

# 2024

## Regulatory Agenda

January 1, 2024-December 31, 2024



**COLORADO**  
Department of  
Labor and Employment

# Overview

The Colorado Department of Labor and Employment submits the following 2024 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4). Pursuant to state law, annually on November 1, executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department’s “Regulatory Efficiencies Reviews” during 2024 (which are denoted as such in the “purpose” column). The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department’s web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its “SMART Act” hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(III)(A).

The following constitutes the Department of Labor and Employment’s Regulatory Agenda for 2024 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):

Schedule	Rule Number	Rule Title	New rule, revision, or repeal?	Statutory or other basis for adoption or change to rule	Purpose of Proposed Rule	Stakeholders
Undetermined 2024	7 CCR 1101-14	Petroleum Storage Tank Regulations	Revision	C.R.S. § 8-20-102, 8-20.5-202, 820.5-302	Simplify aboveground storage tank rules; adopt new codes and contamination standards for soil and groundwater.	Owners, operators, consultants and industry specialists
Undetermined 2024	7 CCR 1101-12	Amusement Rides and Devices Regulations	Revision	C.R.S. § 8-20-1002, 8-20-1004	Change fee structure and make housekeeping updates.	Amusement Rides and Devices owners, operators and manufacturers
October 2024	7 CCR 1108-01	State Apprenticeship Agency Regulations	Revision	C.R.S. § 8-15.7-102 and 8-15.7-108	Standards for the Registration of Apprenticeship Programs in Colorado	Current and prospective registered apprenticeship sponsors, apprentices, labor unions

April 2024	7 CCR 1101-3	Workers Compensation Surcharge	Revision	C.R.S. § 8-47-107	required by statute to review/update surcharge annually	Insurers, self-insured employers
Spring 2024	7 CCR 1101-3	DIME	Revision	C.R.S. § 8-47-107	Update procedures and process pending a whole program review	Insurers, self-insured employers, injured workers, medical providers
September 2024	7 CCR 1101-3	Fee Schedule	Revision	C.R.S. § 8-47-107	required by statute to review/update fee schedule annually	Insurers, self-insured employers, injured workers, medical providers
September 2024	7 CCR 1106-1	CUE Fund	Revision	C.R.S. § 8-67-107(1)(f)	Update procedures and process with an aim at clarifying the rule	Uninsured employers, injured workers, attorneys

Undetermined; must be approved by US Dept of Ed prior to adopting	7 CCR 1105-1	Vocational Rehabilitation	Revision	C.R.S. § 8-84-201	Ensure compliance and address inconsistencies	BEP Licensed Vendors; Coloradans with visual impairments; federal and state agencies with vending or cafeteria facilities; National Federation of the Blind
March 2024 (anticipated)	7 CCR 1105-1	Vocational Rehabilitation	Revision	C.R.S. § 8-84-106(3)(c)	Clarify services requiring financial need analysis.	People with disabilities, vendors, DVR staff, State Rehabilitation Council
February 2024	7 CCR 1103-7	WPR	Revision	The general purpose of these Wage Protection Rules (Rules) is to implement labor laws within the jurisdiction of the Division, including but not limited to the Colorado Wage Act (CWA) as amended by the Wage Protection Act (WPA) of 2014, C.R.S. § 8-4-101 et seq., the Healthy Families and Workplaces Act (HFWA) of 2020, C.R.S. § 8-13.3-401 et seq., and the Agricultural Labor Rights and Responsibilities Act, as codified in relevant part at C.R.S. §§ 8-6-101.5, 8-6120, and 8-13.5-201 et seq. These rules are adopted pursuant to the Division's authority to adopt and amend rules and regulations to enforce, execute, apply, and interpret Articles 1, 2, 4, 6, 13.3, and 13.5 of Title 8, C.R.S. (2023), and all rules, regulations,	To implement SB 23-231, which requires the Division to transmit fines collected to be credited to the wage theft enforcement fund, and allows it to disperse such funds to employees for unpaid wage liabilities, where the Division will replace the employee as creditor of the employer for any continued collection efforts.	Labor and union organizations, non-profit organizations, advocacy groups, Wage Theft Task Force, national and local law firms and bar associations, universities, business associations and organizations, internal state agencies

				investigations, and other proceedings of any kind thereunder, by the Administrative Procedure Act, C.R.S. § 24-4-103, and provisions of Articles 1, 2, 4, 6, 13.3, and 13.5, including but not limited to §§ 8-1-101, 103, 107, 108, 111, 130; §§ 8-4-111, -113; §§ 8-6-102, 104, 105, 106, 108, 109, 111, 116, 117, 120; § 8-12-115; §§ 8-13.3-401, 403-405, 407-411, 416; and §§ 8-13.5-202, 203, 204.	The Division will also propose other rule changes for evolving program needs, including updates to the Division's recent liens and levies authority (new as of 2023).	
February 2024	7 CCR 1103-8	DI	Revision	C.R.S. §§ 8-1-103(3), 8-1-107(2), 8-1-111, 8-1-116, 8-1-117, 8-4-111(1)(a), 8-2-130, 8-5-103, 8-5-203, 8-6-107, 8-13.3-403(9), 8-13.3-407(6), 8-13.3-408(1)-(2), 8-13.3-410, 8-14.4-103(2), 8-14.4-105(4), and 8-14.4-108.	Amendments to the Direct Investigation Rules, 7 CCR 1103-8, are proposed to incorporate and ensure consistency with statutory and rule changes since their enactment in late 2020, including Senate Bill 22-161, and changes to the Wage Protection Rules, 7 CCR 1103-7. These amendments will also bring pay disparity investigations pursuant to Colorado's Equal	Labor and union organizations, non-profit organizations, advocacy groups, Wage Theft Task Force, national and local law firms and bar associations, universities, business associations and organizations, internal state agencies

					Pay for Equal Work Act, as amended by Senate Bill 23-105, within the scope of the Direct Investigation Rules. Certain non-substantive rules regarding investigation procedure will be amended or removed to address redundancy and potentially confusing language.	
Spring 2024	7 CCR 1103-4, currently Employment Opportunity Act Rules (Credit History) - this is tentative as to which number in the 1103 series will be used	Not yet determined.	Revision	The general purpose of these rules is to implement the Job Application Fairness Act, SB 23-058, C.R.S. § 8-2-131. These rules are adopted pursuant to the Division's authority in Title 8, Articles 1 and 2 which may include but is not limited to §§ 8-1-103, 107, 111; and §§ 8-2-126, -127, -130(5)(e), -131. The Division may combine rules for the new Jafa program with the rules for other programs' rules (e.g., 7 CCR 1103-4, Employment Opportunity Act Rules (Credit History); 7 CCR 1103-5, Social Media and the Workplace Law Rules; 7 CCR 1103-9, Colorado Chance to	In response to SB 23-058, which prohibits employers from inquiring about a prospective employee's age, date of birth, and dates of attendance or graduation on an initial employment application and charges CDLE with rulemaking and enforcing it.	Labor and union organizations, non-profit organizations, advocacy groups, Wage Theft Task Force, national and local law firms and bar associations, universities, business associations and organizations, internal state agencies

				Compete Act Rules), which will result in technical changes and may prompt other changes for evolving program needs as these rule sets have not been amended in recent years (last updated in 2017 or 2019).		
Spring 2024	7 CCR 1103-11	Colorado Whistleblower, Anti-Retaliation, Non-Interference, and Notice-Giving Rules (“Colorado WARNING Rules”)	Revision	The Director is authorized to adopt regulations and rules to enforce, execute, implement, apply, and interpret Articles 1–6, 12, 13.3, 13.5, and 14.4 of C.R.S. Title 8, and all rules, regulations, investigations, and proceedings thereunder, by the Administrative Procedure Act, C.R.S. § 24-4-103, and provisions of the above-listed Articles, including but not limited to: C.R.S. §§ 8-1-101, -103, -107, -108, -111, -116, -117, -130; 8-2-130, -206; 8-4-110, -111, -113, -120; 8-5-203; 8-6-102, -104, -105, -106, -108, -109, -111, -116, -117; 8-12-115; 8-13.3-403, -407, -408, -409, -410; 8-13.5-204; and 8-14.4-103, -105, and -108.	Update rules for the relatively new Retaliation program to conform to program needs that have arisen in 2023, will decide by spring 2024 whether amendments are needed.	Labor and union organizations, non-profit organizations, advocacy groups, Wage Theft Task Force, national and local law firms and bar associations, universities, business associations and organizations, internal state agencies
Fall 2024	7 CCR 1103-14	The Publication And Yearly Calculation of Adjusted Labor Compensation (PAY CALC) Order	Revision	These Rules are issued under the authority, and as enforcement, of Section 15 of Article XVIII of the Colorado Constitution and Articles 1, 2, 4, 6, and 12 of C.R.S. Title 8 (2022), and are intended to be consistent with the State Administrative Procedures Act, C.R.S. § 24-4-101, et seq.	Annual increase of the minimum wage as mandated by the Colorado Constitution.	Labor and union organizations, non-profit organizations, advocacy groups, Wage Theft Task Force, national and local law firms and bar associations, universities, business associations and organizations, internal state agencies