



Statement of Basis, Purpose, Specific Statutory Authority, and Findings

Protections for Public Workers Act (“PROPWA”) Rules, 7 CCR 1103-17 (2024), **as adopted October 10, 2024.**

I. Basis:

The Director (“Director”) of the Division of Labor Standards and Statistics (“Division”) has the authority to adopt rules and regulations under the authority listed in Part II, which is incorporated into Part I as well. These amendments update the Protections for Public Workers Act (“PROPWA”) Rules, 7 CCR 1103-17, which implement the “Protections for Public Workers Act” (“PROPWA”), as amended, including [Colorado Senate Bill 23-111](#) and [Colorado Senate Bill 24-232](#).

II. Specific Statutory Authority:

These rules are issued under the authority and as implementation and enforcement of Colorado Revised Statutes (“C.R.S.”) Title 29, Article 33 (2024), the “Protections for Public Workers Act,” as well as the general labor law implementation and enforcement authority of C.R.S. Title 8, Articles 1 and 3 (2024), and are intended to be consistent with the rulemaking requirements of the State Administrative Procedure Act, C.R.S. § 24-4-103. These rules are promulgated pursuant to express authority including, but not limited to, C.R.S. §§ 8-1-118 and 29-33-105.

III. Findings, Justifications, and Reasons for Adoption:

Pursuant to C.R.S. § 24-4-103(4)(b), the Director finds as follows: **(A)** demonstrated need exists for these rules, as detailed in the findings in Part IV, which are incorporated into this finding as well; **(B)** proper statutory authority exists for the rules, as detailed in the list of statutory authority in Part II, which is incorporated into this finding as well; **(C)** to the extent practicable, the rules are clearly stated so that their meaning will be understood by any party required to comply; **(D)** the rules do not conflict with other provisions of law; and **(E)** any duplicating or overlapping has been minimized and is explained by the Division.

IV. Specific Findings for Adoption:

Pursuant to C.R.S. § 24-4-103(6) the Director finds as follows.

The Protections for Public Workers Act (“PROPWA”), S.B. 23-111 (Ch. 393, Sec. 2349, § 29-33-101 et seq., 2023 Colo. Sess. Laws 2349-2354), was enacted June 6, 2023, and fully effective July 1, 2024. The Protections for Public Workers Act (“PROPWA”) Rules”, 7 CCR 1103-17, were adopted on February 2, 2024, and effective July 1, 2024. On June 7, 2024, amendments to PROPWA were enacted in S.B. 24-232 (the “2024 PROPWA Amendments”), effective August 7, 2024.

The key provisions of the 2024 PROPWA Amendments added or changed several limitations in PROPWA for certain confidential, managerial, and non-partisan employees, and for disruptive activity. The 2024 PROPWA Amendments included provisions defining the scope of, and the terms relevant to, those limitations. The 2024 PROPWA Amendments also added or modified certain other definitions, including of concerted activity and of employee organizations, in ways that mainly clarify rather than change the substance. The passage of these 2024 PROPWA Amendments required amending the PROPWA Rules to conform to those enacted statutory additions and changes. During the rulemaking process, the Division considered two suggestions it received:

(1) One comment suggested adding specific timelines for Division complaint reviews and investigations. Based

on the Division’s experience with similar complaints and investigations, however — including unfair labor practice complaints under other labor-management relations statutes, as well as retaliation complaints under statutes that parallel PROPWA expressive activity complaints — such matters vary too greatly in complexity, both legal and factual (e.g., some require the investigation to include witnesses, review of personnel files or other voluminous records, and/or iterative inquiries to all parties), for any default timeline to function effectively. As with other adjudications, the Division will endeavor to resolve PROPWA complaints as efficiently as possible in light of the nature and needs of the matter.

(2) Another comment expressed concern as to whether a complaint filing requires disclosure of the names and/or contact information of all allegedly injured employees. Both the statutory and rule text allow anyone to report a violation, allow the Division to investigate on its own initiative based on leads (not just formal or complete complaints), and allow anonymity where warranted.¹ Accordingly, no rule change is required to preserve these permissions, but the Division intends to make them clearer on its published guidance and its complaint form.

V. Effective Date:

These rules take effect on December 1, 2024, and replace the temporary or emergency rules effective on August 7, 2024.



Scott Moss
Director, Division of Labor Standards and Statistics
Colorado Department of Labor and Employment
Dated: October 10, 2024

¹ C.R.S. § 29-33-105(2) (“The division shall create and administer a process to accept, review, and investigate complaints *or other leads* concerning a violation that, in the director’s good faith discretion and judgment, warrants investigation.”) (emphasis added); PROPWA Rules, 7 CCR 1103-17, Rule 5.1.1(F) (“The Director may initiate, file, and investigate any such complaint *on their own initiative*, or at the *request of any interested party*. The *name or interest* of any such party shall *not be disclosed* if not necessary to resolution of the complaint.”) (emphasis added).