

CHAPTER 192

**LABOR AND INDUSTRY**

HOUSE BILL 93-1148

BY REPRESENTATIVE Reeser;  
also SENATOR Wattenberg.

**AN ACT**

**CONCERNING EMPLOYER-EMPLOYEE RELATIONS PURSUANT TO LAWS UNDER THE JURISDICTION OF THE DIRECTOR OF THE DIVISION OF LABOR.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 8-1-111, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**8-1-111. Jurisdiction over employer and employee relation.** The director is vested with the power and jurisdiction to have such supervision of every employment and place of employment in this state as may be necessary adequately to ascertain and determine the conditions under which the employees labor, and the manner and extent of the obedience by the employer to all laws and all lawful orders requiring such employment and places of employment to be safe, and requiring the protection of the life, health, and safety of every employee in such employment or place of employment, and to enforce all provisions of law relating thereto. ~~He~~ THE DIRECTOR is also vested with power and jurisdiction to administer all provisions of this article with respect to the relations between employer and employee and to do all other acts and things convenient and necessary to accomplish the purposes of this article INCLUDING ENTERING INTO RECIPROCAL AGREEMENTS WITH OTHER STATES AND GOVERNMENTAL ENTITIES.

**SECTION 2.** 8-1-115, Colorado Revised Statutes, 1986 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**8-1-115. Information not public - penalty for divulging.** (3) PURSUANT TO THIS SECTION, THE DIRECTOR SHALL PROVIDE A PHYSICAL ENVIRONMENT AND ESTABLISH POLICIES AND PROCEDURES TO ENSURE CONFIDENTIALITY FOR ALL INFORMATION

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

REGARDING ANY EMPLOYER, EMPLOYEE, OR PERSON PERTAINING TO ANY ACTION PURSUANT TO ARTICLES 1 TO 13 OF THIS TITLE; EXCEPT THAT SUCH INFORMATION MAY BE RELEASED IF THERE EXISTS AN OVERRIDING NEED FOR ACCESS TO SUCH INFORMATION ARISING PURSUANT TO ARTICLES 1 TO 13 OF THIS TITLE IN CONNECTION WITH:

(a) A DISPUTE RESOLUTION, A MEDIATION, OR AN ADMINISTRATIVE OR JUDICIAL PROCEEDING; OR

(b) A COOPERATIVE EFFORT WITH ANOTHER SUBDIVISION OF GOVERNMENT.

**SECTION 3.** 8-4-101 (7.5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**8-4-101. Definitions.** (7.5) "Lawful charges or indebtedness" ~~shall not include deductions made from an employee's wages or compensation for any of the following reasons: Cash or inventory shortages except for shortages caused by theft, breakage, alleged negligent acts, dishonored customer credit charges or checks, workers' compensation, or penalties assessed for infractions or for violating employer policies except for previously established written policies.~~ MEANS:

(a) DEDUCTIONS MANDATED BY OR IN ACCORDANCE WITH LOCAL, STATE, OR FEDERAL LAW INCLUDING, BUT NOT LIMITED TO, DEDUCTIONS FOR TAXES, "FEDERAL INSURANCE CONTRIBUTIONS ACT" ("FICA") REQUIREMENTS, GARNISHMENTS, OR ANY OTHER COURT-ORDERED DEDUCTION;

(b) DEDUCTIONS FOR LOANS, ADVANCES, GOODS OR SERVICES, AND EQUIPMENT OR PROPERTY PROVIDED BY AN EMPLOYER TO AN EMPLOYEE PURSUANT TO A WRITTEN AGREEMENT BETWEEN SUCH EMPLOYER AND EMPLOYEE, SO LONG AS IT IS ENFORCEABLE AND NOT IN VIOLATION OF LAW;

(c) ANY DEDUCTION NECESSARY TO COVER THE REPLACEMENT COST OF A SHORTAGE DUE TO THEFT BY AN EMPLOYEE IF A REPORT HAS BEEN FILED WITH THE PROPER LAW ENFORCEMENT AGENCY IN CONNECTION WITH SUCH THEFT PENDING A FINAL ADJUDICATION BY A COURT OF COMPETENT JURISDICTION; EXCEPT THAT IF THE ACCUSED EMPLOYEE IS FOUND NOT GUILTY IN A COURT ACTION OR IF CRIMINAL CHARGES RELATED TO SUCH THEFT ARE NOT FILED AGAINST THE ACCUSED EMPLOYEE WITHIN NINETY DAYS OF THE FILING OF THE REPORT WITH THE PROPER LAW ENFORCEMENT AGENCY, OR SUCH CHARGES ARE DISMISSED, THE ACCUSED EMPLOYEE SHALL BE ENTITLED TO RECOVER ANY AMOUNT WRONGFULLY WITHHELD PLUS INTEREST. IN THE EVENT AN EMPLOYER ACTS WITHOUT GOOD FAITH, IN ADDITION TO THE AMOUNT WRONGFULLY WITHHELD AND LEGALLY PROVEN TO BE DUE, THE ACCUSED EMPLOYEE MAY BE AWARDED AN AMOUNT NOT TO EXCEED TREBLE THE AMOUNT WRONGFULLY WITHHELD. IN ANY SUCH ACTION THE PREVAILING PARTY SHALL BE ENTITLED TO REASONABLE COSTS RELATED TO THE RECOVERY OF SUCH AMOUNT INCLUDING ATTORNEY FEES AND COURT COSTS.

(d) ANY DEDUCTION, NOT LISTED IN PARAGRAPH (a), (b), OR (c) OF THIS SUBSECTION (7.5), WHICH IS AUTHORIZED BY AN EMPLOYEE IF SUCH AUTHORIZATION IS REVOCABLE INCLUDING, BUT NOT LIMITED TO, DEDUCTIONS FOR HOSPITALIZATION AND MEDICAL INSURANCE, OTHER INSURANCE, SAVINGS PLANS, STOCK PURCHASES,

VOLUNTARY PENSION PLANS, CHARITIES, AND DEPOSITS TO FINANCIAL INSTITUTIONS.

**SECTION 4.** 8-4-104 (1), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**8-4-104. Termination of employment - penalty.** (1) When an interruption in the employer-employee relationship by volition of the employer occurs, the wages or compensation for labor or service earned and unpaid at the time of such discharge is due and payable immediately. If at such time the employer's accounting unit, responsible for the drawing of payroll checks, is not regularly scheduled to be operational, then the wages due the separated employee shall be made available to the employee ~~at the work site or mailed to the employee's last known address, whichever method is specified by the employee; no later than six hours after said unit would normally be operational~~ AFTER THE START OF SUCH EMPLOYER'S NEXT REGULAR WORKDAY. When an employee quits or resigns ~~his~~ SUCH EMPLOYEE'S employment, the wages or compensation shall become due and payable upon the next regular payday. WHEN A SEPARATION OF EMPLOYMENT OCCURS THE EMPLOYER SHALL MAKE THE SEPARATED EMPLOYEE'S CHECK FOR WAGES DUE AVAILABLE AT THE WORK SITE, THE EMPLOYER'S OFFICE, OR BY MAIL TO THE EMPLOYEE'S LAST KNOWN MAILING ADDRESS IF REQUESTED BY SUCH EMPLOYEE.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 6, 1993