



**FACT SHEET:**

**Changes to Wage and Hour Enforcement under Colorado Senate Bill 22-161 (“[SB161](#)”)**

**1. Increased penalties for non-payment of wages:** If the Division or a court finds that an employer unlawfully failed to pay wages, it is liable for **three times the wages due** (the wages due plus a 200% penalty), or if greater, the wages due plus \$1,000. **If the violation is found “willful,”** the liability rises to **four times the wages due** (the wages due plus a 300% penalty), or if greater, the wages due plus \$3,000).

Was the Violation Willful?	Amount of Wages Unpaid?	Amounts Due to the Claimant:		Total Due If Division Offers to Reduce Penalties 1/2 (for paying 14 days after order)
		Just Penalties (apart from wages due)	Total Due to Claimant (wages due + penalties)	
No →	≤ \$500 →	\$1,000	wages owed + \$1000	wages owed + \$500
	≥ \$500 →	2x the wages owed	3x the wages owed	2x the wages owed
Yes →	≤ \$1000 →	\$3,000	wages owed + \$3000	wages owed + \$1500
	≥ \$1000 →	3x the wages owed	4x the wages owed	2.5x the wages owed

The Division also has increased authority to fine parties who fail to provide information or evidence the Division requests in its investigative efforts.

- 2. If employers don’t pay all wages, penalties, and fines ordered by the Division within 60 days:**
- a. **the penalties and fines due rise by 50%**, except with a minimum \$3,000 increase in penalties;
  - b. **the Division may file a certified copy** of any of its orders as a court judgment — claimants no longer file them on their own, the Division will do so for them upon request — and a court-filed certified copy then “has the effect of and may be executed as a judgment of the court”; and
  - c. **the Division may, to execute payment, freeze and seize assets** of the employer, including any funds in any form or account, any property (real, personal, or intangible), any funds or other assets the employer is owed by anyone, and any funds or other assets the employer has anyone’s custody or control.

**3. Advance written notice of any deduction from wages for unreturned money or property** is now required, within 10 days of the employee’s separation from their job. The notice by the employer must specify: the amount of money or specific property the employee failed to pay or return; any replacement value of the property; and to the extent known, when the money or property was provided to the employee, and when they should have returned or repaid it. If the employee returns the money or property within 14 days of the notice, then any deduction for that money or property must be paid to the employee within 14 days of the return. (C.R.S. 8-4-105(1)(e), which also still has pre-SB161 restrictions on when a deduction is permissible.)

**4. Any attorney fees and costs** of an employee’s wage claim may be recovered from an employer that the Division finds unlawfully failed to pay wages of at least \$5,000 (for fees) or of any amount (for costs).

- 5. Employee may file the following new types of claims:**
- a. **group wage and hour complaints**, on behalf of not just the filer, but others “similarly situated” as to the claim(s) filed; and
  - b. **retaliation for exercising any rights related to wages or hours** (in court or with the Division), with remedies including **reinstatement and awards of lost wages**.

**For more information:**

- See the Division’s more detailed **published guidance on wage enforcement: [INFO #2](#)**.
- Then, with any **follow-up questions**, email [cdle\\_labor\\_standards@state.co.us](mailto:cdle_labor_standards@state.co.us), or call 303-318-8441.