



**DEPARTMENT OF LABOR AND EMPLOYMENT**  
**Division of Labor Standards & Statistics**  
**633 17<sup>TH</sup> STREET DENVER, CO 80202**  
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FALL 2025 RULEMAKING PUBLIC HEARING

Date of Hearing: November 4, 2025

Appearances: Kristina Rosett

Miki Gann

Recorded digitally and transcribed  
by Ditto Transcripts



26 spring. Those laws include House Bill 25-1001, which makes  
27 amendments to the Colorado Wage Act, including changing the  
28 definition of employer to include individuals that own or  
29 control at least 25 percent of the ownership interest in an  
30 employer, allowing the Division to waive the penalty for  
31 employer's failure to pay wages in certain cases, requiring  
32 the Division to publish violations, citations on its  
33 website, and to report unremedied, willful violations to  
34 licensing authorities, authorizing fines for  
35 misclassification of employees as non-employees, clarifying  
36 protections against retaliation, shortening the timeframe  
37 of payment from -- for payments to claimants from the whole  
38 fund, and beginning in July of 2026, increasing the wage  
39 amount that the Division can order an individual claims.  
40 Another one of the laws that is being implemented with rule  
41 changes in this rulemaking, Senate Bill 25-128, which  
42 amends the Agricultural Labor Rights and Responsibilities  
43 Act, repealing provisions that prohibit employers from  
44 interfering with an agricultural employee's access to  
45 service providers on private land and prohibiting employers  
46 from interfering with a worker's access to service  
47 providers through remote means. 25 -- House Bill 25-1208  
48 allows -- does not require local governments to set a tip  
49 credit higher than the state tip credit of \$3.02, as long  
50 as a low minimum wage is at least that of the state. Also

51 to discuss today, the Division's issuance of a new rule set  
52 as to hazardous occupations and investigation procedures  
53 under the Colorado Youth Employment Opportunity Act CRS 812  
54 101, issuing a new rule set as to processes for Division  
55 appeals under the Colorado Administrative Procedure Act.  
56 CRS 24-4103, implementing the annual adjustment of the  
57 minimum wage as mandated by the Colorado Constitution and  
58 other related minimum wage and salary figures adjusted  
59 annually. And, finally, considering any other proposed  
60 changes to labor rules that might be suggested or proposed  
61 based on stakeholder input and developments that may  
62 warrant both changes. So to accomplish all this, we are  
63 proposing for adoption two new rule sets and proposing  
64 modifications to five existing Division rule sets. Those  
65 rule sets are the publication and yearly calculation of  
66 adjusted labor compensation order, or the pay calc order,  
67 7CCR1103-14. Wage Protection Rules 7CCR1103-7, the Colorado  
68 Whistleblower Anti-Retaliation Noninterference and Notice  
69 giving Rules Warning Rules 7CCR1103-11, the Agricultural  
70 Labor Conditions Act Rules 7CCR1103-15 and the Colorado  
71 Overtime Minimum Pay and Standards Order Comps Order  
72 7CCR1103-1. So after this hearing, we'll continue to accept  
73 written comments until noon on Thursday, and anticipate  
74 adopting final rules on or before Monday, November 10th, in  
75 order for them to take effect on January 1st, 2026. So

76 we'll move along to stakeholder input and exchanges, which  
77 will be the remainder of the meeting. And just to kind of  
78 give an overview of comments you all might make, when we  
79 discuss new laws and rules, sometimes there's questions or  
80 uncertainty about what types of things would be implemented  
81 by rules or otherwise. So just as, like, a baseline, if  
82 there's anything that the legislature specifically  
83 mandates, the Division can't change that by rule, but what  
84 we can do and will do is implement what is passed by the  
85 legislature, and that includes where legislation empowers  
86 the Division to do so, clarifying ambiguous points in the  
87 law or fleshing out specifics that are assigned by the  
88 legislature to the Division to address. Other things can be  
89 implemented without enacting rules. So, for example, in  
90 recent years, certain rights and responsibilities have  
91 varied on whether there was a qualifying public health  
92 emergency, and that was something that didn't -- didn't  
93 necessitate rules and was, you know, changing by -- by the  
94 moment, as we all recall, and so the Division would instead  
95 publish guidance on -- on the status of the public health  
96 emergency to help inform those rights and responsibilities.  
97 For purposes of today's meeting, you don't need to worry  
98 about whether a suggestion is something fit for a role or  
99 not. It could be something that we end up addressing in  
100 guidance. You can say if you think a role or guidance is

101 appropriate, but it's our job to -- to review and  
102 determine, so don't feel, yeah, [inaudible] by suggestions  
103 having to be related to rules. With that, I will turn the  
104 floor over to rulemaking coordinator, Miki Gann, to give  
105 instructions for participation today. Thank you.

106           GANN: Thank you, Director Kristina. Please bear  
107 with me. I'm just going to read the instructions that are  
108 pinned on the screen, but for those folks that are joining  
109 us by phone or cannot see the screen, I'll read these very  
110 quickly. This is a public hearing for discussion as  
111 proposed rules -- of proposed rules before the final rules  
112 are adopted. This meeting and comments in the chat window  
113 of the Google Meet are being recorded, and the  
114 administrative record -- for the administrative record and  
115 for staff to review as needed. To address other matters,  
116 such as your particular employment situation, please email  
117 [CDLE\\_laborstandardsrules@state.co.us](mailto:CDLE_laborstandardsrules@state.co.us). Other Division  
118 rulemaking on different topics has been or will be covered  
119 in separate hearings. This meeting is being held by Google  
120 Meet with options to join by computer or phone. If you want  
121 to see these instructions throughout the meeting, click the  
122 pin button on the presenter's icon. If you need help  
123 participating or with any logistics, use the chat window to  
124 ask myself, who is monitoring chat. Please mute your line  
125 and unmute if called on. Control-D by computer and star-6

126 by phone. If you wish to speak, please say in the chat  
127 window if you are here by computer. We will then solicit  
128 comments from phone participants. Start your comments by  
129 saying your name, job, role, organization, if any, and  
130 topics you will cover. If you wish to be anonymous, you can  
131 be off camera giving just a first name or pseudonym and  
132 whatever you can of your job or role. Speak in a clear,  
133 slow voice. We may interrupt to ask you to repeat anything  
134 that you may not have -- that may not -- may not have been  
135 audible enough for all to hear. Limit comments to five  
136 minutes. You can follow up in the chat window, on our  
137 comment form at [CDLE.colorado.gov/laborrules](http://CDLE.colorado.gov/laborrules). The record  
138 will include all verbal and written comments, which the  
139 Division Director and other officials will review. So you  
140 can comment by whatever means you prefer. There's no need  
141 to repeat points in multiple forums, verbal and written.  
142 When finished speaking, please mute again unless we ask  
143 follow-up questions, which you are free to answer now,  
144 later or not at all. If you wish to respond to any comments  
145 or respond to anyone who responded to your comments, we  
146 leave time at the end. We will now start with those joining  
147 by computer and then those by phone.

148           ROSETT: And so, if you'd like to speak, just  
149 raise your hand and we'll call on you in the order that you  
150 do so. And, Miki, if we had anyone that RSVPed and noted

151 that they might want to speak, we could potentially call on  
152 those folks to see if -- if they're here and would like to  
153 get us started.

154 GANN: Let me get to that really quick. We had  
155 Catherine Campbell, if she's here and would like to speak.  
156 I don't see her. And we can also check on phone, phone  
157 attendees, and I know some people might not join right at  
158 9:00. So let's check on phone attendees, and then I'll also  
159 just show -- show folks where, again, to find our  
160 rulemaking information on the website.

161 GINN: I have it up on the screen.

162 ROSETT: Okay, great. Yeah. So this is our  
163 rulemaking website. Some of you might be familiar. On this  
164 site, we have the currently in effect rules. These are just  
165 courtesy copies, obviously. You can go to the Secretary of  
166 State's website to get the official published copies of all  
167 rules, but we like to make them here for -- them here for  
168 quick access. It also shows historic versions of rules. So,  
169 you know, we're currently proposing Comps Order Number 40,  
170 but you can go back to Comps Order up through 36 on this  
171 site and even farther back into the wage orders before that  
172 through the link. Under the second window or dropdown, we  
173 have the table of rules that are currently being revised or  
174 proposed in this rulemaking. So the rules we're here to  
175 talk about today, including the clean version of the



176 proposed rules, which is what we have prepared so far, are  
177 red lined showing the difference between those rules and --  
178 or the -- the -- what's been proposed and what's currently  
179 in effect and the statements of basis and purpose  
180 explaining the nature of the changes. And then drop down to  
181 the final one, rulemaking comments and hearings. Again,  
182 this is -- the first section is related to today's  
183 rulemaking. So if you would like to submit a written  
184 comment, you are free to do so either to supplement any  
185 comments you want to make today or instead of. Again, those  
186 are just due by noon on Thursday. So the form is there. You  
187 can also review comments that have been submitted by other  
188 commenters on the site. And then, comments related to past  
189 rulemakings. And we'll put the -- the link in the chat as  
190 well. And then I see that Nina and then Adrienne would like  
191 to provide comments. So, Nina, go ahead.

192           DISALVO: Thanks so much, Kristina. Hi, everyone.  
193 My name is Nina DiSalvo. I'm an attorney and the policy  
194 director with Towards Justice. Towards Justice is a  
195 nonprofit law firm that works to advance economic equity  
196 here in Colorado and across the country. And my comments  
197 are related to the yes rules implementing the Colorado  
198 Youth Employment Opportunity Act. And although we'll follow  
199 up with written comments, I wanted to throw out a couple of  
200 oral comments in advance to let you know a couple of the

201 key pieces that we were thinking but, first, I want to say  
202 that Towards Justice really appreciates the effort to  
203 implement these rules and to ensure that Colorado youth can  
204 participate in the workforce in a safe manner. So thank  
205 you. One big piece of our suggestion in these rules would  
206 be to further clarify, and there are a couple of places  
207 where the rules suggest this already, but further clarify  
208 that the protections in Colorado law build on federal  
209 requirements for the employment of children under the Fair  
210 Labor Standards Act, as that act is currently enforced. I  
211 see in rules 9.2.1 and 9.3.1 sort of suggests that, but  
212 then there's, like, some subsequent pieces where the  
213 requirements in the rules are less stringent than the Fair  
214 Labor Standards Act, and I fear that that could lead to  
215 confusion among employers who are trying to comply with  
216 their obligations to child workers. So additional clarity  
217 that sort of the Fair Labor Standards Act, as it currently  
218 exists in 2025, sets a floor upon which state law builds,  
219 and I think that approach would ensure that, you know, if  
220 the Fair Labor Standards Act requirements were to be  
221 subsequently weakened, Colorado law would maintain the  
222 standards that are in force today to protect Colorado kids  
223 on the job. It would also ensure that the Division retains  
224 its authority to enforce all of the protections that  
225 protect Colorado kids currently. So that's sort of like a

226 big picture piece and one that I think is the intent of  
227 what is in there already, but merit -- could merit some  
228 additional clarification. A second piece that we had a  
229 little concern about in the rules as proposed was the  
230 definition of complainant. The suggestion that a complaint  
231 had to be submitted on a Division-approved form and then it  
232 had to be signed, and we were concerned about those sort of  
233 pieces mostly because, in this context, we think accepting  
234 anonymous complaints is really important. We also think  
235 accepting, you know, complaints from the whole variety of  
236 folks who may be interested in or impacted by violations of  
237 these rules is really important. There may be a way that  
238 the Division can clarify that, if a complainant is neither  
239 the affected minor worker nor an authorized representative,  
240 that the Division could retain discretion to convert that  
241 complaint into a tip that leads to a direct investigation  
242 rather than treat it as a complaint, but it seems like in  
243 this context, it's really important to accept complaints  
244 from all affected people to accept anonymous complaints as  
245 needed and to ensure that, you know, formatting  
246 requirements or signature requirements don't hamper or  
247 prevent people from alerting the Division of -- of really  
248 concerning activity. The other thing I wanted to say --  
249 sorry, let me scroll through my notes. Last piece is we  
250 were concerned in Rule 10 about sort of the broad types of

251 hazardous duties that young children could be allowed to  
252 perform without an individual -- individualized analysis of  
253 their best interests. And that really hits on proposed Rule  
254 10.2. And we suggest that an employer should always have to  
255 apply for an exemption based on the best interests of the  
256 child before requiring the child to perform duties that are  
257 so hazardous that they're outlawed by the Colorado Youth  
258 Employment Opportunity Act. That said, if the Division  
259 declines to engage in that sort of individualized analysis  
260 of the best interests of each child worker through the  
261 exemption process, we suggest that a minimum ensuring that  
262 only registered apprenticeships that are overseen by the  
263 state apprenticeship agency would allow a child to perform  
264 hazardous duties without applying for an exemption, and  
265 that because those apprenticeships generally are only  
266 available to youth aged 16 and older, that 14 and 15-year-  
267 olds would not be able to work doing hazardous duties  
268 without applying for an exemption. We also suggest that any  
269 programs that lead to sort of this kind of blanket  
270 exemption from hazardous work protections should be  
271 required to re-register with the Division to ensure that,  
272 you know, children are appropriately protected. We also  
273 would like to, like, have provision to ensure that  
274 protections that -- sorry, that the training associated  
275 with that apprenticeship program is related to the

276 hazardous duties that the child ultimately would be allowed  
277 to perform without applying for an exemption. So those were  
278 just the pieces that we wanted to flag today but, again, we  
279 really appreciate the work on the yes rules. Thanks so  
280 much.

281           ROSETT: Great. Thank you, Nina. Yeah. As a new  
282 rule set, we are especially interested in hearing feedback  
283 and, you know, anticipate making tweaks to the final rules  
284 from the proposed version. So we'll look forward to seeing  
285 your written comment. And if anyone else from the call, you  
286 know, has responses to any of these, when I call on you,  
287 feel free to share. And next up, I think we have Adrienne  
288 Scheffey on misclassification rules.

289           SCHEFFEY: Yeah. I -- I just wanted to comment  
290 that I think that the rules need to be clear given the  
291 heightened penalties, whether federal law and case law  
292 that's interpreting the FLSA for misclassification will be  
293 folded in or not, so that employers can ensure compliance  
294 with the rules, and if federal law will not be kind of  
295 folded into the regulations, what the specific test will be  
296 for misclassification and where to find that. And then, in  
297 addition, I just wanted to make a comment on HB 2025-1090  
298 regarding the control language. From the statute itself,  
299 it's not clear, you know, whether that 25 percent could be  
300 a separate LLC that then reaches into the -- the third

301 level of that LLC. So imagine there is an LLC that is held  
302 by a holding company and then the individuals own only the  
303 holding company, would that reach those individuals in that  
304 case? It doesn't explain that maybe whether 25 percent can  
305 be applied to someone who is a board of directors as an  
306 entity or corporate or cooperative owner, and I think that  
307 needs to be clarified. I will also send written comments  
308 with this before the deadline. Thank you.

309 ROSETT: Okay. Yeah. Thank you for that input.  
310 We'll take it into consideration. All right. Other folks on  
311 video that would like to comment, feel free to either note  
312 as much in the chat or use the raise hand feature, and  
313 we'll call on them in the order that we receive. The same  
314 call out if you're on phone, if you could unmute yourself  
315 and indicate if you'd like to speak. I can't remember what  
316 the button is. It's, like, star-6. Yeah, star-6 to unmute  
317 yourself. And I'll also open it up to my folks in the call,  
318 if anyone has follow-up questions or items that they want  
319 input on based on the conversation so far, but, you know,  
320 otherwise, it's also fine. People have the right to submit  
321 comments by writing, too, and, yeah, as I said, just get  
322 them in before the deadline on Thursday. We'll keep the  
323 meeting on until at least 9:30 just to kind of allow for  
324 anyone transitioning into their morning to join, but, yeah,  
325 otherwise, we really appreciate everyone's participation

326 and thoughtfulness around these topics of interest and look  
327 forward to reviewing any -- any further comments people  
328 submit. All right. It's 9:00. I will re-up my callout for  
329 any comments, first by video. And by phone. Well, thank  
330 you, again, everybody. And if you have questions about the  
331 process, do feel free to reach out, and using the  
332 laborCDLE\_laborstandardsrules email. You can also use that  
333 to submit comments or use the written form on our website.  
334 And I appreciate your interest in these matters. And we  
335 will conclude today's hearing at 9:31 a.m. Thank you.

336 STATE OF COLORADO )

337 CITY AND COUNTY OF DENVER )

338 I hereby certify that the above and foregoing  
339 constitutes a transcript of all the audible testimony taken  
340 at a hearing in Denver, Colorado, on November 4, 2025, in  
341 the matter of FALL 2025 RULEMAKING PUBLIC HEARING, which  
342 hearing was digitally recorded by the State of Colorado and  
343 transcribed by me to the best of my ability.

344 Dated at Wellington, Ohio, this 18th day of November,  
345 2025.

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Laurel Keller

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Laurel Keller

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Transcriptionist

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Ditto Transcripts

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