groups, National & local law firms and bar associations, Business associations and organizations	
Anticipate Hearing 05/2018	7 CCR 1101-2, Part 12	Determination of Good Cause	Rev	8-72-102	Amend the guidelines for what constitutes good cause for the failure to act	Employers and employer representatives, claimants, Labor & union organizations, Non-profit organizations, Advocacy groups, National & local law firms and bar associations, Business associations and organizations, Internal CDLE divisions	
4/2018	7 CCR 1101-3 Rule 2-5 and 7-4	WC Surcharge, life Expectancy table	Rev	8-44-112, 8-46-102 and 8-43-204	Update the surcharge paid by insurers to the WC Cash Fund, review the life expectancy table.	Insurers, self-insured employers, attorneys	
4/2018	7 CCR 1101-3 Rule 16 & 18	Medical Utilization Standards and Fee Schedule	Rev	8-42-101(3)	Update the workers' compensation fee schedule	Insurers, self-insured employers, medical providers, claimants	
12/2018	7 CCR 1101-	Medical	Rev	8-46-102	Update medical	Insurers, self-insured employers,	

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	3 Rule 17	treatment Guidelines			treatment guidelines	medical providers, claimants	
11/9/17	7 CCR 1103-1	Colorado Minimum Wage Order Number 34	Revision	Colorado Constitution, Article XVIII, Section 15; C.R.S. 8-6-101 et seq.	The purpose of Colorado Minimum Wage Order Number 34 is to reflect the new state minimum wage of \$10.20 per hour, and make any other necessary and timely changes.	<ul style="list-style-type: none"> <li>□ Labor &amp; union organizations</li> <li>□ Non-profit organizations</li> <li>□ Advocacy groups</li> <li>□ Wage Theft Task Force</li> <li>□ National &amp; local law firms and bar associations</li> <li>□ Universities</li> <li>□ Business associations and organizations</li> <li>□ Internal state agencies</li> </ul>	Colorado Minimum Wage Order Number 33 Adopted November 2016.
11/10/2018	7 CCR 1103-1	Colorado Minimum Wage Order Number 35	Revision	Colorado Constitution, Article XVIII, Section 15; C.R.S. 8-6-101 et seq.	The purpose of Colorado Minimum Wage Order Number 35 is to reflect the new state minimum wage of \$11.10 per hour, and make any other necessary and timely changes.	<ul style="list-style-type: none"> <li>□ Labor &amp; union organizations</li> <li>□ Non-profit organizations</li> <li>□ Advocacy groups</li> <li>□ Wage Theft Task Force</li> <li>□ National &amp; local law firms and bar associations</li> <li>□ Universities</li> <li>□ Business associations and organizations</li> <li>□ Internal state agencies</li> </ul>	
February 2018	7 CCR 1101-9	Explosives Regulations	Rev	9-7-105	Add new definitions and Type I classification, fix typographical errors	Permit Holders, Special Districts, interested citizens	
February 2018	7-CCR 1101-12	Amusement Rides and Devices Regulations	Rev	8-20-1001 through 8-20-1004	Add variance language, definitions and update 3rd party	Owner/Operators, Special Districts, Inspectors	

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					inspector qualification requirements.		
May 2018	7 CCR 1101-16	Retail Natural Gas (CNG/LNG) Regulation	Rev	8-20-102 & 39-27-123	Set forth minimum standards for retail natural gas fueling facilities	Retail station owners, Compressed natural gas marketers Equipment installers Government agencies and fleets Consumers/users	