



STATE OF
COLORADO

Primo - CDLE, Michael <michael.primo@state.co.us>

Act Now on Colorado's Proposed Order to Expand Joint Employer Definition

Noah Glick

Fri, May 15, 2020 at 10:55 AM

Reply-To:

To: DLSS <michael.primo@state.co.us>

Dear DLSS,

As a member of the franchise business community in Colorado, that represents over 15,000 locations, 150,000 jobs and \$ 13.4 billion in economic output, I write today to express significant concerns with the amendments to Colorado Overtime & Minimum Pay Standards (COMPS Order) #36 proposed by the Department of Labor and Employment published on April 25, 2020 (the "Proposed Order").

I am deeply concerned with the substance of the Proposed Order, its potentially profound economic negative impact on Colorado's franchise businesses and their employees, the process by which the proposal is being considered, and also its timing.

For franchising, adopting a new and expanded definition of "joint employer," the Proposed Rule will provide a substantially different definition of "employer" under state wage and hour law than that under the federal Fair Labor Standards Act (the substance of which was adopted via the Colorado state legislature only a year ago), thereby upending the franchise business model in the state.

Additionally, pushing through major operational changes at this time is simply not appropriate. Colorado's locally owned franchise businesses are facing the direst economic situation in our lifetime because of COVID-19 and as the state begins the slow and daunting task of safely resuming economic activity for all franchises, the threat of expanded and unclear liability is likely to grind this already daunting process to a halt.

For these reasons, I request that the Department reconsider moving forward on the Proposed Rule at this unprecedented time. Thank you for your consideration.

Regards,
Noah Glick