Interpretive Notice & Formal Opinion (“INFO”) #20:
Summary: “Time Worked” That Must Be Paid under Colorado Law

Employees must be paid for any time that counts as “time worked,” also called “compensable time” or “paid time.” This INFO #20 is a summary of the details in INFO #20A (what does and doesn’t count as time worked under Colorado law), #20B (how time worked applies to different types of pay) and #20C (travel time and sleep time).

**General Rule**: Time worked is all time performing labor or services for employer benefit. That includes:

- **Performing work**. Time an employer benefitted from and permitted, even if it didn’t require the time.
  - Benefit to an employer doesn’t require an employer to actually control the employee activities.
  - Permission includes work the employer didn’t expressly authorize — if the employer knew, or had reason to believe, employees worked for its benefit, including:
    - Work an employer knew or had reason to believe was done outside scheduled shifts; and
    - Off-site work, if the employer permitted it — such as allowing remote or home-based work.

- **On-premises time** in some cases, depending on why employees are on premises, may be time worked.
  - Required presence at any location is time worked, even if no productive work is done.
  - Choosing to be on-site, if completely relieved of duty (coming early or staying late to socialize with co-workers, or to eat in a break room) is not time worked.

- **The continuous workday**. Even if time is duty-free, it is time worked if it’s after the start and before the end of other time worked — except for long enough breaks when fully relieved from duty.

**Common Pre-/Post-Shift Tasks that Count as “Time Worked,”** if they take over one minute:

- Required clothing or gear pickup, dropoff, and putting on and off — except clothes worn outside work too;
- Checking in or out — whether for clocking, security, safety, or other purposes;
- Meetings or other information sharing or receiving before, after, or otherwise outside scheduled shifts;
- Post-shift clean-up, or similar off-the-clock duty before or after shifts; and
- Waiting for any of the above, whether in line or in a specific spot.¹

**Waiting**:
- Required waiting on-site, for work assignments or for other kinds of time worked, is time worked.
- On-call time off-site, and sleep time on-site, may or may not be time worked — depending on how restricted or unrestricted, and how interrupted or uninterrupted, the employee’s time is.

**Travel**:
- Regular commuting is not time worked, unless it includes other time worked (such as work calls while driving) or follows other time worked (under the “continuous workday” rule, above).
- Other travel for employer benefit is time worked — driving between appointments, etc.

**Pay**:
- Except for workers exempt from these wage and hour laws:
  - All time worked must be tracked and paid, whether by hour, salary, piece rate, commission, etc.
  - Time past 40 hours a week or 12 a day requires time-and-a-half overtime pay.²
  - Pay can be any agreed rate, as long as minimum wage or more is paid “for all hours worked,” not just on average over a week or pay period.³

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¹ In contrast, federal law excludes various of these pre-/post-shift activities that Colorado law covers; see INFO #20A.
² For more on who is covered or exempt from overtime, or from other wage and hour requirements, see INFO #1.
³ In contrast, some federal courts view federal law as requiring minimum wage only on average by week; see INFO #20B.