



## KNOWLEDGE #2: Colorado Wage & Hour Rights for Direct Care Workers

Each **KNOWLEDGE** (*Knowledge for Workers on Labor Law is Empowering & Drives Good Employment*) summarizes key labor rights, but is not binding law itself. Each **INFO** (*Interpretive Notice & Formal Opinion*) gives more detail on each topic.

<p><b>What PAY Do I Have a Right to?</b></p> <p><i>details in INFOS:</i> #1: key wage rules, &amp; who's covered by them #3: what counts as wages &amp; how they must be paid #16: deductions #20: what time is paid</p>	<p><b>Minimum Wage &amp; Direct Care Rates</b></p>	<p>In 2024, <b>\$14.42 (\$18.29 in Denver)</b>, except, starting July 1, 2024:</p> <ul style="list-style-type: none"> <li>• <b>\$17.00</b> for care workers receiving the <a href="#">HCBS Direct Care Base Wage</a>, and</li> <li>• <b>\$18.29</b> in Denver (including for care workers receiving HCBS Wage)</li> </ul>
	<p><b>Overtime Pay</b> (“Time and a half”)</p>	<p><b>1½ times</b> the regular pay rate: required after <b>40 hours</b> a week or <b>12 a day</b> except:</p> <ul style="list-style-type: none"> <li>• No overtime needed for some <b>supervisors</b> or others, if <b>salaried</b> (not hourly)</li> <li>• No 12-hour overtime for some Medicaid-funded companions’ 24-hour shifts</li> </ul>
	<p><b>Pay for all Time Worked</b></p>	<p>All time spent for the <b>employer’s benefit</b> must be <b>paid</b>, including:</p> <ul style="list-style-type: none"> <li>✓ any time <b>required</b> to be at <b>any location</b>, even if just <b>waiting for work</b> (but not on-site, <b>uninterrupted sleep</b> time of 5-8 hours)</li> <li>✓ <b>check-in/out</b> – timeclock, screening, gear pickup, time in line, etc.</li> <li>✓ <b>travel between</b> worksites/offices or <b>special trips</b> – but <b>not usual commutes</b></li> <li>✓ any other <b>work-related</b>: setup/cleanup, meetings/training, paperwork, etc.</li> </ul>
	<p><b>Deductions from Pay, or Charges to Employees</b></p>	<ul style="list-style-type: none"> <li>• <b>Lodging</b>: not if use is <b>required</b>; only if in <b>writing</b>; &amp; at most \$25-\$100/week</li> <li>• <b>Meals</b>: only if <b>optional</b>, &amp; for a meal’s fair value or actual cost <b>without profit</b></li> <li>• <b>Uniforms</b>: not if <b>required</b>; &amp; employers can’t charge for cleaning or wear/tear</li> <li>• <b>Equipment</b>: not for items that are for employer <b>benefit</b>; not if the cost drops pay below <b>minimum wage</b>; &amp; only if employees agree in <b>writing</b></li> <li>• <b>Not for</b>: poor work <b>quality</b>, <b>quitting</b> without notice, etc.</li> </ul>
<p><b>What Breaks &amp; Time Off Do I Have a Right to?</b></p> <p><i>details in INFOS:</i> #4: breaks #6: paid leave</p>	<p><b>Rest Breaks (paid)</b></p>	<p><b>10 minutes</b> every <b>4 hours</b> (or multiple 5-minute breaks, in some situations)</p> <ul style="list-style-type: none"> <li>• <b>duty-free</b>, but the employer can require you to stay at the workplace</li> </ul>
	<p><b>Meal Breaks (unpaid if duty-free)</b></p>	<p><b>30 minutes</b>, in workdays of <b>over 5 hours</b></p> <ul style="list-style-type: none"> <li>• <b>duty-free &amp; free to go off-site</b> – if not, it’s <b>paid time</b>, &amp; you’re allowed to <b>eat</b></li> </ul>
	<p><b>Paid Leave</b></p>	<p><b>1 hour per 30 worked</b>, up to <b>48 hours a year</b>, for worker or family needs</p> <ul style="list-style-type: none"> <li>✓ for any medical <b>care</b> – diagnosis, care, treatment, or preventative care</li> <li>✓ when a mental or physical illness, injury, or condition <b>prevents working</b></li> <li>✓ due to <b>domestic abuse</b>, sex assault, or criminal harassment</li> <li>✓ <b>bereavement</b>, or unexpected <b>school closure</b> or <b>home evacuation</b> (as of 8/7/23)</li> </ul>
<p><b>When Do I Have a Right to Be Paid?</b></p>	<p><b>Regular Paydays</b></p>	<p>Employers must pay at least <b>monthly</b>, and post <b>notice</b> of paydays</p>
	<p><b>Departing Employees’ Pay</b></p>	<p>All <b>earned</b> pay: due the next payday (or immediately if terminated), including:</p> <ul style="list-style-type: none"> <li>✓ unused <b>vacation</b> pay, including <b>paid time off</b> that can be used for vacation</li> <li>✗ but not <b>sick</b>, bereavement, or other pay limited to <b>specific needs</b></li> </ul>
<p><b>Can an Agreement Take Away My Rights?</b></p>	<p><b>No:</b></p>	<p><b>No waiver, policy, or agreement</b> (collective bargaining or individual) can allow:</p> <ul style="list-style-type: none"> <li>✗ not paying minimum wage, overtime, or for any “time worked”</li> <li>✗ disallowing breaks or sick leave, or making all leave unpaid</li> <li>✗ misclassifying employees as <b>independent contractors</b> — look to <b>actual facts</b>, not just what <b>documents</b> say (contract, 1099, etc.), such as: <ul style="list-style-type: none"> <li>- does the hirer benefit like a <b>customer</b> (with limited control, often in specialty work) or an <b>employer</b> (with more control, often for its primary work)? <i>and</i></li> <li>- does the worker benefit like an <b>employee</b> or like someone running an <b>independent business</b> not subject to employer control?</li> </ul> </li> </ul>
	<p><b>But:</b></p>	<p>Employees and employers <b>can agree</b> to:</p> <ul style="list-style-type: none"> <li>✓ any <b>pay rate</b> (at least the minimum wage or direct care wage rate)</li> <li>✓ any <b>schedule</b> or number of hours (with all required breaks)</li> <li>✓ what if any <b>paid time off</b> is earned (other than required sick leave)</li> </ul>
<p><b>How Can I Protect My Rights?</b></p> <p><i>details in INFOS:</i> #2: complaints &amp; investigations</p>	<p><b>What’s Protected from Retaliation or Interference</b></p>	<p>You have a right to <b>complain</b> of violations, or <b>assert</b> your rights:</p> <ul style="list-style-type: none"> <li>✓ as to <b>wages or hours</b>, including <b>breaks</b> and family/medical <b>leave</b></li> <li>✓ to <b>talk or organize</b> about work with others, <b>informally</b> or with a <b>union</b></li> <li>✓ against various unsafe or illegal <b>workplace conditions</b></li> </ul>
	<p><b>File a Claim, or a Confidential Tip</b></p>	<p><b>Report violations</b> as to wages or hours (including breaks or leave), or retaliation:</p> <ul style="list-style-type: none"> <li>✓ as a <a href="#">complaint to the Division</a>, or in court, or</li> <li>✓ as a <b>confidential tip</b> to the Division, by email or phone</li> </ul> <p><b>Call or email</b> the Division with any <b>questions</b>, in English or Spanish.</p>