



KNOWLEDGE #4: Colorado Wage & Hour Rights for Food & Beverage 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>What PAY Do I Have a Right to?</p> <p>details in: INFO #1: key wage rules, & who's covered by them #3: what counts as wages & how they must be paid #3C: tips #16: deductions #20: what time is paid</p>	Minimum Wage	In 2024, \$14.42 , except higher in Denver (\$18.29) and some other local areas <ul style="list-style-type: none"> The Division website posts all annual increases and local minimum wages
	Tip Credit toward Minimum Wage	Employers can pay up to \$3.02 under minimum wage (a “tip credit”) if tips raise total pay to full minimum (and average at least \$1.64 hourly) — but not if they: <ul style="list-style-type: none"> X take away employee tips — for invalid tip pools, credit card fees, etc.; or X impose mandatory charges (like a 20% service charge), which aren’t “tips”
	Payment of Tips	<ul style="list-style-type: none"> Tips belong to the individual unless there is a valid tip pool — which can’t include those not directly serving customers (manager, back-of-house, etc.) Mandatory charges similarly must go to only tipped employees if an employer communicates that they do — like calling them “tips” or “gratuities”
	Non-Tipped Work	Non-tipped work must be paid at full minimum wage unless the work both: <ul style="list-style-type: none"> directly supports tipped work — like table setup, but not bathroom cleaning takes less time than 20% of work week and 30 minutes daily.
	Overtime Pay (“Time and a half”)	1½ times the full regular pay rate: required after 40 hours a week or 12 a day, <ul style="list-style-type: none"> ✓ the tip credit can only be subtracted after the 1½ OT rate is calculated. ✓ including for those with non-hourly pay — salary, piece rate, etc., X but not for exempt jobs — many salaried supervisors, and certain others
	Pay for all Time Worked	All time spent for the employer’s benefit must be paid , including: <ul style="list-style-type: none"> ✓ required time at any location, even just to wait (except some sleep time) ✓ check-in/out, clothing/gear, setup/cleanup, or meeting/paperwork time ✓ travel between worksites/offices or special trips – but not usual commutes
	Deductions from Pay, or Charges to Employees	<ul style="list-style-type: none"> Meals: only if optional, & for a meal’s fair value or actual cost without profit Uniforms: not if required; & employers can’t charge for cleaning or wear/tear Equipment or Lodging: not if for employer benefit -- plus other limits X Never for: poor work quality, quitting without notice, etc.
<p>What TIME OFF Do I Have a Right to?</p> <p>INFO #4: breaks #6: paid leave</p>	Rest Breaks (paid)	10 minutes every 4 hours (or multiple 5-minute breaks, in some situations) <ul style="list-style-type: none"> • duty-free, but the employer can require you to stay at the workplace
	Meal Breaks (unpaid if duty-free)	30 minutes , in workdays of over 5 hours : <ul style="list-style-type: none"> • duty-free & free to go off-site – if not, it’s paid time, & you’re allowed to eat
	Paid Leave	1 hour per 30 worked, up to 48 hours a year , for worker or family needs <ul style="list-style-type: none"> ✓ for any medical care – diagnosis, care, treatment, or preventative care ✓ when a mental or physical illness, injury, or condition prevents working ✓ due to domestic abuse, sex assault, or criminal harassment ✓ bereavement, or unexpected school closure or home evacuation (as of 8/7/23)
<p>WHEN Do I Have a Right to Be Paid?</p>	Regular Paydays	Employers must pay at least monthly , and post notice of paydays.
	Departing Employees’ Pay	All earned pay: due the next payday (or immediately if terminated), including: <ul style="list-style-type: none"> ✓ unused vacation pay, including paid time off that can used for vacation X but not sick, bereavement, or other pay limited to specific needs
<p>Can an AGREEMENT Take Away My Rights?</p>	No:	Employees can agree to most terms, but no waiver or agreement can permit: <ul style="list-style-type: none"> X not paying minimum wage, time-and-a-half overtime, or any “time worked” X disallowing breaks or sick leave, or making all leave unpaid X treating workers as exempt or as non-employees, if the actual facts show they work as employees, or aren’t exempt (see INFOS #1A & #10)
<p>HOW Can I Protect My Rights?</p> <p>INFO #2: complaints & investigations</p>	What’s Protected from Retaliation or Interference	You have a right to complain of violations, or assert your rights: <ul style="list-style-type: none"> ✓ as to wages or hours, including breaks and family/medical leave ✓ to talk or organize about work with others, with or without a union ✓ against various unsafe or illegal workplace conditions
	File a Claim, or a Confidential Tip	Report violations as to wages or hours (incl. breaks or leave) or retaliation: as a complaint to the Division , in court, or as a confidential tip to the Division. Call or email the Division with any questions , in English or Spanish.