



**STATEMENT OF BASIS, PURPOSE, SPECIFIC STATUTORY AUTHORITY,
AND FINDINGS**

Amendments to Wage and Hour Direct Investigation Rules, 7 CCR 1103-8 (September 11, 2019)

(1) **BASIS AND PURPOSE:** These rules conform the Wage and Hour Direct Investigation Rules (“DI”), 7 CCR 1103-8, to statutory changes to C.R.S. Title 8, and serve important public needs that the Director finds are best served by these rule updates, amendments, and supplements.

(2) **SPECIFIC STATUTORY AUTHORITY:** The Director of the Division of Labor Standards and Statistics is authorized to adopt and amend rules and regulations to enforce, execute, apply, and interpret Articles 1, 4, and 6 of Title 8, C.R.S. (2019), as well as all rules, regulations, investigations, and other proceedings of any kind pursued thereunder, by the provisions of Articles 1, 4, and 6, including, *inter alia*: § 8-1-103(1),(3), § 8-1-107(2)(p), § 8-1-111; § 8-1-112; § 8-1-122(2); § 8-1-130; § 8-4-111; § 8-4-111.5; § 8-4-118; § 8-4-120; § 8-6-102; § 8-6-105 to -112; § 8-6-115 to -117; § 8-6-119. Authority also derives from the Administrative Procedure Act, C.R.S. § 24-4-103.

(3) **FINDINGS, JUSTIFICATIONS, AND REASONS FOR ADOPTION.** Pursuant to C.R.S. § 24-4-103(4)(b), the Director finds as follows.

(A) Demonstrated need exists for the rules. The findings in Part (4) below are hereby incorporated into this finding as well.

(B) Proper statutory authority exists for the rules. The specific statutory authority in Part (2) above is hereby incorporated into this finding as well.

(C) To the extent practicable, the rules are clearly stated so that their meaning will be understood by any party required to comply.

(D) The rules do not conflict with other provisions of law.

(E) The duplicating or overlapping of the regulation is explained by the Division.

(4) **SPECIFIC FINDINGS FOR ADOPTION.** The Director further finds as follows.

(A) Rule 1.4 is being amended to reference the up-to-date versions of the C.R.S.

(B) Rules 2.2 and 2.3 are being amended to eliminate definitions of “employee” and employer that were replaced by new definitions by H.B. 19-1267, effective January 1, 2020.

(C) Rule 3.5 is being amended to clarify that this rule, that the Division will not undertake direct investigations of “violations” that “already been or are currently being investigated or adjudicated,” means that the Division will consider, in its discretion, whether a Division investigation would be productive rather than duplicative in light of the specific “violations” alleged in, the nature of, and/or the outcome of any such other proceeding(s).

(5) **EFFECTIVE DATE.** These rules take effect on December 15, 2019, or as soon thereafter as the rule-making process is completed.



COLORADO
Department of
Labor and Employment

Division of Labor Standards and Statistics
633 17th Street, Suite 600
Denver, CO 80202-2701
303-318-8172

A handwritten signature in black ink, appearing to read 'Scott Moss', is written over a horizontal line.

Scott Moss
Director
Division of Labor Standards and Statistics
Colorado Department of Labor and Employment

September 11, 2019

Date