

**STATEMENT OF BASIS AND PURPOSE
FOR
COLORADO CHANCE TO COMPETE ACT RULES
7 C.C.R. 1103-9**

BASIS: C.R.S. § 8-1-107(2) provides the Director of the Division of Labor Standards and Statistics with the authority to adopt rules and regulations regarding investigations of employers for potential violations of Colorado wage and hour law.

C.R.S. § 8-2-130(5)(e) requires the Department of Labor and Employment to adopt rules and regulations regarding procedures for handling complaints against employers for potential violations of the Colorado Chance to Compete Act.

PURPOSE: The purpose of the Colorado Chance to Compete Act Rules is to implement the Division's authority to conduct investigations of potential violations of the Act.

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
THREE PROPOSED SETS OF RULES:**

**WAGE PROTECTION ACT RULES
WAGE AND HOUR DIRECT INVESTIGATION RULES
COLORADO CHANCE TO COMPETE RULES**

Notice is hereby given of a public hearing to afford all interested persons an opportunity to be heard prior to the adoption of the Wage Protection Act Rules: 7 CCR 1103-7, the Wage and Hour Direct Investigation Rules: 7 CCR 1103-8, and the Colorado Chance to Compete Rules: 7 CCR 1103-9 under the authority granted the Division of Labor Standards and Statistics in *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, and § 8-2-130(5)(e) (2019).

Date and Time of Hearing: **Tuesday, October 15, 2019, from 2:00 pm to 6:00 pm**

Place of Hearing: **Colorado Division of Labor Standards and Statistics
633 17th Street, Sixth 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. (2019), to receive any testimony, written data, views, or arguments that interested parties may wish to submit regarding the proposed rules. There is no requirement for attendees to arrive by a particular time or stay the entire meeting.

Wage Protection Act Rules:

These rules conform the Wage Protection Act (“WPA”) Rules, 7 C.C.R. 1103-7, 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. The proposed rules amend current WPA Rules, 7 C.C.R. 1103-7, specifically: amending rule 1.2; amending rule 2.12; adding new rule 2.15; adding new rule 3.2.3; adding new rule 4.7; and adding new rule 4.8.

Direct Investigation Rules:

These rules conform the Wage and Hour Direct Investigation Rules, 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 amendments. The proposed rules amend sections in the current Wage and Hour Direct Investigation Rules, 7 C.C.R. 1103-8, specifically rule 1.4, rule 2.2, rule 2.3, and rule 3.5.

Colorado Chance to Compete Rules:

It is proposed that the Director permanently adopt the Colorado Chance to Compete Act Rules, 7 CCR 1103-9 in order to implement the Division’s investigation process for potential violations of the Colorado Chance to Compete Act.

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, October 24, 2019. 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 elizabeth.funk@state.co.us.

Comment Deadline: Thursday, October 24, 2019