

2023

Regulatory Agenda

January 1, 2023-December 31, 2023



COLORADO
Department of
Labor and Employment

Overview

The Colorado Department of Labor and Employment submits the following 2023 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 2023 (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 2023 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 <i>Consider including high-level outreach bullets</i>
Anticipated Hearing or Adoption Date						
February 2023	7 CCR 1107-7	Retaliation and Interference	New	C.R.S. § 8-13.3-509(7)	Establish process for enforcing violations of CRS 8-13.3-509	Employers and employees covered by FAMLI
April 2023	TBD	State Apprenticeship Agency Regulations	New	C.R.S. § 8-15.7.101	Standards for the Registration of Apprenticeship Programs in Colorado	Current and prospective registered apprenticeship sponsors, apprentices
April 2023	7 CCR 1101-3	Surcharge	Amended	C.R.S. § 8-47-107	Mandatory annual review of surcharge rates	Insurers, self-insured employers
Spring 2023	7 CCR 1103	COUNTY COLLECTIVE BARGAINING RULES	New	C.R.S. § 8-3.3-101 et seq., C.R.S. § 24-4-103, C.R.S. §§ 24-50-1103, -1106(4), and C.R.S. §§ 8-3.3-106, -108, -109, -111, -114.	In response to SB 22-230, newly creating collective bargaining for counties, and chargign DLSS wth rulemaking.	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

Spring 2023	7 CCR 1103-8	DIRECT INVESTIGATION RULES	Revise	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.	Update rules for the relatively new Direct Investigation program to conform to program needs that have arisen in 2021-22.	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
Spring 2023	7 CCR 1101-1; possible renumbering to 1103-16	RULES OF PROCEDURE TO THE COLORADO LABOR PEACE ACT AND INDUSTRIAL RELATIONS ACT	Revise	Labor Peace Act, Article 3 of C.R.S. Title 8.	Conform rules last written decades ago to modern practice and recent legislation expanding the scope of the Labor Peace Act.	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 2023	7 CCR 1103-1	COLORADO OVERTIME AND MINIMUM PAY STANDARDS ORDER (COMPS ORDER) #39	Revise	Authority and relation to prior orders. Colorado Overtime and Minimum Pay Standards Order (“COMPS Order”) #38 replaces COMPS Order #37 (2021) and prior orders, except that the provisions of prior orders still govern as to events occurring while they were in effect. The COMPS Order is issued under the authority of, and as enforcement of, C.R.S. Title 8, Articles 1, 4, 6, 12, 13.3, and 13.5 (2022), and is intended to be consistent with the requirements of the State Administrative Procedures Act, C.R.S. § 24-4-101, et seq.	Possible need to update based on evolving needs and suggestions; will decide by summer 2023 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 2023	7 CCR 1103-7	WAGE PROTECTION RULES	Revision	These rules update the Wage Protection Rules, 7 CCR 1103-7, which implement the Colorado Wage Act (“CWA”) as amended by the Wage Protection Act (“WPA”), C.R.S. § 8-4-101 et seq., the Healthy Families and Workplaces Act (“HFWA”), C.R.S. § 8-13.3-401 et seq., and the Agricultural Labor Rights and Responsibilities Act, codified in relevant part at C.R.S. §§ 8-6-101.5, 8-6-120, and 8-13.5-201 et seq.	Possible need to update based on evolving needs and suggestions; will decide by summer 2023 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 2023	7 CCR 1103-14	2022 PUBLICATION AND YEARLY CALCULATION OF ADJUSTED LABOR COMPENSATION (2022 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
September	7 CCR 1101-3	Fee schedule	Amended	C.R.S. § 8-47-107	Mandatory review of fee schedule	Insurers, self-insured employers, injured workers, medical providers
Undetermined	7 CCR 1101-3	DIME	Amended	C.R.S. § 8-47-107	Update DIME procedures	Insurers, self-insured employers, injured workers, medical providers

Undetermined	7 CCR 1101-4	Self-Insurance	Amended	C.R.S. § 8-47-107	Update procedures for self-insured employers	Self-insured employers.
Undetermined	7 CCR 1101-14	Petroleum Storage Tank Regulations	Amended	C.R.S. §§ 8-20-102, 820.5-202, 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	7 CCR 1101-2	Records	New and Amended	C.R.S. § 8-72-102	Employer service moderniation changes to make records a required part of MyUI+ and employoer submission of records to MyUI+	employers and employees covered by UI
Undetermined	7 CCR 1101-2	Employer Premiums	Amended	C.R.S. § 8-72-102	Employer service moderniation changes to make records a required part of MyUI+ and employoer	employers and employees covered by UI

					submission of records to MyUI+	
Undetermined	7 CCR 1101-2	Reports	Amended	C.R.S. § 8-72-102	Employer service moderniation changes to make records a required part of MyUI+ and employoer submission of records to MyUI+	employers and employees covered by UI
Undetermined	7 CCR 1101-2	Workshare	Amended	C.R.S. § 8-72-102	Changes to Workshare	employers and employees covered by UI
Undetermined	7 CCR 1101-2	Overpayments recovery	Amended	C.R.S. § 8-72-102	Changes to Overpaymwents due to SB 22-234	UI beneficiaries