



COLORADO DIVISION OF LABOR STANDARDS AND STATISTICS
COMBINED EXPLANATION OF APPEAL RIGHTS

This form is intended for appeals of Colorado Department of Labor and Employment determinations regarding:

- The Employment Opportunity Act** (C.R.S. § 8-2-126, regarding credit history);
- The Social Media and the Workplace Law** (C.R.S. § 8-2-127, regarding social media);
- The Colorado Chance to Compete Act** (C.R.S. § 8-2-130, regarding criminal history);
- The Equal Pay for Equal Work Act** (C.R.S. § 8-5-201, regarding transparency in pay and job opportunities); and
- Non-wage claims arising under SB21-87** (C.R.S. § 8-2-206(3), regarding agricultural labor); **the Healthy Family and Workplaces Act of 2020** (C.R.S. § 8-13.3-401 *et seq.*, regarding paid leave); **the Public Health Emergency Whistleblower Law** (C.R.S. § 8-14.4.101 *et seq.*, regarding public health emergencies), or **the Whistleblower, Anti-Retaliation, Non-Interference, and Notice-Giving (“WARNING”) Rules** (7 C.C.R. § 1103-11).

To appeal other kinds of determinations, use the forms available at <https://cdle.colorado.gov/wage-claim-appeal-faqs>.

Either party can appeal a determination. If you want to appeal a determination, fill out the attached two-page form and return it to the Division. **The Division must receive the appeal no later than 35 calendar days** from the date of the determination. **The Division cannot accept late appeals. If no appeal is received by the applicable deadline, the determination is final.** Fill out the form completely and sign it. Explain why you believe the determination contains an error. Attach any new evidence that could help you prove there is an error in the determination. Make a copy before filing. Keep a copy of your completed appeal form and any new evidence for your records.

An employer or principal may request that a compliance order be postponed (“stayed”) pending an appeal decision. An appeal of a determination is not a request for stay of a compliance order (an order to do something other than pay wages, penalties, and fines). If you want a compliance order stayed, you must specifically request it in the appeal filing. The employer or principal should file its appeal and stay request as soon as possible after the determination (if possible, do not wait until the 35-day deadline), so the Hearing Officer has as much time as possible to address the request before the order takes effect. There is no guaranteed right to a stay. **Many determinations do not include compliance orders, in which case this does not apply.**

File your completed, signed appeal form and any new evidence. You may file by mail, hand delivery, email, or fax.

Mail or hand delivery:

Division of Labor Standards and Statistics
633 17th Street
Denver, CO 80202

Email:

cdle_ls_appeals@state.co.us

Fax:

(303) 318-8400

The Division will notify you and the other party of the date and time of the hearing and other deadlines and instructions related to the appeal process. The Hearing Officer can order the parties to testify or to produce documents and other evidence.

A Hearing Officer will conduct the hearing by telephone. During the hearing, all parties will be able to testify, present arguments, and question the other witnesses.

Questions? Call the appeals staff at (303) 318-8442, or email cdle_ls_appeals@state.co.us. Staff may answer questions about this process, but they may not discuss the facts of your case with you. Do not direct appeals-related questions to the Compliance Investigator who issued the determination.





COLORADO DIVISION OF LABOR STANDARDS AND STATISTICS
COMBINED HEARING REQUEST FORM

Complaint number	
Your name (and company's name, if applicable)	Telephone number
Mailing address	Email address
<p>If you will be represented by a third party, write their name, address, phone number, and email address below. If you have not already done so, file an Authorized Representative Form with the Division.</p>	
<p>Has the employer or principal filed for bankruptcy?</p> <p><input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Unsure</p> <p>If yes, case number:</p>	<p>Do you need an interpreter or other accommodation?</p> <p><input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Unsure</p> <p>If yes, explain what you need:</p>
<p>Describe the error in the Compliance Investigator's determination (<i>i.e.</i>, why you are appealing). Attach additional pages if necessary. If you have new evidence, attach it or explain what you intend to submit. If you do not attach the new evidence now, then when you send it to the Division later, you must send a copy to the other party.</p>	





Only the alleged employer or principal completes this box *if* they are requesting a postponement (“stay”) of a compliance order as part of their appeal. A compliance order is an order for the alleged employer or principal to do or to stop doing something (aside from paying wages, penalties, and/or fines). If a compliance order is set to take effect before an appeal is decided, the alleged employer or principal can request that it be put on hold (stayed) until the appeal is decided. **Many determinations do not include compliance orders, in which case this box does not apply and can be left blank.**

If you want to ask for a stay, state your case here. Attach additional pages if needed. One of the considerations is whether the determination should be reversed overall, but do not repeat why here, since the prior page asked you to so explain there, and we will consider that explanation in your request for a stay. Rather, explain in detail, and you may cite or attach any evidence, as to what, if any, particular hardship(s) you will face if the order is not stayed until after the appeal is decided, and (optionally) any reasons you think granting a stay would not cause hardships to the worker(s) in question or to the public interest. Requests for stays usually are decided based on written submissions, before any hearing on the merits of the appeal. There are not likely to be further submissions or proceedings on the stay request beyond what you state here, along with any response(s) from other interested parties.

You must notify the other interested party/parties of any request for a stay.

By signing below, **I certify** that on or before today's date, I sent a copy of this appeal filing, including my request for a stay and all attachments thereto, to **both**:

- (1) The claimant(s)/alleged employee(s), via (check one): email mail fax other _____; and
- (2) The Division's investigations team, via email to: cdle_labor_standards@state.co.us. (Sending an email to the individual Compliance Investigator who issued the order does not suffice for this purpose, nor does sending an email to the Division's appeals email address.)

I understand that any person providing false information to the Division of Labor Standards and Statistics may be subject to criminal prosecution under the laws of the State of Colorado with possible penalties of imprisonment, fines, or both. **I declare** under penalty of perjury (C.R.S. § 18-8-501, *et. seq.*) that the information I provided is true and correct. If I am not the appealing party, **I certify** that I am acting on their behalf.

Signature of the Person Appealing (or authorized representative)

Date (MM/DD/YYYY)

