



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>What PAY Do I Have a Right to?</p> <p>details in INFOS: #1: key wage rules, & who's covered by them #3: what counts as wages & how they must be paid #16: deductions #20: what time is paid</p>	<p>Minimum Wage & Direct Care Rates</p>	<p>In 2023, \$13.65 (\$17.29 in Denver); in 2024, \$14.42 (\$18.29 in Denver), except:</p> <ul style="list-style-type: none"> • \$15.75 for Medicaid home/community-based direct care/support, and • \$17.29 in Denver (including for direct care/support)
	<p>Overtime Pay (“Time and a half”)</p>	<p>1½ times the regular pay rate: required after 40 hours a week or 12 a day except:</p> <ul style="list-style-type: none"> • No overtime needed for some supervisors or others, if salaried (not hourly) • No 12-hour overtime for some Medicaid-funded companions’ 24-hour shifts
	<p>Pay for all Time Worked</p>	<p>All time spent for the employer’s benefit must be paid, including:</p> <ul style="list-style-type: none"> ✓ any time required to be at any location, even if just waiting for work (but not on-site, uninterrupted sleep time of 5-8 hours) ✓ check-in/out – timeclock, screening, gear pickup, time in line, etc. ✓ travel between worksites/offices or special trips – but not usual commutes ✓ any other work-related: setup/cleanup, meetings/training, paperwork, etc.
	<p>Deductions from Pay, or Charges to Employees</p>	<ul style="list-style-type: none"> • Lodging: not if use is required; only if in writing; & at most \$25-\$100/week • 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: not for items that are for employer benefit; not if the cost drops pay below minimum wage; & only if employees agree in writing • Not for: poor work quality, quitting without notice, etc.
<p>What Breaks & Time Off Do I Have a Right to?</p> <p>details in INFOS: #4: breaks #6: paid leave</p>	<p>Rest Breaks (paid)</p>	<p>10 minutes every 4 hours (or multiple 5-minute breaks, in some situations)</p> <ul style="list-style-type: none"> • duty-free, but the employer can require you to stay at the workplace
	<p>Meal Breaks (unpaid if duty-free)</p>	<p>30 minutes, in workdays of over 5 hours</p> <ul style="list-style-type: none"> • duty-free & free to go off-site – if not, it’s paid time, & you’re allowed to eat
	<p>Paid Leave</p>	<p>1 hour per 30 worked, up to 48 hours a year, for worker or family needs</p> <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>	<p>Regular Paydays</p>	<p>Employers must pay at least monthly, and post notice of paydays</p>
	<p>Departing Employees’ Pay</p>	<p>All earned pay: due the next payday (or immediately if terminated), including:</p> <ul style="list-style-type: none"> ✓ unused vacation pay, including paid time off that can be used for vacation ✗ but not sick, bereavement, or other pay limited to specific needs
<p>Can an Agreement Take Away My Rights?</p>	<p>No:</p>	<p>No waiver, policy, or agreement (collective bargaining or individual) can allow:</p> <ul style="list-style-type: none"> ✗ not paying minimum wage, overtime, or for any “time worked” ✗ disallowing breaks or sick leave, or making all leave unpaid ✗ misclassifying employees as independent contractors — look to actual facts, not just what documents say (contract, 1099, etc.), such as: <ul style="list-style-type: none"> - does the hirer benefit like a customer (with limited control, often in specialty work) or an employer (with more control, often for its primary work)? <i>and</i> - does the worker benefit like an employee or like someone running an independent business not subject to employer control?
	<p>But:</p>	<p>Employees and employers can agree to:</p> <ul style="list-style-type: none"> ✓ any pay rate (at least the minimum wage or direct care wage rate) ✓ any schedule or number of hours (with all required breaks) ✓ what if any paid time off is earned (other than required sick leave)
<p>How Can I Protect My Rights?</p> <p>details in INFOS: #2: complaints & investigations</p>	<p>What’s Protected from Retaliation or Interference</p>	<p>You have a right to complain of violations, or assert your rights:</p> <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, informally or with a union ✓ against various unsafe or illegal workplace conditions
	<p>File a Claim, or a Confidential Tip</p>	<p>Report violations as to wages or hours (including breaks or leave), or retaliation:</p> <ul style="list-style-type: none"> ✓ as a complaint to the Division, or in court, or ✓ as a confidential tip to the Division, by email or phone <p>Call or email the Division with any questions, in English or Spanish.</p>