

**STATEMENT OF BASIS AND PURPOSE
FOR
COLORADO MINIMUM WAGE ORDER NUMBER 35
7 C.C.R. 1103-1**

BASIS: C.R.S. § 8-1-107(2)(p), § 8-6-106, § 8-6-108(2), and § 8-6-109 (2018) provide the Director of the Division of Labor Standards and Statistics with the authority to adopt rules and regulations pertaining to state minimum wage rates and workplace conditions.

PURPOSE: The purpose of Colorado Minimum Wage Order Number 35 is to reflect the new state minimum wage of \$11.10 per hour.

The new state minimum wage is required by Article XVIII, Section 15 of the Colorado Constitution, which provides:

Section 15. State minimum wage rate.

Effective January 1, 2017, Colorado's minimum wage is increased to \$9.30 per hour and is increased annually by 0.90 each January 1 until it reaches \$12 per hour effective January 2020, and thereafter is adjusted annually for cost of living increases, as measured by the Consumer Price Index used for Colorado. This minimum wage shall be paid to employees who receive the state or federal minimum wage. No more than \$3.02 per hour in tip income may be used to offset the minimum wage of employees who regularly receive tips.

Pursuant to C.R.S. § 24-4-103(4)(b), the Director finds that: 1) there is a demonstrated need for the rules; 2) the proper statutory authority exists for the rules; 3) to the extent practicable, the rules are clearly stated so that their meaning will be understood by any party required to comply with the rules; 4) the rules do not conflict with other provisions of law; and 5) the duplicating or overlapping of the rules is explained by the agency proposing the rules.

**COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT
DIVISION OF LABOR STANDARDS AND STATISTICS**

**NOTICE OF PUBLIC HEARING CONCERNING
COLORADO MINIMUM WAGE ORDER NUMBER 35**

Notice is hereby given of a public hearing to afford all interested persons an opportunity to be heard prior to the adoption of the Colorado Minimum Wage Order Number 35: 7 C.C.R. 1103-1 under the authority granted the Division of Labor Standards and Statistics in C.R.S. § 8-1-107(2)(p), § 8-6-106, § 8-6-108(2), and § 8-6-109 (2018).

Date and Time of Hearing: **Tuesday, November 6, 2018, at 1:00 p.m.**

Place of Hearing: **Colorado Division of Labor Standards and Statistics
633 17th Street, 6th Floor
Denver, CO 80202**

This hearing will be held in accordance with the Colorado Administrative Procedure Act, C.R.S. § 24-4-101, et seq. (2018), to receive any testimony, written data, views, or arguments that interested parties may wish to submit regarding the proposed rules.

Colorado Minimum Wage Order Number 35:

It is proposed, in accordance with Article XVIII, Section 15, of the Colorado Constitution, that the Director of the Division of Labor Standards and Statistics adopt Colorado Minimum Wage Order Number 35, 7 C.C.R. 1103-1, to reflect the new state minimum wage.

Pursuant to Article XVIII, Section 15, of the Colorado Constitution, Colorado Minimum Wage Order Number 35 will establish a new state minimum wage of \$11.10 per hour, effective January 1, 2019.

Colorado Minimum Wage Order Number 35 differs from the current Colorado Minimum Wage Order Number 34 in the state minimum wage.

Copies of the proposed sets of rules shall be available at least five days before the hearing at www.coloradolaborlaw.gov or:

Colorado Division of Labor Standards and Statistics
633 17th Street, Suite 600
Denver, Colorado 80202

To ensure sufficient time for consideration prior to adopting final rules, comments must be provided to the Division by 5:00 pm on Thursday, November 8, 2018. Comments will be accepted at any time prior to the hearing.

Comments may be delivered by mail, faxed to 303-318-8400, or emailed to michael.primo@state.co.us

Comment Deadline: by 5:00 pm, Thursday, November 8, 2018