



Interpretive Notice & Formal Opinion (“INFO”) #3A:

Timing of Wage Payments, & Required Record-Keeping

Overview

This INFO addresses when employers must pay wages, different rates of pay and changes to pay rates, methods of payment, and requirements regarding pay statements and recordkeeping. INFO #3B explains the definition of covered wages and compensation.

Timely Payment of Wages — every employer must:

- **establish regular pay periods** of no longer than one calendar month or 30 days, whichever is longer, and **regular pay days** no later than 10 days following the close of each pay period;¹
- **assure enough funds** in its account for employees to cash or deposit wages — with penalties if, twice in a 24-month period, an employee can’t cash or deposit their wages due to insufficient employer funds;² and
- **post a notice** detailing the regular paydays, time and place of payment, and any changes to those — at the workplace if practicable, or an office for payment kept by the employer, or any other location where employees can easily see it (electronic posting is allowed if easily accessible to employees).³

Payment of Wages When Employment Ends (“Separation” from Employment)

- When an employer **fires or lays off** an employee, the employer must **immediately** pay all wages owed.⁴
 - If the employer payroll unit isn’t regularly scheduled to be operational, then (A) wages must be available to the employee no later than six hours after the start of the unit’s next regular workday,⁵ or (B) if the payroll unit is off-site, then by 24 hours after its next regular workday starts, wages must be delivered to any of these: the worksite; the employer’s local office; or the employee’s last known mailing address.⁶
 - The employer may take 10 days to audit to ensure that all **property or money** entrusted to the employee was returned. Written notice and other requirements apply to deductions in this situation.⁷

Example: An employer that fires an employee but does not pay them until 3 days later, after an audit to make sure a computer entrusted to the employee was returned, is still considered to have paid timely.⁸

- When an employee **quits or resigns**, the employer must pay all wages owed to the employee by or on the **next regular payday** to one of the three locations listed in the exception above.⁹
- If an employer sends payment to (1) the worksite or (2) the local office per the above, but the employee doesn’t receive the wages 60 days after they were due, the employer must use option (3), mailing.¹⁰
- If an employee **files a complaint**, or **sends a written demand**, for payment of wages, the employer must pay all wages owed within 14 days after the Division’s Notice of Complaint or the employee’s written demand is sent, or it may face penalties on the unpaid wages.¹¹ See [INFO #2](#).

¹ [C.R.S. § 8-4-103\(1\)\(a\)](#).

² [C.R.S. § 8-4-103\(1\)\(b\)](#).

³ [C.R.S. § 8-4-107](#); [Wage Protection Rules](#), 7 CCR 1103-7, Rule 2.10.

⁴ [C.R.S. § 8-4-109\(1\)\(a\)](#).

⁵ [C.R.S. § 8-4-109\(1\)\(a\)](#).

⁶ [C.R.S. § 8-4-109\(1\)\(a\)\(I-III\)](#).

⁷ [C.R.S. § 8-4-105\(1\)\(e\)\(II\)\(A\)](#). For more on requirements for deductions, see [INFO #16](#).

⁸ [Marquez Environmental Services](#), DLSS Case #2650-17 (Hearing Officer Decis. No. 18-049, Aug. 9, 2018).

⁹ [C.R.S. § 8-4-109\(1\)\(b\)](#).

¹⁰ [C.R.S. § 8-4-109\(1\)\(c\)](#).

¹¹ To avoid penalties, an employer must “pay, in the manner specified in ... [109](3)(d) ..., all earned, vested, and INFOs are not binding law, but are the officially approved Division opinions and notices on how it applies and interprets various statutes and rules. The Division continues to update and post new INFOs; email cdle_labor_standards@state.co.us with any suggestions. To be sure to reference up-to-date INFOs, rules, or other material, visit ColoradoLaborLaw.gov. Last updated July 11, 2023

Different Pay for Different Work, and Changes to Pay Rates

- An employer may pay different rates of pay for different work, if the employer and the employee agree to each rate **before the work is performed**.¹²
- But an employer may **not unilaterally change pay rates retroactively** — after the work was performed for an agreed rate — for unsatisfactory work, due to financial need, or for other reasons.¹³

Pay Statement and Record-Keeping Requirements

- An employer must keep records of the following:
 - 1) the employee's name, address, occupation, date of hire, and if under 18, date of birth;
 - 2) daily record of all hours worked;
 - 3) record of credits claimed and of tips;
 - 4) regular rates of pay, gross wages earned, withholdings (including deductions by the employer), and net amounts paid each pay period;
 - 5) the inclusive dates of the pay period; and
 - 6) the name and address of the employer.¹⁴
- **Each pay period** an employer must provide employees with an **itemized earning statement** with:
 - 1) the employee's and the employer's names;
 - 2) the inclusive dates of the pay period;
 - 3) total hours worked in the pay period;
 - 4) a record of any credits claimed and of tips; and
 - 5) regular rates of pay, gross wages earned, withholdings made, and net amounts paid in the pay period.¹⁵
- An employer must:
 - **retain these records** for at least **3 years** after the wages or compensation were due, and (if longer) for the duration of **any pending wage claim** related to an employee;¹⁶ and
 - **make available** these records, or other relevant records, to the Division upon request, or face fines.¹⁷

For More Information: Visit the Division [website](#), call 303-318-8441, or email cdle_labor_standards@state.co.us.

determinable wages or compensation" within 14 days after a demand or Division complaint is sent. [C.R.S. § 8-4-109\(3\)\(b\)](#). Section 109(3)(d) requires "send[ing] or deliver[ing] payment," or a direct deposit, to the employee. [Id., § 109\(3\)\(d\)](#). Thus, if an employer sends payment properly and timely in response to a demand, but it is lost, destroyed, or otherwise not received, the employer is not liable for penalties based on late payment, but will still need to tender wage payment again.

¹² See [Mountain Top Venture, Inc.](#), DLSS Case #5449-18 (Hearing Officer Decis. No. 19-070, Oct. 1, 2019). See also [INFO #20B](#): What's Owed for "Time Worked" for Different Types of Pay, Hourly and Non-Hourly.

¹³ [Interim Healthcare](#), DLSS Case # 2711-17 (Hearing Officer Decis. No. 18-059, Sept. 14, 2018).

¹⁴ [C.R.S. § 8-4-103\(4\), \(4.5\)](#); [Colorado Overtime & Minimum Pay Standards Order](#) ("COMPS Order"), 7 CCR 1103-1, Rule 7.1.

¹⁵ [C.R.S. § 8-4-103\(4\)](#) and [COMPS Order](#), 7 CCR 1103-1, Rule 7.2.

¹⁶ [COMPS Order](#), 7 CCR 1103-1, Rule 7.3.

¹⁷ *E.g.*, [C.R.S. § 8-1-117\(2\)](#) (fines of at least \$50 per day for failing to provide records requested); [C.R.S. § 8-4-103\(4.5\)](#) (fines of \$250 per employee per month for pay statements).