

**COLORADO**  
— ASSOCIATION OF —  
**HOME BUILDERS**

May 19, 2020

Scott Moss, Director  
Division of Labor Standards and Statistics  
Colorado Department of Labor and Employment  
633 17<sup>th</sup> Street, Suite 600  
Denver, CO 80202

Via Email

RE: Amendments to the Wage Protection Act Rules and the COMPS Order #36

Dear Director Moss:

The members of the Colorado Association of Home Builders have grave concerns with the policy, timing and the process involved with the amendments to the Wage Protection Act Rules and the Colorado Overtime & Minimum Pay Standards (COMPS Order) #36, as proposed by the Department of Labor and Employment/ Division of Labor Standards and Statistics and published on April 15, 2020.

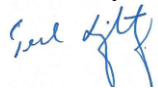
We appreciate your reconsideration and withdrawal of the proposed rule change – but would like to express our opposition to the concept of the policy change, especially during one of the worst economic downturns in the state’s history. The proposed rule would further aggravate the ability of employers to rebound and rehire their workforce by imposing vague and subjective standards for that employment.

The proposed rule creates a standard that is broader than either of the prior rules the Department currently uses, is contrary to the U.S. Department of Labor’s current final rule, and is counter to the definition explicitly adopted by the Colorado General Assembly in 2019. Therefore, the uncertainty caused by the proposed rule will undermine hiring, cause additional litigation, and threatens existing contractual relationships.

Finally, the lack of stakeholder input and discussion and the timing of this proposal -- after the much more robust process enlisted for the main adoption of the COMPS order -- is very disappointing, especially while the state is in litigation on this very subject. Respectfully, we have not seen, from the Department or other stakeholders, any evidence that workers are being harmed and are unable to settle any grievances for wage and hour disputes within the current complaint and appeal process enforced by the Department.

Again, thank you for withdrawing this proposed rule and considering our concerns.

Sincerely,



Ted Leighty

CEO

Colorado Association of Home Builders

cc: Patrick Teegarden