



Comments on Proposed Labor Standards Rules

1 message

Nina DiSalvo <nina@towardsjustice.org>

Thu, Nov 6, 2025 at 11:24 AM

To: "CDLE_LaborStandardsRules@state.co.us" <CDLE_LaborStandardsRules@state.co.us>

Attached please find comments on the proposed YES Rules and on proposed rules impacting agricultural workers in Colorado.

Thank you for the opportunity to comment.

Best,
Nina

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2 attachments



2025.11.06 TJ Comments YES Rules.pdf
252K



2025.11.06 TJ Comments AG Rules.pdf
188K

TO: Colorado Department of Labor and Employment Division of Labor Standards and Statistics

FROM: Towards Justice

RE: Comments on Proposed COMPS Order #40, Agricultural Labor Conditions Rules

DATE: November 6, 2025

VIA EMAIL: CDLE_LaborStandardsRules@state.co.us

Towards Justice submits these comments on 7 CCR 1103-1, Colorado Overtime & Minimum Pay Standard Order (COMPS Order # 40), and 7 CCR 1103-15, Agricultural Labor Conditions Act Rules, both proposed September 30, 2025, and scheduled to go into effect January 1, 2026.

Towards Justice is a nonprofit law firm that advocates for and collaborates with workers, consumers, and small businesses to build power and advance economic equity in our home state of Colorado and across the country. We appreciate the Division's commitment to protecting agricultural workers. However, the Department's effort to conform its rules to Senate Bill 25-128 represents an unnecessary and overly broad departure from the law's intent.

COMPS Rule 2.3.2(A)(1).

Rule 2.3.2(A)(1) currently includes a summary table that no longer provides meaningful clarity or serves a practical function. We recommend that the Department remove the rate implementation provisions in this section, retaining only those provisions applicable to 2025.

Agricultural Labor Conditions Rules (7 CCR 1103-15).

We are concerned by the Department's proposed expansion and unnecessary revisions to the Agricultural Labor Conditions Act Rules. Any updates should be limited to aligning the purpose statement in Rule 4.1 with the recent statutory changes in Senate Bill 25-128—without weakening the essential protections that ensure agricultural workers' access to vital services.

Rule 4.1 already fulfills the intent of C.R.S. § 8-13.5-202(1)(c), which directs the Division to ensure workers have meaningful access to health, legal, and financial services, including during paid work hours. SB 25-128 simply clarifies that rules may not grant service providers physical access to employer property. Because Rule 4.1 already complies with that requirement, revisions should be limited to updating citations and terminology—not changing substance.

Rules 4.2 and 4.3 must remain intact. Rule 4.2 ensures that when employers cannot provide phone or internet access, workers can still contact key service providers while at work. This rule does not grant

third-party access to employer property and therefore, does not conflict with *Cedar Point Nursery v. Hassid*, 141 S. Ct. 2063 (2021). Rather, it imposes a reasonable obligation on employers to facilitate communication—balancing property rights with workers’ practical ability to access services. Indeed, SB 25-128 reaffirms this principle by explicitly preserving workers’ rights to reach providers “through remote channels, including telehealth appointments, on the employer’s property.” C.R.S. § 8-13.5-202(1)(b)(I).

Rule 4.3 provides critical protection by guaranteeing paid break time for agricultural workers required to work extremely long hours—precisely when access to services is most difficult. The statute expressly calls for safeguards “especially during periods when the agricultural worker is required to work in excess of forty hours per week.” C.R.S. § 8-13.5-202(1)(c). Weakening Rule 4.3 would contravene that directive and deny workers a realistic opportunity to care for their health and well-being.

Consistent with the above, we urge the Department to leave INFO #12B unchanged. INFO #12B already clearly provides that:

“An employer may not interfere with an employee’s ability to access key service providers at the employee’s housing when the employee is present, if the employer provides housing, and at any other location *except* the employer’s property.” (Emphasis in original.)

This language strikes the appropriate balance between respecting employer property rights and preserving workers’ statutory right to access essential services.

For these reasons, Towards Justice respectfully requests that CDLE: (1) Remove the outdated summary table in COMPS Rule 2.3.2(A)(1); and (2) Limit revisions to the Agricultural Labor Conditions Rules to technical and citation updates required by SB 25-128, without weakening Rules 4.1, 4.2, 4.3, or INFO #12B.

Conclusion.

For these reasons, Towards Justice respectfully requests that CDLE: (1) Remove the outdated summary table in COMPS Rule 2.3.2(A)(1); and (2) Limit revisions to the Agricultural Labor Conditions Rules to technical and citation updates required by SB 25-128, without weakening Rules 4.1, 4.2, 4.3, or INFO #12B. Thank you for the opportunity to comment on these proposed rules. We hope these suggestions prove useful and we look forward to reviewing the final rules.