



WORKER RIGHTS · COLORADO

Know Your Rights in Colorado

What every hospitality worker should know, in plain language.
No legal jargon.

This guide is general information about Colorado employment law as of October 2026. It is not legal advice, and not a substitute for talking to a licensed attorney about your situation.

General information only — not legal advice.

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Working in Colorado: The Basics

- Colorado is an at-will state (a court-made rule): either side can end the job at any time, for any reason that is not illegal.
- The Colorado Anti-Discrimination Act (CADA) protects every employee working in Colorado — the Civil Rights Division states no minimum employer size — against discrimination based on disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, religion, age (40+), national origin, ancestry, marital status, pregnancy/childbirth and related conditions, and wage-transparency activity (sharing and comparing pay with coworkers). Federal law (Title VII, ADA, ADEA) adds parallel protection.
- It is illegal to fire or punish you for: complaining of discrimination or asking for a reasonable accommodation; exercising rights under the Colorado Wage Act or Minimum Wage Act (retaliation law, §8-4-120 — adverse action within 90 days of protected activity may by itself support a finding of retaliatory intent); or taking paid sick leave you have earned.

Your Paycheck

- Minimum wage: \$15.16 an hour (effective January 1, 2026; adjusted every year for inflation under the state constitution). Non-emancipated minors and workers certified as less efficient due to a physical disability may be paid 85% — \$12.89.
- Overtime — Colorado has THREE triggers; you get paid on whichever gives you more. 1.5× your regular rate for hours over: (1) 40 in a workweek, (2) 12 in a workday, or (3) 12 consecutive hours regardless of when the workday starts and ends. Hours from different weeks may never be averaged together.
- Paydays: pay periods may not exceed one month (or 30 days, whichever is longer), and payday must come no later than 10 days after the pay period closes, unless you and your employer agree on a different arrangement. Your employer must post notice of the regular paydays and the time and place of payment.
- Pay statement: at least monthly, and at every payment, you must receive an itemized written statement: gross wages, all withholdings and deductions, net wages, pay-period dates, your name (or SSN), and the employer's name and address. Records must be kept 3 years and produced to you or the Division on request.

- Deductions — a closed list. Nothing may be deducted except what §8-4-105 allows: deductions required by law (taxes, garnishments, court orders); automatic-enrollment retirement contributions; loans, advances, goods, services, or equipment under an enforceable written agreement; deductions you authorize in a revocable authorization (insurance, savings, charities); and two narrow employer-loss items below. No deduction may ever pull you below the minimum wage.
- Theft: a deduction for a shortage caused by theft is allowed only if the employer filed a report with law enforcement — and the money comes back to you if you are acquitted or no charges are filed (per the statute's refund rules).
- Entrusted property: if you were entrusted with money or property and did not return it at separation, the employer gets 10 days to audit, must give written notice and an accounting, and only then may deduct.
- Uniforms: where a particular uniform or special apparel is a condition of the job, the employer pays for purchase, maintenance, and cleaning (plain washable uniforms and ordinary street clothes excepted), and ordinary wear-and-tear costs may never be deducted.
- Final paycheck — fired or laid off: due IMMEDIATELY. Every earned, vested, determinable dollar. If the payroll office isn't operating, your wages must be available within 6 hours after the start of its next regular workday; if payroll is off-site, payment must be delivered within 24 hours after that workday starts (to the work site, the local office, or your last-known mailing address). If wages left at the site go unclaimed for 60 days, the employer must mail them to you.
- Final paycheck — quit: the next regular payday.

- Late final pay costs the employer, automatically: once you send a written demand (or file a claim or suit), an employer that doesn't pay everything within 14 days owes the unpaid wages plus the greater of 2× the wages or \$1,000. If the failure was willful: the greater of 3× or \$3,000. A second failure of the same kind within 5 years is willful by law.

Tips

- Your tips are your sole property. Colorado law makes it unlawful for an employer to claim, own, or control gratuities — with one exception: gratuities may be shared among employees if the employer notifies every patron in writing (a notice on the menu, a table tent, or the receipt) that gratuities are shared.
- The tip credit is small and conditional: your employer may pay a cash wage of \$12.14 and claim a credit of at most \$3.02 an hour — and if your cash wage plus tips doesn't reach \$15.16, the employer must make up the difference in cash. (A "tipped employee" is one who regularly averages more than \$1.64 an hour in tips over a pay period; tips left by credit card count.)
- Required sharing has rules: an employer may require tip sharing only among tipped employees who perform significant customer-service work in contact with patrons — servers, bussers, counter staff, service bartenders, barbacks, sommeliers, bellhops, and chefs who serve customers directly (like sushi/teppanyaki chefs) are the rule's examples.

- Three things kill the tip credit: requiring you to share tips with management, requiring sharing with employees who don't do customer-service work, or deducting credit-card processing fees from your tips. If any of those happens, the employer's tip credit is nullified — the full minimum wage is owed in cash.
- The only other credits toward the minimum wage Colorado allows are the meal and lodging credits defined in the COMPS Order — no others.

Paid Sick Leave (Healthy Families and Workplaces Act)

- Every Colorado employer is covered, and every employee earns paid sick leave from the first day of work: 1 hour for every 30 hours worked, up to 48 hours a year. Overtime hours count toward accrual; unused leave carries forward (up to 48 hours), though an employer need not let you use more than 48 in a year. A PTO policy can satisfy the law only if it covers the same needs, at the same pay, with no tougher rules.
- Use it for: your own or a family member's illness, injury, or health condition; diagnosis, care, treatment, or preventive care (including vaccination); needs arising from domestic violence, sexual abuse, or criminal harassment; bereavement and the financial/legal matters after a family member's death; caring for a family member whose school or care facility closes for weather, power/heating/water loss, or another emergency; and evacuating your own home for those events.

- Taking earned leave with full pay and without negative consequences is your right — retaliation is illegal, and accrued leave counts as wages under the Wage Act.
- Public-health-emergency leave (an extra supplement up to 80 hours) exists in the law but applies only while a public health emergency is declared — CDLE lists it as not currently in effect (October 2026).

FAMLI: Paid Family and Medical Leave Insurance

- Colorado's FAMLI program pays you while you're out for: your own serious health condition; caring for a family member or loved one; bonding with a new child (birth, adoption, foster); safe leave for domestic violence or assault; or preparing for a family member's military deployment — up to 12 weeks a year.
- New in 2026: parents whose infant is in the NICU may qualify for 12 additional weeks, and birthing parents with pregnancy complications for 4 additional weeks of medical leave.
- Pay: 90% of the part of your average weekly wage up to half the state average weekly wage, plus 50% of the rest — capped at a maximum weekly benefit of \$1,448.02 (as of July 1, 2026).
- Cost: the premium is 0.88% of wages in 2026, split half employer / half you (your share: 0.44%, withheld from your pay — that deduction is lawful). Announced: the rate drops to 0.86% in 2027 (your share 0.43%). Premiums apply up to the Social Security wage cap; self-employed workers may opt in.

Vacation and PTO

- Colorado does not require employers to offer vacation.
- But vacation you have earned is wages. The Wage Act's definition: if an employer provides paid vacation, then on separation the employer must pay all vacation pay earned and determinable under the terms of your agreement. Amounts count as wages once they are earned, vested, and determinable.
- Severance pay is expressly not wages under the Act, and no Colorado law requires it.

Breaks

- Meal period: if your shift exceeds 5 consecutive hours, you are entitled to an uninterrupted, duty-free meal period of at least 30 minutes — scheduled at least an hour after the shift starts and an hour before it ends, where practical. It is unpaid only if you are completely relieved of all duties.
- If a real meal break is impractical, your employer must let you eat an on-duty meal — a meal of your choice, on the job — and that time is fully paid, with no loss of time or pay.
- Rest periods: a PAID 10 minutes for every 4 hours worked (or major fraction): 1 break for a shift over 2–6 hours, 2 for over 6–10, 3 for over 10–14, and so on. Breaks should fall mid-period where practical; you don't have to leave the premises; and rest time counts as time worked for minimum-wage and overtime purposes.

- The only standard variant: you and your employer may agree in a signed writing, voluntarily and without coercion, to two 5-minute breaks instead (if 5 minutes is genuinely enough to reach the break area) — for a day or up to a year.
- Missed rest break = unpaid wages. If you weren't authorized and permitted your rest period, the employer owes you that 10 minutes of pay — at the overtime rate if it fell in overtime hours.

Workers Under 18

- Colorado's limits are stricter than federal law for every minor: no one under 18 may work more than 40 hours in a week or 8 hours in any 24-hour period (a bona fide emergency exception exists, with time-and-a-half for the excess). "Minor" means under 18 without a high-school diploma or GED.
- Under 16: no work between 7:00 PM and 7:00 AM (9:00 PM from June 1 to Labor Day); on school days, at most 3 hours of work outside school hours and at most 18 hours in a school week.
- No work permit is required in Colorado. School-hours work before 14 is not allowed; at 14-15 it needs a school-issued school release permit (up to 30 days, with parent approval) or a federal work program.

Alcohol — supervision is the rule:

- Under 18: never. No selling, dispensing, serving, or participating in the sale of alcohol.
- Ages 18-20: you may sell, dispense, or serve alcohol only while supervised by someone 21 or older who is on the premises.

- Taverns where meals are not regularly served: you must be 21 to handle or sell alcohol or check IDs.
- Retail liquor stores / liquor-licensed drugstores: 18+ may sell or serve without the supervision requirement — but no one under 21 may deliver liquor.

Non-Competes: Void for Almost Everyone

- Colorado's default rule (C.R.S. §8-2-113): a non-compete that restricts your right to earn a living is VOID — unless an exception applies. The old “executives and managers” exception was abolished in 2022.
- The one employment exception: a worker who earns at or above the highly compensated threshold — \$130,014 a year in 2026 (checked when the agreement is signed or when it's enforced) may be bound — and only to protect trade secrets, and no broader than reasonably necessary for that purpose. Below \$130,014, a non-compete is void, full stop.
- Customer non-solicitation clauses have their own threshold: enforceable only against workers earning at least 60% of the threshold — \$78,008.40 in 2026.
- Other exceptions: sale of a business or its assets; training-cost recovery agreements for workers who leave before 2 years (unless the training was mainly for the employer's benefit); and reasonable confidentiality clauses — which may not cover your general training, knowledge, skill, or experience, or anything the public can readily learn.

- Notice is mandatory: for a new hire, notice must come before you accept the offer; for a current worker, at least 14 days before the covenant (or the pay/terms change that pays for it) takes effect. It must be a separate document, in clear and conspicuous terms, in the language you and your employer communicate in. No proper notice, no valid covenant.
- Health care is carved out at every pay level (SB 25-083, in effect for covenants entered into or renewed on or after August 6, 2025). The highly-compensated exception does not apply to a covenant restricting the practice of medicine (which includes physician assistants), advanced practice registered nursing, or dentistry — for those providers, a non-compete or customer non-solicit is unenforceable no matter how much they earn.
- Patient notification is protected too. A covenant counts as restricting those practices if it stops a departing provider from telling patients that they are continuing to practice, how to reach them, or that patients have the right to choose their own provider. That protection extends to health-care providers including certified midwives, and the Attorney General can enforce it.
- Penalties: an employer that enters, presents, or tries to enforce a void covenant faces \$5,000 per worker harmed, an injunction, and actual damages; you may also recover actual damages, costs, and attorney fees in your own suit (a court may reduce penalties for a genuinely good-faith employer).

Pay Transparency and Fair Applications

- Every job posting must include the compensation, the benefits, and the application deadline (Equal Pay for Equal Work Act, Part 2). Employers must also notify employees of job opportunities and hiring decisions, and keep job-description and pay records for your whole employment plus 2 years.
- Think a posting broke the rules? You may complain to the Division within 1 year of learning of the violation — anonymous tips are accepted.
- Related rules you'll see in applications: employers may not ask for age-identifying information (birth dates, graduation dates) on an initial application (Job Application Fairness Act); may not ask about criminal history on an initial application or advertise that people with records need not apply (Chance to Compete Act); and may never demand your personal social-media passwords.
- Discussing pay with coworkers is protected activity — the Civil Rights Division enforces it.

Local Wages That Beat the State

You are owed whichever rate is highest — state or local:

- Denver — \$19.29 an hour (since January 1, 2026; adjusted annually by the Denver-area CPI-W). For tipped food and beverage workers: \$16.27, provided you actually earn at least \$3.02 in tips. Wage complaints go to Denver Labor (Auditor's Office). Announced: \$19.84 on January 1, 2027.
- City of Boulder — \$16.82 an hour (since January 1, 2026). Tipped food and beverage workers: tips actually received may be credited up to \$3.02, for a tipped base wage of \$13.80. Wage claims for work inside the city also run through Boulder's Office of Human Rights. In the ordinance schedule: \$18.17 on January 1, 2027, then inflation adjustments from 2028.

Unions

- Colorado is not a right-to-work state: no Colorado law bans union-security agreements.

What Colorado Does NOT Require

- No state-mandated vacation or severance pay (earned vacation is wages — see Vacation and PTO).
- No overtime at 8 hours a day — the daily trigger is 12 hours (see Your Paycheck).
- No general reporting-pay or predictive-scheduling law (no pay for cancelled shifts, no advance-schedule notice mandate was found).
- No state OSHA plan — safety runs through federal OSHA (see If Your Rights Were Violated).
- No work permits for minors (see Workers Under 18).

If Your Rights Were Violated

- Wages, breaks, sick leave → Division of Labor Standards and Statistics (CDLE). File a wage claim with the Division (entry point: CDLE's Wage & Hour page) or sue in court instead — your choice. The Division investigates every individual complaint and can open group or employer-wide investigations; you may also file on behalf of similarly situated coworkers.
- Deadlines: 2 years from the violation — 3 years if willful — and the window can extend if the employer kept you from knowing your rights (for example, by failing to post required notices).
- Claim-size note: the Division accepts wage claims up to \$13,000 per employee (raised from \$7,500 on July 1, 2026; the higher cap runs through December 31, 2027). Larger claims go to court — they are not barred, just filed elsewhere.

- Discrimination → Colorado Civil Rights Division within 300 days (the deadline is a hard bar). File the formal complaint itself well before day 300 — submitting intake information does not count as filing. The EEOC deadline is also 300 days in Colorado.
- Safety → federal OSHA. Colorado has no state plan.
- Retaliation is illegal for wage complaints (§8-4-120, including relief and attorney fees), sick-leave use, and discrimination complaints or accommodation requests.

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