

CHAPTER 309

LABOR AND INDUSTRY

HOUSE BILL 00-1455

BY REPRESENTATIVES Leyba, Lee, Mitchell, Veiga, Windels, Zimmerman, Bacon, Chavez, Coleman, Gotlieb, Grossman, Kaufman, Keller, Mace, Takis, Tochtrop, Vigil, and S. Williams;
also SENATORS Wham, Anderson, Hernandez, Martinez, Nichol, and Reeves.

AN ACT

CONCERNING AN INCREASE IN THE ADMINISTRATIVE PENALTIES FOR EMPLOYERS WHO VIOLATE CERTAIN RESTRICTIONS ON THE TIMES A MINOR MAY WORK UNDER THE "COLORADO YOUTH EMPLOYMENT OPPORTUNITY ACT OF 1971", AND, IN CONNECTION THEREWITH, REQUIRING AN EMPLOYER TO POST CERTAIN PROHIBITIONS AND PENALTIES OF THE ACT.

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

SECTION 1. 8-12-115 (4), Colorado Revised Statutes, is amended to read:

8-12-115. Director of the division of labor - powers and duties - rules and regulations. (4) (a) If investigation of any place of employment or complaint discloses a violation of this article, EXCEPT SECTION 8-12-105 (3), the director shall give the employer written notice describing the violation and specifying the provisions of this article ~~which~~ THAT such employer is allegedly violating. Within ten days of receipt of such notice of violation, the employer may file a written request for a hearing on the issue of whether the violation exists, which hearing shall be conducted in accordance with section 24-4-105, C.R.S. After a hearing concerning a violation of this article, or after the expiration of twenty days after the issuance of a notice of violation during which the employer has neither requested a hearing nor ceased the conduct ~~which~~ THAT constitutes the alleged violation, the director may issue a final order requiring the employer to cease and desist the conduct found to be in violation. At any time thereafter, the director may order the violating employer to pay a penalty of twenty dollars for each offense. Each day that the conduct constituting the violation is continued after the order is made final, and each minor employed in violation of this article, constitutes a separate offense. The order imposing the penalty shall become final upon issuance, and the penalty shall be due and payable thirty days after the order assessing the penalty is entered, unless prior to that time the order has been modified or a hearing on the penalty has been

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

requested as provided by section 24-4-105, C.R.S. All penalties imposed by this section shall be collected as provided in section 8-1-142.

(b) (I) IF INVESTIGATION OF ANY PLACE OF EMPLOYMENT OR COMPLAINT DISCLOSES A VIOLATION OF SECTION 8-12-105 (3), THE DIRECTOR SHALL GIVE THE EMPLOYER WRITTEN NOTICE DESCRIBING THE VIOLATION AND SPECIFYING THE PROVISIONS OF THIS ARTICLE THAT SUCH EMPLOYER IS ALLEGEDLY VIOLATING. WITHIN TEN DAYS AFTER RECEIPT OF SUCH NOTICE OF VIOLATION, THE EMPLOYER MAY FILE A WRITTEN REQUEST FOR A HEARING ON THE ISSUE OF WHETHER THE VIOLATION EXISTS, WHICH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 24-4-105, C.R.S. AFTER A HEARING CONCERNING A VIOLATION OF SECTION 8-12-105 (3), OR AFTER THE EXPIRATION OF TWENTY DAYS AFTER THE ISSUANCE OF A NOTICE OF VIOLATION DURING WHICH THE EMPLOYER HAS NEITHER REQUESTED A HEARING NOR CEASED THE CONDUCT WHICH CONSTITUTES THE ALLEGED VIOLATION, THE DIRECTOR MAY ISSUE A FINAL ORDER REQUIRING THE EMPLOYER TO CEASE AND DESIST THE CONDUCT FOUND TO BE IN VIOLATION. AT ANY TIME THEREAFTER, THE DIRECTOR MAY ORDER THE VIOLATING EMPLOYER TO PAY A PENALTY PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (b). THE ORDER IMPOSING THE PENALTY SHALL BECOME FINAL UPON ISSUANCE, AND THE PENALTY SHALL BE DUE AND PAYABLE THIRTY DAYS AFTER THE ORDER ASSESSING THE PENALTY IS ENTERED, UNLESS PRIOR TO THAT TIME THE ORDER HAS BEEN MODIFIED OR A HEARING ON THE PENALTY HAS BEEN REQUESTED AS PROVIDED BY SECTION 24-4-105, C.R.S. ALL PENALTIES IMPOSED BY THIS SECTION SHALL BE COLLECTED AS PROVIDED IN SECTION 8-1-142.

(II) FAILURE TO COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH (b) SHALL MAKE THE OFFENDER LIABLE FOR ADMINISTRATIVE FINES PURSUANT TO THE FOLLOWING PENALTY SCHEDULE:

(A) FOR A FIRST OFFENSE, BY A FINE OF NOT LESS THAN TWO HUNDRED DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS;

(B) FOR A SECOND OFFENSE WITHIN SIX MONTHS AFTER THE FIRST OFFENSE, BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS;

(C) FOR A THIRD OR SUBSEQUENT OFFENSE WITHIN SIX MONTHS AFTER THE FIRST OFFENSE, BY A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN TEN THOUSAND DOLLARS.

SECTION 2. 8-6-111 (2), Colorado Revised Statutes, is amended to read:

8-6-111. Director to review report. (2) After publication of notice and the meeting, the director, if so desired, may make and render such an order as may be proper or necessary to adopt the recommendations and carry the same into effect and require all employees in the occupation directly affected thereby to preserve and comply with such recommendations and order. Such order is effective thirty days after it is made and rendered and shall be in full force and effect on and after that day. After the order is effective, it is unlawful for any employer to violate or disregard any of the terms of the order or to employ any worker in any occupation covered by the order at lower wages or under other conditions than authorized or permitted by the

order. The director shall, as far as is practicable, mail a copy of any such order, to every employer affected thereby; and every employer affected by the order shall keep a copy thereof posted in a conspicuous place in ~~his~~ SUCH EMPLOYER'S establishment. SUCH ORDER SHALL INCLUDE A NOTICE OF THE CONTENTS OF SECTIONS 8-12-105(3), 8-12-115 (4) (b) (II), AND 8-12-116 (2).

SECTION 3. Effective date - applicability. This act shall take effect July 1, 2000, and shall apply to acts committed on or after said date.

SECTION 4. 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: June 1, 2000