**WARNING** 

IF YOU ARE INJURED ON THE JOB,

WRITTEN NOTICE OF YOUR INJURY

MUST BE GIVEN TO YOUR EMPLOYER

WITHIN FOUR WORKING DAYS

AFTER THE ACCIDENT, PURSUANT

TO SECTION 8-43-102(1) AND (1.5),

**COLORADO REVISED STATUTES.** 

IF THE INJURY RESULTS FROM YOUR

**USE OF ALCOHOL OR CONTROLLED** 

SUBSTANCES, YOUR WORKERS'

**COMPENSATION DISABILITY** 

BENEFITS MAY BE REDUCED BY

ONE-HALF IN ACCORDANCE WITH

**SECTION 8-42-112.5, COLORADO** 

REVISED STATUTES.

**Department of Labor and Employment** 

Colorado Workplace Public Health Rights Poster:

PAID LEAVE, WHISTLEBLOWING, & PROTECTIVE EQUIPMENT

**Division of Labor Standards & Statistics** 

#### FED **Employee Rights Under the Fair Labor Standards Act**

## FEDERAL MINIMUM WAGE \$7.25 PER HOUR **BEGINNING JULY 24, 2009**

The law requires employers to display this poster where employees

# can readily see it.

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, nonhazardous jobs with certain work hours restrictions. Different rules apply in agricultural

At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

## Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees

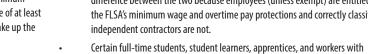
a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the

The FI SA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.



CO







issued by the Department of Labor.

The Department has authority to recover back wages and an equal amount in liquidated

may litigate and/or recommend criminal prosecution. Employers may be assessed civil

damages in instances of minimum wage, overtime, and other violations. The Department

money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the

FLSA's child labor provisions. Heightened civil money penalties may be assessed for each

child labor violation that results in the death or serious injury of any minor employee,

and such assessments may be doubled when the violations are determined to be willful

or repeated. The law also prohibits retaliating against or discharging workers who file a

Certain occupations and establishments are exempt from the minimum wage,

Special provisions apply to workers in American Samoa, the Commonwealth of

Some state laws provide greater employee protections; employers must comply

when they are actually employees under the FLSA. It is important to know the

difference between the two because employees (unless exempt) are entitled to

the FLSA's minimum wage and overtime pay protections and correctly classified

disabilities may be paid less than the minimum wage under special certificates

REV. 07/2016

Effective January 1, 2021

Must be updated annually; new poster available 1st week of each December

Some employers incorrectly classify workers as "independent contractors"

the Northern Mariana Islands, and the Commonwealth of Puerto Rico.

complaint or participate in any proceeding under the FLSA.

Department of Labor and Employment, Division of Labor Standards & Statistics **COLORADO OVERTIME & MINIMUM PAY STANDARDS** 

> ORDER ("COMPS Order") #37 POSTER **Division of Labor Standards & Statistics**

Colorado Minimum Wage: \$12.32 per hour, or \$9.30 for Tipped Employees, effective 1/1/2021. The minimum wage adjusts annually by inflation; next year's COMPS Order and Poster will provide the 2022 minimum wage. The minimum wage applies to all adults and emancipated minors, whether paid hourly or any other basis (salary, commission, piecework, etc.), unless exempted by COMPS Order Rule

2. Unemancipated minors may be paid 15% below the minimum. The federal minimum wage (\$7.25) and any local minimum wages (including \$14.77 in Denver as of 1/1/21) may also apply. If work is covered by multiple minimum or overtime wage rules, the rule with the higher wage or standard applies

#### Overtime: $1\frac{1}{2}$ times the regular pay rate for hours over 40 weekly, 12 daily, or 12 consecutive. Hours in two or more weeks cannot be averaged in computing overtime. Employers may not provide time off (often called "comp time") instead of time-and-a-half premium pay for overtime hours.

Periods: 30 minutes uninterrupted and duty-free, for shifts over 5 hours. Employees must be completely relieved of all duties, and allowed to pursue personal activities, for meal periods to be unpaid If work makes uninterrupted meal periods impractical, eating an on-duty meal must be permitted, and the time must be paid.

#### To the extent practical, meal periods must be at least 1 hour after starting and 1 hour before ending shifts. Rest Periods: 10 minutes, paid, every 4 hours. | Up to 2 | >2, up to 6 | >6, up to 10 | >10, up to 14 | >14, up to 18 | >18, up to 22 | >22 #Work Hours

#Rest Periods Rest periods need not be off-site but must not include work and should be in the middle of the 4 hours to the extent practical Two 5-minute rest periods, instead of one 10-minute, are permitted if employees and employers agree voluntarily and without coercion, and if 5 minutes is enough to go back and forth

#### Employers that do not authorize and permit rest periods must pay extra for the work time that would have been rest periods. Time Worked: Time employers allow performance of labor/services for their benefit must be paid. All time on-premises, on duty, or at prescribed workplaces (but not just letting off-duty employees be on-premises), including:

putting on or removing work clothes/gear (but not clothes worn outside work), cleanup/setup, or other off-the-clock duty; awaiting assignments at work, or receiving or sharing work-related information; or

security/safety screening, clocking/checking in or out; or

#### Travel for employer benefit is time worked; normal home/work travel is not. For more on travel and sleep time, see Rule 1.9.2. Deductions, Credits, & Charges from Wages: Subject to limits in C.R.S. 8-4-105 and below. Tip credits of up to \$3.02 per hour (lowering minimum wages to \$9.30) are allowed for those regularly, customarily receiving over \$30 per month in tips. If hourly pay plus tips is below

the full minimum wage, the employer must pay the difference. Meal credits are allowed for the cost or value (without employer profit) of a voluntarily accepted meal.

to a bathroom or other place where a genuine break would be taken. Additional flexibility with 5-minute periods applies to agriculture, Medicaid home care, and collectively bargained

Lodging deductions are allowed only if housing is voluntarily accepted by the employee, primarily for the employee's (not employer's) benefit, recorded in writing, and limited to \$25 or Uniforms that are ordinary clothes, without special material or design, need not be provided; other uniforms must be provided at no cost. Employers must pay for any special cleaning required, and cannot require deposits or deduct for ordinary wear and tear.

#### Exemptions from the COMPS Order: All listed in Rule 2; key exemptions listed below. Executives/supervisors, decision-making administrative employees, and professionals (Rule 2.2.1-3) paid the exempt salary:

·			·	
2021	2022	2023	2024	Each Year After 2024
\$40,500	\$45,000	\$50,000	\$55,000	Prior year's salary, inflation-adjusted
20% owners, or at a nonprofit the highest-paid/highest-ranked employee, if actively engaged in management (2.2.5).  Highest desiral associated and the desiral and the state of \$2.2.00 mass and the state of \$2.2.00 mass are stated as a state of \$2.00 mass are stated as a stated as a state of \$2.00 mass are stated as a stated as a state of \$2.00 mass are stated as a stated as a stated as a stated as a stat				
<ul> <li>Highly technical computer-related employees (defined in 2.2.10), if paid at least \$28.38 per hour.</li> <li>Various in-residence workers, including property managers, range workers, and camp/outdoor education field staff (2.2.7).</li> </ul>				
• Various, but not all, types of salespersons (2.2.4, 2.4.1, 2.4.2) and taxi drivers (2.2.6).				
• Certain medical transportation and hospital/nursing home employees have modified overtime rules (2.4.4, 2.4.5).				

Downhill ski/snowboard employees, including on-mountain food but not lodging, are exempt from 40-hour overtime (2.4.3)

Agriculture (2.3) and some transportation (2.4.6) jobs are exempt from overtime and meal periods, and have more flexible rest periods (agriculture) or no (transportation) rest periods. The Division of Labor Standards and Statistics (contact info at the bottom of this Poster) accepts complaints and tips as to violations of COMPS or other wage rights under federal, state,

or local law. Alternatively, employees may file lawsuits in court. Parties liable for unpaid wages include the employer as an entity, and individuals with operational control over the entity.

Employers cannot retaliate by threatening, coercing, or discriminating for purposes of reprisal, interference, or obstruction, as to actual or anticipated wage investigations, hearings, Violations of wage or anti-retaliation provisions may be reported to the Division as complaints or anonymous tips.

is illegal under Wage Protection Rule 4.8 and other applicable law. This poster must be displayed where easily accessible to workers, included in any existing employee handbook or manual, shared with remote workers, provided in languages other than English as needed, and replaced annually.

Immigration status is irrelevant to wage rights. The Division will investigate and rule on complaints without asking, reporting or considering status. Using status to interfere with rights

This Poster summarizes key wage rules in the COMPS Order, but not all, and should not be relied upon as complete information. For the full Order, more detailed fact sheets, or for questions, information, or complaints as to wage or other labor laws, contact: Division of Labor Standards and Statistics, coloradolaborlaw.gov, cdle labor standards@state.co.us, 303-318-8441 / 888-390-7936.

#### **NOTICE:** This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum waae. Where federal and state rates both apply to an employee. the U.S. Department of Labor dictates that the employee is entitled to the higher minimum waae rate. THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

#### CO Department of Regulatory Agencies, Colorado Civil Rights Division **Colorado Law Prohibits Discrimination in: EMPLOYMENT**

#### C.R.S. § 24-34-401 et seq. IT SHALL BE A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE:

of employment, or to discriminate IN MATTERS of COMPENSATION, TERMS, CONDITIONS, or PRIVILEGES of employmen

DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION (including TRANSGENDER JS). RFI IGION. AGF. NATIONAL ORIGIN or ANCESTRY, or, in certain

MARRIAGE TO A COWORKER. **REASONABLE ACCOMMODATIONS FOR DISABILITIES:** 

An employee with a disability is entitled to a reasonable accommodation(s) which is necessary to perform the essential functions of the job. An accommodation is not

reasonable if its provision would result in an undue hardship on the employer's business. PREGNANT WORKERS FAIRNESS ACT — C.R.S. § 24-34-402.3 An employee with a health condition(s) related to pregnancy or physical recovery from

childbirth is entitled to a reasonable accommodation(s) necessary to perform the essential functions of the job. An accommodation is not reasonable if its provision would result in an undue hardship on the employer's business.

### RETALIATION PROHIBITED — C.R.S. § 24-34-402(e) to REFUSE TO HIRE, to DISCHARGE, to PROMOTE or DEMOTE, to HARASS during the course

It is a discriminatory act to retaliate against a person who opposes a discriminatory practice or who participates in a discrimination investigation, proceeding or hearing.

SHARING WAGE INFORMATION PROTECTED — C.R.S. § 24-34-402(i) An employer shall not discharge, discipline, discriminate against, coerce, intimidate, threaten, or interfere with an employee or person due to an inquiry, disclosure or discussion of wages. An employer shall not require an employee to waive the right to disclose wage information

CROWN Act of 2020: Discrimination on the basis of one's race includes hair texture, hair type, or a protective

hairstyle commonly or historically associated with race, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps. eff. 9/13/20. TO FILE A COMPLAINT OF DISCRIMINATION, OR FOR MORE INFORMATION

CONTACT THE COLORADO CIVIL RIGHTS DIVISION; 1560 BROADWAY, LOBBY WELCOME CENTER, SUITE # 110, DENVER, CO 80202 MAIN PHONE: 303-894-2997; HOTLINE ESPANOL: 720-432-4294;

**TOLL-FREE:** 800-262-4845; V/TTD **RELAY:** 711; **FAX:** 303-894-7830; **EMAIL:** DORA\_CCRD@STATE.CO.US EMPLOYMENT DISCRIMINATION COMPLAINTS MUST BE FILED WITHIN SIX (6) MONTHS AFTER THE ALLEGED DISCRIMINATORY ACT OCCURRED.

Division Director, Aubrey Elenis, Esq. ccrd.colorado.gov

CO

Department of Labor and Employment, Division of Workers' Compensation **Colorado Workers' Compensation Information** Your employer has workers' compensation coverage for employees through:

Workers' compensation is a type of insurance coverage that employers must provide to their employees. The cost of workers' compensation insurance is paid entirely by the employer and may not be deducted from an employee's wages.

If you are injured or sustain an occupational disease while at work, you may be entitled to compensation benefits as provided by law. WRITTEN NOTICE MUST BE GIVEN TO YOUR EMPLOYER WITHIN 4 WORKING DAYS OF THE ACCIDENT. If you don't report your injury or occupational disease promptly your benefits may be reduced. If you are unable to work as the result of a work-related injury or occupational disease, compensation (wage replacement) benefits will be based on 2/3 of your average weekly wage up to a maximum set by law. No compensation is payable for the first 3 days' disability unless the period of disability exceeds two weeks.

You are entitled to reasonable and necessary medical treatment of compensable injuries or occupational diseases. If you notify your employer of an injury or occupational disease and are not offered medical care, you may select the services of a licensed physician or chiropractor. You may file a Worker's Claim for Compensation with the Division of Workers' Compensation. To obtain forms or information regarding the workers' compensation system, you may call

Customer Service at 303-318-8700 or toll-free at 1-888-390-7936 or visit our website at www.colorado.gov/cdle/dwc. **COLORADO DIVISION OF WORKERS' COMPENSATION** 

633 17<sup>TH</sup> Street, Suite 400, Denver, CO 80202-3626 Any information provided below comes from your employer and is specific to this place of employment:

**NOTICE TO WORKERS** 

CO

# YOU HAVE THE RIGHT TO BE:

Properly classified as an employee or an independent contractor

Paid accurately and timely for the services you perform

There are resources available to you if you believe you are being subject to improper classification or inaccurate payment practices by your employer. For more information, go to Employers are required to follow the law when paying hourly wages, overtime, and properly covering you for unemployment insurance and workers' compensation purposes. As a

worker, you have certain rights as an employee vs. independent contractor. Improper classification (often called misclassification) of employees as independent contractors and other labor law violations create many problems, both for law-abiding businesses

If you believe you have been improperly classified as an independent contractor and are really performing duties that fit the criteria of an employee, visit colorado.gov/cdle/TipForm, or call us at 303-318-9100 and select Option 4. To be classified as an employee, you must meet the criteria in Colorado Revised Statute 8-70-115. You can

read the law online and find out more at coloradoui.gov/ProperClassification As an employee, you are entitled to unemployment insurance benefits if you become unemployed through no fault of your own. Your employer contributes to unemployment insurance and cannot deduct this from your wages.

If you become unemployed and wish to file for unemployment insurance benefits, go to coloradoui.gov and click on File a Claim. If your hours of work and pay are reduced, you may be If you cannot access a computer, call one of the following numbers: 303-318-9000 (Denver-metro area) or 1-800-388-5515 (outside Denver-metro area); hearing impaired 303-318-9016

Colorado Employment Security Act, 8-74-101(2); Regulations Concerning Employment Security 7.3.1 through 7.3.5

(TDD Denver-metro area) or 1-800-894-7730 (TDD outside Denver-metro area) **EMPLOYERS ARE REQUIRED BY LAW TO POST THIS NOTICE** 

> Employers can download copies of this poster at coloradoui.gov/employer, then click on Forms / Publications. COLORADO

Department of **Labor and Employment**  IT STARTS WITH YOU Building a better Colorado

FED **EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT** 

The United States Department of Labor Wage and Hour Division Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following

The birth of a child or placement of a child for adoption or foster care; To bond with a child (leave must be taken within 1 year of the child's birth or placement); To care for the employee's spouse, child, or parent who has a qualifying serious health condition; For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;

For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

ligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single

intermittently or on a reduced schedule

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any

practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

Have worked for the employer for at least 12 months; Have at least 1,250 hours of service in the 12 months before taking leave;\* and Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

Special "hours of service" requirements apply to airline flight crew employees Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Emp<mark>loyees</mark> must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified. imployers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is complete, it must provide a written notice indicating what additional information is required.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility. Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement

UNITED STATES OF AMERICA

FED

For additional information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 www.dol.gov/whd U.S. Department of Labor • Wage and Hour Division • WH1420

REV. 04/2016



Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and **Labor Organizations** Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases: RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN Title II of the Genetic Information Nondiscrimination Act of 2008

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship. Title I and Title V of the Americans with Disabilities Act of 1990,

as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same <u>www.eeoc.gov</u>.

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

**INDIVIDUALS WITH DISABILITIES** 

Executive Order 11246, as amended, prohibits job discrimination on

the basis of race, color, religion, sex or national origin, and requires

affirmative action to ensure equality of opportunity in all aspects of

Section 503 of the Rehabilitation Act of 1973, as amended, protects

qualified individuals from discrimination on the basis of disability

in hiring, promotion, discharge, pay, fringe benefits, job training,

classification, referral, and other aspects of employment. Disability

discrimination includes not making reasonable accommodation to

the known physical or mental limitations of an otherwise qualified

affirmative action to employ and advance in employment qualified

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as

amended, 38 U.S.C. 4212, prohibits job discrimination and requires

In addition to the protections of Title VII of the Civil Rights Act of

in programs or activities receiving Federal financial assistance.

Employment discrimination is covered by Title VI if the primary

objective of the financial assistance is provision of employment, or

in providing services under such programs. Title IX of the Education

Amendments of 1972 prohibits employment discrimination on the

EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement

basis of sex in educational programs or activities which receive Federal

USERRA protects the job rights of individuals who voluntarily or

r certain types of service in the National Disaster Medical System.

and present members of the uniformed services, and applicants to the

You have the right to be reemployed in your civilian job if you leave that job to perform

you return to work or apply for reemployment in a timely manner after

If you are eligible to be reemployed, you must be restored to the job and benefits you

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

would have attained if you had not been absent due to military service or, in some cases,

The Employee Polygraph Protection Act prohibits most private employers from

using lie detector tests either for pre-employment screening or during the

Employers are generally prohibited from requiring or requesting any employee or job

applicant to take a lie detector test, and from discharging, disciplining, or discriminating

against an employee or prospective employee for refusing to take a test or for exercising

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in

The Act permits polygraph (a kind of lie detector) tests to be administered in the private

sector, subject to restrictions, to certain prospective employees of security service firms

armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and

you ensure that your employer receives advance written or verbal notice of your

you have five years or less of cumulative service in the uniformed services while

you have not been separated from service with a disqualifying discharge or under

are obligated to serve in the

any benefit of employment

U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice Office of Special Counsel

Employer Support of the Guard and Reserve • 1-800-336-4590

**EMPLOYEE RIGHTS** 

EMPLOYEE POLYGRAPH PROTECTION ACT

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT

DIVISION OF LABOR STANDARDS AND STATISTICS

**NOTICE OF PAYDAYS** 

Every employer shall post and keep posted conspicuously at the place of work if practicable, or otherwise where it can be seen as employees come or go to

their places of work, or at the office or nearest agency for payment kept by the employer a notice specifying the regular paydays and the time and place of

Pay periods can be no greater duration than a calendar month or 30 days, whichever is longer. Paydays must occur no later than 10 days following the close of each pay

**EMPLOYEES ARE PAID ON REGULAR PAYDAYS AS FOLLOWS:** 

This form is provided as a courtesy by the Colorado Division of Labor Standards and Statistics. Other Notice of Paydays Posters may be acceptable provided that they

payment, in accordance with the provisions of section 8-4-103, and also any changes concerning them that may occur from time to time.

uniformed service:

USERRA also prohibits employers from discriminating against past

where employment discrimination causes or may cause discrimination

1964, as amended, Title VI of the Civil Rights Act of 1964, as amended,

prohibits discrimination on the basis of race, color or national origin

ARMED FORCES SERVICE MEDAL VETERANS

RACE, COLOR, NATIONAL ORIGIN, SEX

FED

service in the uniformed service and:

with that particular employer

conclusion of service; and

other than honorable conditions

are a past or present member of

have applied for membership in

the uniformed service:

the uniformed service; or

retention in employment;

nen an employer may not deny you:

initial employment;

reemployment;

because of this status.

FED

course of employment.

DEPARTMENT OF LABOR

CO

UNITED STATES OF AMERICA

www.colorado.gov/cdle/labor

period. 8-4-103, C.R.S.

contain the elements and information required by 8-4-107, C.R.S.

**Employers Holding Federal Contracts or Subcontracts** Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which

a campaign badge has been authorized), and Armed Forces service

medal veterans (veterans who, while on active duty, participated in a

U.S. military operation for which an Armed Forces service medal was

protects applicants and employees from discrimination based on genetic

training, classification, referral, and other aspects of employment. GINA

information about genetic tests of applicants, employees, or their family

members: the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services

also restricts employers' acquisition of genetic information and strictly

limits disclosure of genetic information. Genetic information includes

All of these Federal laws prohibit covered entities from retaliating

against a person who files a charge of discrimination, participates

in a discrimination proceeding, or otherwise opposes an unlawful

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS

There are strict time limits for filing charges of employment

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for

discrimination. To preserve the ability of EEOC to act on your behalf and

to protect your right to file a private lawsuit, should you ultimately need

to, you should contact EEOC promptly when discrimination is suspected:

individuals with hearing impairments). EEOC field office information is

available at www.eeoc.gov or in most telephone directories in the U.S.

Government or Federal Government section. Additional information

about EEOC, including information about charge filing, is available at

by applicants, employees, or their family members.

information in hiring, promotion, discharge, pay, fringe benefits, job

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise individual with a disability who is an applicant or employee, barring Any person who believes a contractor has violated its nondiscrimination

undue hardship. Section 503 also requires that Federal contractors take or affirmative action obligations under the authorities above should individuals with disabilities at all levels of employment, including the The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories

under U.S. Government, Department of Labor

essential functions of the job.

YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

involuntarily leave employment positions to undertake military service of USERRA rights, including testifying or making a statement in connection with a

Programs or Activities Receiving Federal Financial Assistance INDIVIDUALS WITH DISABILITIES Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the

> If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

> > **REV. 11/2009**

In addition, an employer may not retaliate against anyone assisting in the enforcement

If you leave your job to perform military service, you have the right to elect to

Even if you don't elect to continue coverage during your military service, you

have the right to be reinstated in your employer's health plan when you are

reemployed, generally without any waiting periods or exclusions (e.g., pre-

existing condition exclusions) except for service-connected illnesses or injuries.

The U.S. Department of Labor, Veterans Employment and Training Service (VETS)

http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at

If you file a complaint with VETS and VETS is unable to resolve it, you may request

that your case be referred to the Department of Justice or the Office of Special

You may also bypass the VETS process and bring a civil action against an employer

is authorized to investigate and resolve complaints of USERRA violations.

For assistance in filing a complaint, or for any other information on

USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at

The rights listed here may vary depending on the circumstances. The text of this

notice was prepared by VETS, and may be viewed on the internet at this address:

 $\underline{http://www.dol.gov/vets/programs/userra/poster.htm.} \ Federal \ law \ requires \ employers \ to$ 

notify employees of their rights under USERRA, and employers may meet this requirement

REV. 04/2017

**REV. 07/2016** 

by displaying the text of this notice where they customarily place notices for employees.

The Act also permits polygraph testing, subject to restrictions, of certain employees of

The law does not preempt any provision of any State or local law or any collective

bargaining agreement which is more restrictive with respect to lie detector tests.

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights,

The Secretary of Labor may bring court actions to restrain violations and assess civil

penalties against violators. Employees or job applicants may also bring their own court

including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

embezzlement, etc.) that resulted in economic loss to the employer.

1-866-487-9243

TTY: 1-877-889-5627

www.dol.gov/whd

private firms who are reasonably suspected of involvement in a workplace incident (theft,

for violations of USERRA.

continue your existing employer-based health plan coverage for you and your

proceeding under USERRA, even if that person has no service connection.

dependents for up to 24 months while in the military.

To document leave for an employee's (or an employee's leading to health, relocation, legal, or other services needs; family member's) health-related need, an employee has a family member experiencing a condition described in category (1) or (2); or in a PHE, a public official closed the workplace, or the school or place of care of the employee's child. In a public health emergency (PHE), employees can use self-isolating or work exclusion due to exposure, symptoms, or diagnosis of the communicable illness in the PHE: seeking a diagnosis, treatment, or care (including preventive being unable to work due to a health condition that may increase susceptibility to or risk of such an illness; or caring for a child or other family in category (1)-(3), or

Department of

Labor and Employmen

THE HEALTHY FAMILIES & WORKPLACES ACT ("HFWA"):

Paid Leave Rights

overage: Employers with at least 16 employees are required

to provide paid leave under the HFWA

emergency (PHE), until 4 weeks after the PHE ends.

("accrued leave"), up to 48 hours a year.

for leave, during which benefits continue.

Employees earn 1 hour of paid leave per 30 hours worked

Up to 80 hours of supplemental leave applies in a public health

Regular hours and pay set the rate of accrual and compensation

Up to 48 hours of unused accrued leave carries over for use the

For details on specific situations (irregular hours, non-hourly

a mental or physical illness, injury, or health condition that

prevents work, including diagnosis or preventive care;

domestic abuse, sexual assault, or criminal harassment

pay, etc.), see Wage Protection Rule 3.5, 7 CCR 1103-7.

Employees can use accrued leave for the following safety or

whose school or child care is unavailable due to the PHI During a PHE, employees still earn up to 48 hours of accrued leave and may use supplemental leave before accrued leave

member) required leave for a need related to domestic abuse, sexual assault, or criminal harassment, an employee may provide: a document or writing under (1) above (e.g. from a provider of legal or shelter services) or (2) above, or a legal document (e.g., a restraining order or police report) If an employer reasonably deems an employee's **documentation deficient**, the employer must: (A) notify the employee within seven days of either receiving the documentation or the employee's return to work or separation (whichever is sooner), and (B) give the employee at least seven

Employer Policies (Notice; Documentation; Incremental Use;

Privacy; and Paid Leave Records

Written notice and posters. Employers must (1) provide

notice to new employees no later than other onboarding

documents/policies; and (2) display updated posters, and

Notice for "foreseeable" leave. Employers may adopt

deny paid leave for noncompliance with such a policy.

provide updated notices to current employees, by end of year.

"reasonable procedures" in writing as to how employees should

provide notice if they require "foreseeable" leave, but cannot

An employer can require documentation to show that

on which an employee would have worked, not calendar days

leave was for a qualifying reason only if leave was

Documentation is not required to take paid leave,

but can be required as soon as an employee can provide it

after returning to work or separating from work (whicheve

is sooner). No documentation can be required for PHE

may provide: (1) a document from a health or social services provider if services were received and document can be HFWA violation. obtained in reasonable time and without added expense: otherwise (2) the employee's own writing. To document that an employee (or an employee's family

An employee can't be required to find a "replacement worker" or job coverage when taking paid leave. An employer cannot fire, threaten, or otherwise retaliate against, or interfere with use of leave by, an employee who: (1) requests or takes HFWA leave; (2) informs or assists another person in exercising HFWA rights; (3) files a HFWA complaint; or (4) cooperates/assists in investigation of a If an employee's reasonable, good-faith HFWA complaint, request, or other activity is incorrect, an employer need not agree or grant it, but cannot act against the employee for it. Employees can face consequences for

Incremental use. Depending on employer policy, employees

**Employee Privacy.** Employers cannot require employees to

disclose "details" about an employee's (or their family's) HFWA-

related health or safety information; such information must be

Records must be provided upon request. Employers must

provide documentation of the current amount of paid leave

mployees have (1) available for use, and (2) already used

during the current benefit year, including any supplemental

PHE leave. Information may be requested once per month or

Paid leave cannot be counted as an "absence" that may

Retaliation or Interference with HFWA Rights

result in firing or another kind of adverse action.

can use leave in either hourly or six-minute increments.

treated as a confidential medical record.

when the need for HFWA leave arises.

THE PUBLIC HEALTH EMERGENCY WHISTLEBLOWER LAW ("PHEW"): Worker Rights to Express Workplace Health Concerns & Use **Protective Equipment** Coverage: All Employers and Employees, Plus Certain

PHEW covers not just "employers" and "employees," but all "principals" (an employer or a business with at least 5 independent contractors) and "workers" (employees or

Effective January 1, 2021

Worker Rights to Oppose Workplace Health/Safety Violations

During Public Health Emergencies:

It is unlawful to retaliate against, or interfere with, the

following acts during, and related to, a public health

health or safety threat;

Must be updated annually; new poster

available 1st week of each December

to the principal, other workers, the government, or

the public, about workplace violations of governmen

health or safety rules, or a significant workplace

participating in an investigation or proceeding

A principal need not address a worker's PHEW-related concern,

but it still cannot fire or take other action against the worker

for that reason, as long as the concern was reasonable and in

Workers' Rights to Use Their Own Personal Protective

Equipment ("PPE"):

A worker must be allowed to **voluntarily wear their own** 

more protection than equipment provided at the workplace

(2) is **recommended** by a government health agency (federal

state, or local), and (3) does not make the worker **unable to** 

COMPLAINT RIGHTS (under both HFWA & PHEW)

Violations may be reported to the Division as complaints or

anonymous tips, or may be filed as in court after exhausting

do the iob.

**PPE** (mask, faceguard, gloves, etc.) if the PPE (1) provides

about retaliation for, or interference with, the above

opposing or testifying, assisting, or

This Poster summarizes two Colorado workplace public health laws, SB 20-205 (paid leave) and HB 20-1415 (whistleblowing and personal protective equipment). It does not cover other health or safety laws, rules, and orders, including under the federal Occupational Safety and Health Act (OSHA), from the Colorado Department of Public Health and Environment (CDPHE), or from local public health agencies. Contact those agencies for such health and safety information This poster must be displayed where it is easily accessible to workers, shared with remote workers, provided in languages other than English as needed, and replaced annually For full versions of these laws, more detailed fact sheets, or questions, information, or complaints as to these or other labor laws, contact: Division of Labor Standards and Statistics, coloradolaborlaw.gov, cdle\_labor\_standards@state.co.us, 303-318-8441 / 888-390-7936.

# ACT TA®

## All workers have the right to: A safe workplace.

 Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.

Receive information and training on job hazards, including all hazardous substances in your workplace. Request a confidential OSHA inspection

of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf. Participate (or have your representative)

participate) in an OSHA inspection and speak in private to the inspector. File a complaint with OSHA within 30 days

(by phone, online or by mail) if you have been retaliated against for using your rights.

See any OSHA citations issued to your employer. Request copies of your medical records, tests

that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Contact OSHA. We can help.

# **Job Safety and Health**

**Employers must:** 

### Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their

- rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness. Comply with all applicable OSHA standards. Notify OSHA within 8 hours of a workplace
- Provide required training to all workers in a

fatality or within 24 hours of any work-related

inpatient hospitalization, amputation, or loss

language and vocabulary they can understand. Prominently display this poster in the workplace. Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov



To update your employment law posters contact J. J. Keller & Associates, Inc. JJKeller.com/employmentlaw 800-327-6868



#### Copyright 2021 J. J. Keller & Associates, Inc. • Neenah, WI • Printed in the USA This poster is in compliance with federal and state posting requirements.