



The Industrial Relations Act (“IRA”) C.R.S. § 8-1-101 et seq.

C.R.S. § 8-1-101. Definitions.

As used in this article, unless the context otherwise requires:

- (1) “Commission” means the industrial commission of Colorado, as said commission existed prior to July 1, 1986.
- (2) “Commissioner” means one of the members of the commission.
- (2.5) “Department” means the department of labor and employment.
- (3) “Deputy” means any person employed by the division designated as such deputy by the director, and who may be engaged in the performance of duties under the direction of the director.
- (4) “Director” means the director of the division of labor standards and statistics.
- (5) “Division” means the division of labor standards and statistics in the department of labor and employment.
- (6) “Employee” means every person in the service of an employer, under any contract of hire, express or implied, not including an elective official of the state, or of any county, city, town, irrigation, drainage, or school district thereof, and not including any officers or enlisted men of the National Guard of the state of Colorado.
- (7)
 - (a) “Employer” means:
 - (I) The state, and each county, city, town, irrigation, and school district therein, and all public institutions and administrative boards thereof having four or more employees;
 - (II) Every person, association of persons, firm, and private corporation, including any public service corporation, manager, personal representative, assignee, trustee, and receiver, who has four or more persons regularly engaged in the same business or employment, except as otherwise expressly provided in this article, in service under any contract of hire, expressed or implied.
 - (b) This article is not intended to apply to employers of private domestic servants or farm and ranch labor; nor to employers who employ less than four employees regularly in the same business, or in or about the same place of employment.
- (8) “Employment” means any trade, occupation, job, position, or process of manufacture or any method of carrying on any such trade, occupation, job, position, or process of manufacture in which any person is engaged, except as otherwise expressly provided in this article.
- (8.5) “Executive director” means the executive director of the department of labor and employment.
- (9) “General order” means an order of the director applying generally throughout the state to all persons, employments, or places of employment under the jurisdiction of the division. All other orders of the director shall be considered special orders.
- (10) “Local order” means any ordinance, order, rule, or determination of any common council, board of aldermen, board of supervisors, board of trustees, or board of commissioners of any county, town, city, or city and county operating under any general or special law of this state or of the board of health of the state or any municipality therein or any order or direction of any official of the state or municipality therein.
- (11) “Order” means any decision, rule, regulation, requirement, or standard promulgated by the director.

- (12) "Place of employment" means every place, whether indoors or outdoors or underground, and the premises, work places, works, and plants appertaining thereto or used in connection therewith where either temporarily or permanently any industry, trade, or business is carried on, or where any process or operation directly or indirectly relating to any industry, trade, or business is carried on, or where any person is directly or indirectly employed by another for direct or indirect gain or profit, except as otherwise expressly provided in this article.
- (13) "Safe" or "safety", as applied to an employment or place of employment, means such freedom from danger to the life, health, and safety of employees and such reasonable means of notification, egress, and escape in case of catastrophe as the nature of the employment reasonably permits.
- (14) "State personnel system" means the personnel system of the state as described in section 13 of article XII of the state constitution and the state personnel system as described in article 50 of title 24, C.R.S.

C.R.S. § 8-1-102. Industrial claim appeals office - creation - powers and duties.

- (1) There is created in the office of the executive director of the department of labor and employment the industrial claim appeals office, which consists of five industrial claim appeals examiners who are appointed to serve on the industrial claim appeals panel by the executive director pursuant to section 13 of article XII of the state constitution and the laws and rules governing the state personnel system. The industrial claim appeals office is a **type 2** entity, as defined in section 24-1-105, and exercises its powers and performs its duties and functions under the office of the executive director of the department. Decisions and orders of the industrial claim appeals panel may be made by two appeals examiners. In the event of a disagreement between the two appeals examiners, a third appeals examiner shall review the case, and the decision and final order of the appeals panel shall reflect the collective decision of all three appeals examiners.
- (2) The industrial claim appeals panel has the duty and the power to conduct administrative appellate review of any order entered pursuant to articles 43 and 74 of this title and to make a decision on said appeal.

C.R.S. § 8-1-103. Division of labor standards and statistics - director - employees - qualifications - compensation expenses.

- (1) There is hereby created a division of labor standards and statistics in the department of labor and employment. Pursuant to section 13 of article XII of the state constitution, the executive director of the department of labor and employment shall appoint the director of the division, and the director shall appoint such deputies, experts, statisticians, accountants, inspectors, clerks, and other employees as are necessary to carry out the provisions of law and to perform the duties and exercise the powers conferred by law upon the division and the director. The director shall be the chief administrative officer of the division with such powers, duties, and functions as prescribed by law.
- (2) All employees, except experts, shall have been for one year prior to such employment or appointment bona fide residents of this state and, while in the employ of the division, shall receive such compensation as is fixed by the state personnel system laws of this state, such compensation to be paid monthly from funds appropriated for the use of the division. All expenses incurred by the division and its employees pursuant to the provisions of law shall be paid from funds appropriated for its use upon the approval of the director. The traveling expenses of the director or of any employee of the division incurred while on business of the division outside this state shall be paid in the manner prescribed in this subsection (2), but only when such expenses are authorized in advance.
- (3) The director exercises the director's powers and performs the director's duties and functions as prescribed under this article 1, including rule-making, licensing, promulgation of rules, rates, and standards, and the rendering of findings, orders, and adjudications, under the direction and supervision of the executive director of the department of labor and employment. The director is a **type 2** entity, as defined in section 24-1-105.

C.R.S. § 8-1-104. Director - seal.

- (1) Repealed.
- (2) The director shall have a seal upon which shall be inscribed the words "Director - Division of Labor Standards and Statistics - Department of Labor and Employment - Colorado - Seal". The director's seal shall be affixed to all orders, awards, and copies thereof of the division and to such other instruments as the director shall direct.

- (3) All courts of the state shall take judicial notice of said seal. Any copy of an order, award, or record of the director under his seal shall be received in all courts as evidence as if such copy were the original thereof.

C.R.S. § 8-1-105. Offices and supplies.

The division shall have offices in the city and county of Denver and at such other places in the state as the executive director of the department may direct. The division shall be provided with suitable office space by the office of state planning and budgeting. The division is authorized to procure all necessary office furniture, stationery, books, periodicals, maps, instruments, apparatus, appliances, and other supplies and incur such other expenses as necessary, and the same shall be paid for in the same manner as other expenses authorized by law. The director or any deputy or referee of the division may hold sessions at any place other than the city and county of Denver when the convenience of the director, deputy, referee, or parties interested requires.

C.R.S. § 8-1-106. Records - sessions.

- (1) Repealed.
- (2) The division shall keep a full and accurate record of all proceedings of the division and issue all necessary processes, writs, warrants, orders, awards, and notices as the director or any deputy or referee may require. The director shall supervise the collection of data and information concerning matters within the jurisdiction of the division and shall make such reports thereon as the executive director of the department of labor and employment may require.
- (3) The sessions of the director or any deputy or referee of the division shall be open to the public and shall stand and be adjourned without further notice thereof on the record. All proceedings of the division shall be shown on its records, which shall be public records.

C.R.S. § 8-1-107. Powers and duties of director - rules.

- (1) Repealed.
- (2) In addition to any other duties prescribed by law, the director has the duty and the power to:
 - (a) Appoint advisors who, without compensation, shall advise the director relative to the duties imposed upon the director by articles 1 to 18 of this title and part 3 of article 34 of title 24, C.R.S.;
 - (b) Inquire into and supervise the enforcement, with respect to relations between employer and employee, of the laws relating to child labor, laundries, stores, factory inspection, employment offices and bureaus, and fire escapes and means of egress from places of employment and all other laws protecting the life, health, and safety of employees in employments and places of employment;
 - (c) to (h) Repealed.
 - (i) Accept, use, disburse, and administer all federal aid or other property, services, and moneys allotted to the division as part of any grant-in-aid safety program authorized by an act of congress and to make such agreements, not inconsistent with any act of congress and the laws of this state, as may be required as a condition precedent to receiving such funds or other assistance. Such acceptance, conditions, and agreement shall not be effective unless and until the director has recommended to and received the written approval of the governor and the executive director of the department. The state treasurer is designated custodian of all funds received pursuant to this paragraph (i) from the federal government, and he shall hold such funds separate and distinct from state funds and is authorized to make disbursements from such funds for the designated purpose or administrative costs which may be provided in such grants-in-aid, upon warrants issued by the controller and upon the voucher of the director.
 - (j) Repealed.
 - (k) Collect and collate statistical and other information relating to the work under his jurisdiction. All materials of the division circulated in quantity outside the executive branch shall be issued in accordance with the provisions of section 24-1-136, C.R.S. The director shall cause to be printed and, upon application, furnished free of charge

to any employer or employee such blank forms as he shall deem required for the proper and efficient administration of articles 1 to 18 of this title and part 3 of article 34 of title 24, C.R.S., all such records to be kept in the offices of the division. Copies of orders, regulations, and rules of procedure shall be made for distribution in a manner to constitute sufficient publication as required by law.

(l) to (o) Repealed.

(p) Adopt reasonable and proper rules and regulations relative to the exercise of his powers and proper rules and regulations to govern the proceedings of the division and to regulate the manner of investigations and hearings and to amend said rules and regulations from time to time in his discretion.

(q) Repealed.

(r) Promulgate rules to implement the provisions of section 26-2-716 (3)(b), C.R.S.

C.R.S. § 8-1-108. Orders effective - when - validity presumed.

- (1) All general orders shall be effective ten days after they are adopted by the director and posted upon the bulletin board of the division in its offices in the city and county of Denver. Special orders shall take effect as therein directed.
- (2) The director, upon application of any person, may grant such time as may be reasonably necessary for compliance with any order. Any person may petition the director for an extension of time, which the director shall grant if he finds such an extension of time necessary.
- (3) All orders of the division shall be valid and in force and prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose, pursuant to the provisions of this article, or until altered or revoked by the director.
- (4) Substantial compliance with the requirements of this article shall be sufficient to give effect to the orders or awards of the director, and they shall not be declared inoperative, illegal, or void for any omission of a technical nature with respect thereto.

C.R.S. § 8-1-109. Employer to furnish safe place to work. (Repealed)

C.R.S. § 8-1-110. Unsafe places - investigation - report - order. (Repealed)

C.R.S. § 8-1-111. Jurisdiction over employer and employee relation.

The director is vested with the power and jurisdiction to have such supervision of every employment and place of employment in this state as may be necessary adequately to ascertain and determine the conditions under which the employees labor, and the manner and extent of the obedience by the employer to all laws and all lawful orders requiring such employment and places of employment to be safe, and requiring the protection of the life, health, and safety of every employee in such employment or place of employment, and to enforce all provisions of law relating thereto. The director is also vested with power and jurisdiction to administer all provisions of this article with respect to the relations between employer and employee and to do all other acts and things convenient and necessary to accomplish the purposes of this article including entering into reciprocal agreements with other states and governmental entities.

C.R.S. § 8-1-112. Officers to assist in enforcing orders.

It is the duty of all officers and employees of the state, counties, and municipalities, upon request of the director, to enforce in their respective departments all lawful orders of the director, insofar as the same may be applicable and consistent with the general duties of such officers and employees. It is also their duty to make such reports as the director may require concerning matters within their knowledge pertaining to the purposes of this article and to furnish to the division such facts, data, statistics, and information as may from time to time come to them pertaining to the purposes of this article and the duties of the division thereunder, and particularly all information coming to their knowledge respecting the condition of all places of employment subject to the provisions of this article as regards the health, protection, and safety of employees and the conditions under which they labor. It is the duty of the division to collect and compile such

data, facts, and information as shall come to it concerning the relations between employer and employee and relating in any way to the provisions of this article.

C.R.S. § 8-1-113. Agents of division and director - powers.

- (1) For the purpose of making any investigation with regard to any employment or place of employment or other matter contemplated by the provisions of this article, the director, with the approval of the executive director of the department of labor and employment, has the power to appoint temporarily, by an order in writing, any deputy or any other competent person as an agent, whose duties shall be prescribed in such order.
- (2) In the discharge of his duties such agent has every power whatsoever for obtaining information granted in this article to the director and the division, and all powers granted by law to officers authorized to take depositions are granted to such agent.
- (3) The director may conduct any number of investigations contemporaneously through different agents and may delegate to such agents the taking of all testimony bearing upon any investigation or hearing. The decision of the director shall be based upon his examination of all testimony and records. The recommendations made by such agent shall be advisory only and shall not preclude any further investigation or the taking of further testimony if the director so orders.

C.R.S. § 8-1-114. Employers and employees to furnish information - penalty.

- (1) Upon request, every employer and employee shall furnish the division all information required by it to accomplish the purposes of this article, which information shall be furnished on blanks to be prepared by the division. It is the duty of the division to furnish such blanks to the employer free of charge upon request therefor. Every employer receiving from the division any blanks, with directions to fill out same, shall answer fully and correctly all questions therein propounded and give all the information therein sought, or, if unable to do so, he shall give in writing good and sufficient reasons for the failure. The director may require that the information required to be furnished be verified under oath and returned to the division within the period fixed by him or by law. The director, or any person employed by the division for that purpose, has the right to examine, under oath, any employee or employer, or the officer, agent, or employee thereof, for the purpose of ascertaining any information which such employer or employee is required by this article to furnish to the division.
- (2) Any employer or employee who fails or refuses to furnish information as may be required by the division under authority of this article 1 shall pay a penalty of not less than fifty dollars for each day that the failure or refusal continues. The division shall transmit any penalty imposed and collected pursuant to this section to the state treasurer, who shall credit the money to the wage theft enforcement fund created in section 8-4-113 (3).

C.R.S. § 8-1-115. Information not public - penalty for divulging.

- (1)
 - (a) The information contained in the reports lawfully required to be furnished by the employer in section 8-1-114, other information furnished to the division by employers and employees in pursuance of this article 1, and information obtained through inspections or other proceedings under this article 1 that reveals a trade secret is for the exclusive use and information of the division in the discharge of its official duties. An employer may designate information submitted to the division as proprietary, a trade secret, or privileged information in accordance with section 24-72-204 (3), as long as the director is not bound by the employer's designation. The director may treat and file the information or any part of the information as confidential, and, when so treated or filed by the director, the information is confidential, for the sole use of the division, and not open to the public nor to be used in any court in any action or proceeding pending therein unless the division is a party to the action or proceeding. The court shall issue orders as appropriate to protect the confidentiality of trade secrets. The information contained in a report may be tabulated and published by the division in statistical form for the use and information of other state departments and the public.
 - (b) Notwithstanding subsection (1)(a) of this section, the division shall treat any notice of citation or notice of assessment issued to an employer for violation of a wage law, including a violation of section 8-4-111 (2)(c),

after all remedies have been exhausted pursuant to section 8-4-111.5, as a public record and shall release the information to the public upon request pursuant to the "Colorado Open Records Act", part 2 of article 72 of title 24, unless the director makes a determination that the information is a trade secret. Before releasing any information relating to the violation of a wage law, the director shall notify the employer of the potential release of the information. The employer then has twenty days to provide the director with further documentation demonstrating that the information, or specific matters included in the information, is a trade secret. If the director, in the director's discretion, determines that the information, or any portion of the information, is a trade secret, the director shall treat the information as confidential under this subsection (1). For purposes of this subsection (1)(b), "trade secret" has the same meaning as set forth in section 7-74-102 (4).

- (2) Any person in the employ of the division who divulges any confidential information to any person other than the director commits a civil infraction and shall thereafter be disqualified from holding any appointment or employment with any department under the state.
- (3) Pursuant to this section, the director shall provide a physical environment and establish policies and procedures to ensure confidentiality for all information regarding any employer, employee, or person pertaining to any action pursuant to articles 1 to 13 of this title; except that such information may be released if there exists an overriding need for access to such information arising pursuant to articles 1 to 13 of this title in connection with:
 - (a) A dispute resolution, a mediation, or an administrative or judicial proceeding; or
 - (b) A cooperative effort with another subdivision of government.

C.R.S. § 8-1-116. Investigators to have access to premises - penalty.

- (1) The director and any other person authorized in writing by the director at any reasonable time may enter any building, surface construction and demolition, factory, workshop, place, or premises of any kind wherein, or in respect of which, any industry except mining is carried on, any work is being or has been done or commenced, or any matter or thing is taking place which has been made the subject of any investigation, hearing, or arbitration by the division; inspect any work, material, machinery, appliance, or article therein; and interrogate any persons in or upon any such building, factory, workshop, place, or premises, except mines, mine workings, and ore milling operations, with respect to any matter or thing mentioned in this article.
- (2) Any person who hinders or obstructs the director or any person authorized by the director in the exercise of any power conferred by this article 1, or any employer who in bad faith refuses reasonable access to the employer's premises, or any person who gives advance notice of any inspection to be conducted under this article 1 without authority from the director or the director's designee is subject to a penalty of not less than fifty dollars for each day that the conduct continues. The division shall transmit any penalty imposed and collected pursuant to this section to the state treasurer, who shall credit the money to the wage theft enforcement fund created in section 8-4-113 (3).

C.R.S. § 8-1-117. Director to have access to books - penalty.

- (1) All books, records, and payrolls of employers, showing or reflecting in any way upon the amount of wage expenditure of such employers, and other data, facts, and statistics appertaining to the purposes of this article shall always be open for inspection by the director or any of his deputies or agents for the purpose of ascertaining the conditions of employment and such other information as may be necessary for the uses and purposes of the director in his administration of the law.
- (2) Any employer that refuses to exhibit and furnish the director or any agents of the division an inspection of any books, records, and payrolls of the employer, showing or reflecting in any way upon the amount of wage expenditure of the employer, and other data, facts, and statistics appertaining to the purposes of this article 1 or that refuses to admit the director or any agent of the division to any place of employment shall pay a penalty of not less than fifty dollars for each day that the failure, neglect, or refusal continues. The division shall transmit any penalty imposed and collected pursuant to this section to the state treasurer, who shall credit the money to the wage theft enforcement fund created in section 8-4-113 (3).

C.R.S. § 8-1-118. Rules of evidence - procedure.

The director, or persons designated by him, shall not be bound by the usual common law or statutory rules of evidence or by any technical or formal rules of procedure, other than as provided in this article or by the rules of the division, but he may make such investigations in such manner as in his judgment are best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this article.

C.R.S. § 8-1-119. Record of proceedings.

- (1) A full and complete record shall be kept of all proceedings had before or under the order of the director on any investigation, and all testimony shall be taken down by a shorthand reporter appointed by the director.
- (2) A transcribed copy of the evidence and proceedings, or any specific part thereof, of any investigation or hearing taken by a shorthand reporter appointed by the director, being certified by such shorthand reporter to be a true and correct transcript of the testimony, or a specific part thereof, on the investigation or hearing of a particular witness, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on such investigation or hearing so purporting to be taken and subscribed, may be received as evidence by the director or any agent of the division and by any court with the same effect as if such shorthand reporter were present and testified to the facts so certified. A copy of such transcript shall be furnished on demand to any party upon the payment of fifty cents per folio.

C.R.S. § 8-1-120. Depositions.

In any investigation, the director or any other party may cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in district courts. All such depositions shall be taken upon commission issued by the director and shall be taken in accordance with the laws and rules of court covering depositions in civil cases in the district courts of this state.

C.R.S. § 8-1-121. Contempt - punishment - fees.

- (1) In case of failure or refusal of any person to comply with an order of the director or subpoena issued by him or his agents, or refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, or refusal to permit an inspection as provided in this article, the judge of the district court for the county in which the person resides or of the county in which said person has been ordered to appear and testify before said director, on application of the director or any person appointed by him, shall compel obedience by attachment proceedings as in the case of disobedience of the requirements of a subpoena issued from such district court or on a refusal to testify therein.
- (2) Any person serving a subpoena or order shall receive the same fees as a sheriff for like service. Such subpoena or order may be served by any officer duly authorized to subpoena witnesses, or by any person designated by the director for such purpose, and proof of the serving of such subpoena or order shall be by the return of such person or officer endorsed thereon or attached thereto. Each witness who appears in answer to a subpoena before the director or his agent, if so ordered by the director, shall receive for his attendance the fees and mileage provided for in civil cases in the district court in the county where such witness attends which shall be paid in the same manner as other expenses of the division are paid.
- (3) No witness subpoenaed at the instance of a party other than the director or his agent shall be entitled to compensation unless the director in his discretion shall so order.

C.R.S. § 8-1-122. Inquiries - scope - report.

- (1) The director shall inquire into the general condition of labor in the principal industries in the state of Colorado and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the conditions of sanitation and safety of employees and the provisions for protecting the life, limb, and health of the employees; into relations existing between lessees of state lands and the state as to production and royalties or rentals paid and the relations between said lessees and their employees with respect to wages paid

and conditions of labor; into the growth of associations of employers and wage earners and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any state or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods of avoiding or adjusting labor disputes through peaceable and conciliatory mediation and negotiations; and into the scope, methods, and resources of existing bureaus of labor and possible ways of increasing their efficiency and usefulness.

- (2) The director shall seek to discover the underlying causes of dissatisfaction in the industrial situation, take all necessary means and methods within the powers of such director as provided by law, to alleviate the same, and report such remedial legislation as in the judgment of the director may be advisable, with his recommendations thereon. Such report shall accompany the annual report required in section 8-1-107(2)(j).

C.R.S. § 8-1-123. Arbitration.

The director shall do all in his power to promote the voluntary arbitration, mediation, and conciliation of disputes arising under an existing written agreement between employers and employees and to avoid the necessity of resorting to strikes, lockouts, boycotts, blacklists, discriminations, and legal proceedings in matters of employment. Arbitration undertaken pursuant to this section shall employ the procedures provided in part 2 of article 22 of title 13, C.R.S.

C.R.S. § 8-1-124. Witnesses - rules of evidence. (Repealed)

C.R.S. § 8-1-125. Disputes - jurisdiction - request for intervention - penalty.

- (1) The director may exercise jurisdiction over any dispute between employer and employee affecting conditions of employment, or with respect to wages or hours, only when the employer and the employee request such intervention or when the dispute, as determined by the executive director, affects the public interest, and such jurisdiction shall continue until after the final hearing of such dispute and the entry of the final award therein or until said director shall enter an order disposing of or terminating such jurisdiction. The relation of the employer and employee shall continue uninterrupted by the dispute or anything arising out of the dispute until the final determination thereof by said director; and neither the employer nor any employee affected by any such dispute shall alter the conditions of employment with respect to wages or hours or any other condition of said employment; neither shall they, on account of such dispute, do or be concerned in doing directly or indirectly anything in the nature of a lockout or strike or suspension or discontinuance of work or employment.
- (2) A request for intervention shall be submitted to the director by both the employer and the employee and shall set forth the facts, issues, or demands involved in the controversy or dispute, and each party to such dispute shall furnish the director such information within the time and as may be requested by the director.
- (3) If either party uses this or any other provision of articles 1 to 18 of this title and part 3 of article 34 of title 24, C.R.S., for the purpose of unjustly maintaining a given condition of affairs through delay, such party is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars.
- (4) The director shall proceed with reasonable diligence in hearing all disputes and shall render a final award or decision therein without unnecessary delay.

C.R.S. § 8-1-126. Lockouts and strikes unlawful - when.

- (1) It is unlawful for any employee in the state personnel system or for any labor organization, through formal action or through its agents, to incite, encourage, aid, or participate in a strike, stoppage of work, slowdown, or interruption of operations by employees in the state personnel system.
- (2) It is unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to or during an investigation, hearing, or arbitration of such dispute by the director, or the board, under the provisions of this article. Nothing in this article shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lockout or strike, or to prohibit the suspension or discontinuance of any industry or of the working of any person therein, which industry is not affected with a public interest. Nothing in this article shall be held to restrain any employer from declaring a lockout, or any

employee, except an employee who is in the state personnel system, from going on strike in respect to any dispute after the same has been duly investigated, heard, or arbitrated, under the provisions of this article.

C.R.S. § 8-1-127. When findings or awards are binding. (Repealed)

C.R.S. § 8-1-128. Petition - writ - dissolution.

The director of the division, as petitioner, may file in the district court of the city and county of Denver, or of any county in which the place of employment or any part thereof is situated, a verified petition against any employers or employees, or both, as respondents, and setting forth any violation or threatened or attempted violation of any provisions of section 8-1-125 or 8-1-126, and, thereupon, without bond and without notice, the district court shall issue its mandatory writ enjoining the alleged violations, or attempted or threatened violations of this article, and ordering and requiring the respondents to maintain all the conditions of employment in status quo and without change until after the dispute or controversy has been investigated and heard by the director and the final findings, decision, order, or award of the director made and entered. Any respondent may move the court to dissolve the mandatory writ as to that respondent, and, upon at least five days' notice to the director, the motion shall be set down for hearing, but the mandatory writ shall not be dissolved without proof of full compliance by the respondent with all the provisions of this article and orders of the director and that the continuance in effect of the mandatory writ is causing or will cause the respondent great and irreparable injury. The court may require such security of the respondent as the court determines adequate to enforce obedience to the provisions of this article on the part of the respondent before the mandatory writ is dissolved.

C.R.S. § 8-1-129. Strikes and lockouts - penalties.

- (1) Any employer declaring or causing a lockout contrary to the provisions of this article 1 commits a class 2 misdemeanor. Each day or part of a day that such lockout exists shall constitute a separate offense under this section.
- (2) Any employee who goes on strike contrary to the provisions of this article 1 commits a class 2 misdemeanor. Each day or part of a day that the employee is on strike shall constitute a separate offense under this section.
- (3) Any person who incites, encourages, or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of this article 1, commits a petty offense.

C.R.S. § 8-1-130. Judicial review.

The director has full power to hear and determine all questions within his jurisdiction, and his findings, award, and order issued thereon shall be final agency action. Any person affected by any finding, order, or award of the director may seek judicial review as provided in section 24-4-106, C.R.S.

C.R.S. § 8-1-131. Review - notice - evidence - order. (Repealed)

C.R.S. § 8-1-132. Final findings and awards - interlocutory orders - modification. (Repealed)

C.R.S. § 8-1-132.5. Fact-finding by commission - workmen's compensation. (Repealed)

C.R.S. § 8-1-133. Court to modify or vacate - venue. (Repealed)

C.R.S. § 8-1-134. Review - complaint - answer - hearing. (Repealed)

C.R.S. § 8-1-135. Cause referred back to director and commission - procedure. (Repealed)

C.R.S. § 8-1-136. Setting aside order of director or commission. (Repealed)

C.R.S. § 8-1-137. Appellate review. (Repealed)

C.R.S. § 8-1-138. Fees - costs - counsel for director or commission. (Repealed)

C.R.S. § 8-1-139. Failure of witness to appear or testify - penalty - repeal. (Repealed)

C.R.S. § 8-1-140. Violation - penalty.

- (1) If an employer, employee, or any other person violates any provision of this article 1, or does any act prohibited thereby, or fails or refuses to perform any duty lawfully enjoined for which no penalty has been specifically provided, such employer, employee, or any other person commits a petty offense.
- (2) If any employer, employee, or any other person fails, refuses, or neglects to perform any duty lawfully enjoined within the time prescribed by the director or fails, neglects, or refuses to obey any lawful order made by the director or any judgment or decree made by any court as provided in this article 1, for each such violation, the employer, employee, or any other person shall pay a penalty of not less than one hundred dollars for each day the violation, failure, neglect, or refusal continues. The division shall transmit any penalty imposed and collected pursuant to this section to the state treasurer, who shall credit the money to the wage theft enforcement fund created in section 8-4-113(3).
- (3) In the case of a corporation, the violation of any of the provisions of this article, including any violation fixed as a misdemeanor or other crime, is considered a violation of the provisions of this article by all officers, agents, and representatives of said corporation aiding, abetting, advising, encouraging, participating, inciting, or acquiescing in such violation, and they are individually guilty of such violation and subject to the fines, penalties, and punishments provided in this article.

C.R.S. § 8-1-141. Each day separate offense.

Every day during which any employer or officer or agent thereof or any employee fails to comply with any lawful order of the director or to perform any duty imposed by this article constitutes a separate and distinct violation thereof.

C.R.S. § 8-1-142. Collection of penalties.

All penalties provided for in this article 1 shall be collected in a civil action brought against the employer or employee in the name of the director, which civil action may be an administrative action or a judicial action authorized by law. Any fine provided in this article 1 is considered a penalty and recoverable in a civil action as provided in this section unless the violation of this article 1, for the punishment of which said fine is provided, is designated as a misdemeanor or other crime.

C.R.S. § 8-1-143. Costs - counsel for director - attorney general and district attorney to enforce.

- (1) In proceedings to review any finding, order, or award, costs as between the parties shall be allowed in the discretion of the court, but no costs may be taxed against the director or the division.
- (2) In any action for the review of any finding, order, or award and upon appellate review thereof, it is the duty of the district attorney of the county wherein said action is pending, or the attorney general if requested by the director, to appear on behalf of the division, whether any other party defendants should have appeared or been represented in the action or not. Upon request of the director, the attorney general or the district attorney of any district or county shall institute and prosecute the necessary proceedings for the enforcement of any of the provisions of this article, or for the recovery of any money due the division, or any penalty provided for in this article, and shall defend in like manner all suits, actions, or proceedings brought against the director. No district attorney or any assistant or deputy district attorney, nor the attorney general or deputy or assistant attorney general within this state, shall appear in any proceedings, hearing, investigation, arbitration, award, or compensation matter, except as attorney for and on behalf of said director and employees of the division.

C.R.S. § 8-1-144. Penalty for false statements.

If, for the purpose of obtaining any order, benefit, or award under the provisions of this article, either for himself or herself or for any other person, anyone willfully makes a false statement or representation, he or she commits a class 5 felony, as defined in section 18-1.3-401, C.R.S.

C.R.S. § 8-1-145. Authority of department of public health and environment not affected.

Nothing in this article shall be construed to affect the authority of the department of public health and environment relative to the public health.

C.R.S. § 8-1-146. Effect of transfer of powers, duties, and functions.

- (1) Repealed.
- (2) The division of labor standards and statistics, the division of employment and training, the division of unemployment insurance, the state board of pharmacy, and the industrial claim appeals panel in the industrial claim appeals office, which perform any of the powers, duties, and functions performed by the industrial commission prior to its abolishment on July 1, 1986, are the successors in every way with respect to those powers, duties, and functions, except as otherwise provided in this article or by law. Every act performed in the exercise of those powers, duties, and functions has the same force and effect as if performed by the commission prior to July 1, 1986. Whenever the commission is referred to or designated by any law, contract, insurance policy, bond, or other document, the reference or designation applies to the division of labor standards and statistics, the division of employment and training, the division of unemployment insurance, the state board of pharmacy, or the industrial claim appeals panel in the industrial claim appeals office, as the case may be.

C.R.S. § 8-1-147. Actions, suits, or proceedings not to abate by reorganization - maintenance by or against successors. (Repealed)

C.R.S. § 8-1-148. Rules, regulations, rates, and orders adopted prior to article - abolishment of commission - continued.

- (1) All rules, regulations, rates, orders, and awards of the commission lawfully adopted prior to July 1, 1969, shall continue to be effective until revised, amended, repealed, or nullified pursuant to law.
- (2) All rules, regulations, rates, orders, and awards of the commission lawfully adopted prior to July 1, 1986, shall continue to be effective until revised, amended, repealed, or nullified pursuant to law.

C.R.S. § 8-1-149. Transfer of officers, employees, and property. (Repealed)

C.R.S. § 8-1-150. Licensing functions subject to periodic review. (Repealed)

C.R.S. § 8-1-151. Public safety inspection fund created.

There is hereby created in the state treasury a fund, to be known as the public safety inspection fund, which shall consist of moneys credited thereto pursuant to sections 8-20-104, 8-20-1002, and 9-7-108.5, C.R.S. All moneys in the public safety inspection fund shall be subject to annual appropriation by the general assembly for the public safety inspection activities of the division of oil and public safety. The moneys in the public safety inspection fund shall not be credited or transferred to the general fund or any other fund of the state.

C.R.S. § 8-1-152. Applications for licenses - authority to suspend licenses - rules.

- (1) Every application by an individual for a license issued by the department or any authorized agent of the department shall require the applicant's name, address, and social security number.
- (2) The department or any authorized agent of the department shall deny, suspend, or revoke any license pursuant to the provisions of section 26-13-126, C.R.S., and any rules promulgated in furtherance thereof, if the department or agent thereof receives a notice to deny, suspend, or revoke from the state child support enforcement agency because the licensee or applicant is out of compliance with a court or administrative order for current child support, child support debt, retroactive child support, child support arrearages, or child support when combined with maintenance or because the licensee or applicant has failed to comply with a properly issued subpoena or warrant relating to a paternity or child support proceeding. Any such denial, suspension, or revocation shall be in accordance with the procedures specified by rule of the department, rules promulgated by the state board of human services, and any

memorandum of understanding entered into between the department or an authorized agent thereof and the state child support enforcement agency for the implementation of this section and section 26-13-126, C.R.S.

(3)

- (a) The department shall enter into a memorandum of understanding with the state child support enforcement agency, which memorandum shall identify the relative responsibilities of the department and the state child support enforcement agency in the department of human services with respect to the implementation of this section and section 26-13-126, C.R.S.
 - (b) The appropriate rule-making body of the department is authorized to promulgate rules to implement the provisions of this section.
- (4) For purposes of this section, "license" means any recognition, authority, or permission that the department or any authorized agent of the department is authorized by law to issue for an individual to practice a profession or occupation or for an individual to participate in any recreational activity. "License" may include, but is not necessarily limited to, any license, certificate, certification, letter of authorization, or registration issued for an individual to practice a profession or occupation or for an individual to participate in any recreational activity.

C.R.S. § 8-1-153. Private employers - veterans' preference hiring policy - definitions.

(1) As used in this section:

(a) "Eligible individual" means:

- (I) A veteran with a disability who has a one hundred percent permanent and total disability rating if the date of hiring is within ten years after the veteran's date of discharge;
- (II) A veteran, a veteran with a less than one hundred percent permanent and total disability rating, a member of the military reserves, or a member of the National Guard who received discharge document DD214 if the date of hiring is within five years after the date of discharge; or
- (III) The spouse of a service member killed in the line of duty if the date of hiring is within five years after the date of the death of the service member.

(b) "Private employer" means a private, nonpublic person that employs one or more employees within the state.

(c) "Veteran" has the same meaning as set forth in section 8-14.3-202 (8).

(d) "Veterans' preference hiring policy" means a private employer's preference for hiring an eligible individual if the eligible individual is at least as qualified as the other applicants.

(e) "Veteran with a disability" means a veteran who has a compensable, service-connected disability as adjudicated by the United States department of veterans affairs or the appropriate branch of the armed forces.

(2) A private employer may adopt and apply a veterans' preference hiring policy if:

- (a) The private employer applies the veterans' preference hiring policy uniformly to all hiring decisions;
- (b) The private employer requires a veteran to provide proof of service by furnishing a copy of the veteran's discharge document DD214;
- (c) The private employer requires the spouse of a service member killed in the line of duty to furnish proof of marriage to the service member killed in the line of duty and a copy of the service member's discharge document DD214 and the death certificate; and
- (d) The veterans' preference hiring policy is in writing, public, and implemented at least fourteen days before it is applied to any new job posting or new hiring decision.

- (3) The adoption and application of a veterans' preference hiring policy by a private employer in accordance with this section creates a rebuttable presumption that such policy is not a discriminatory or unfair employment practice in violation of part 4 of article 34 of title 24.
- (4)
 - (a) On or before September 1, 2021, the Colorado office of economic development shall begin the development of production materials to educate and encourage employers to hire veterans.
 - (b) The general assembly shall appropriate twenty-five thousand dollars from the general fund to the Colorado office of economic development, created in section 24-48.5-101, for allocation to the Colorado office of film, television, and media, created in section 24-48.5-115, for the purposes of this subsection (4).
- (5) A private employer may advertise for and actively recruit veterans to apply for employment with the private employer regardless of whether the private employer adopts a veterans' preference hiring policy.