

# THE EMPLOYER'S ADVISORY

A PERIODICAL HIGHLIGHTING  
CURRENT EMPLOYMENT-LAW ISSUES

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## COMPS ORDER #38 The Sequel

The Colorado Department of Labor and Employment must really, really like the number 38. That is, since COMPS first became effective in 2020, the CDLE has released a new COMPS Order each year with a corresponding increase in the number of the Order. For example, in 2020, the CDLE gave us COMPS Order #36 and then in 2021, it was COMPS Order #37. Of course, in 2022, we had COMPS Order #38. But this year, instead of following that trend, the CDLE determined to reuse "COMPS Order #38." But while the number stayed the same, there are still items to ensure you're up to date on.

For example, the minimum wage was \$12.56 (\$9.54 for tipped employees) is now \$13.65 (\$10.63 for tipped employees). With that change in the minimum wage, Colorado employers need to post the new Pay Calc Order (<https://cdle.colorado.gov/sites/cdle/files/7%20CCR%201103-14%202023%20PAY%20CALC%20Order%20%282023%29.pdf>) with that posting of COMPS #38.

If, when making that posting, the work site or other conditions make a physical posting impractical (including private residences employing only one worker, and certain entirely outdoor work sites lacking an indoor area), Colorado employers are required to provide a copy of the COMPS Order or poster to each employee within the employee's first month of employment and shall make it available to employees upon request.

Similarly, just like past COMPS Orders, the "new" one requires every employer publishing or distributing any handbook, manual, or written or posted policies to include a copy of the COMPS Order, or a COMPS Order poster published by the Division, with any such handbook, manual, or policies. So, Colorado employers need to ensure that the "new" Order #38 is published with the handbook.

The "new" COMPS, just like the old ones, still identifies that every employer that requires employees to sign any handbook, manual, or policy shall have the employee sign an acknowledgement of being provided the COMPS Order or the COMPS Order poster.

So, in sum, if you've got an employee handbook, you need to include "new" COMPS Order #38 with the employee handbook and have the employee sign off that they receive the Order.

## FAMLI IS HERE!!!

Undoubtedly, during the course of the recent holiday season, a frequent declaration heard around the homestead was, "the family is here!!!" Well, with that declaration still ringing in our ears, the Employer's Advisory is here to announce that "FAMLI is here." As you know, in November 2020, Colorado voters went to the polls in record numbers and voted in favor of creating a paid leave program entitled Paid Family and Medical Leave Insurance ("FAMLI") for Colorado employees. And while employees aren't eligible to take FAMLI leave until January 2024, most Colorado organizations are required to register with the FAMLI program and begin

making premium deductions from all employees' paychecks starting in January 2023. So, as we ring in the new year, the Employer's Advisory reminds those making resolutions of three requirements with respect to FAMLI.

First, you need to register your company with the online system which can be found at <https://famli.colorado.gov/>.

Second, organizations are required to post the CDLE's FAMLI poster. This poster can be found at <https://famli.colorado.gov/employers/famli-toolkit-for-employers>.

Third, don't forget that those covered by FAMLI are required to start making premium deductions from the employee's first paycheck. So, now is a great time to work with your payroll department or payroll group to ensure that those deductions are taking place asap.

### **Implementation of Colorado Secured Savings Program has slight delay.**

The theme of early 2023 seems to be "don't forget to register." That is, Colorado employers are required to register their business with the Colorado Secured Savings Program. The program is supposed to provide all businesses with an access code by email or mail to be able to access this system. It is a good idea to keep an eye out for this letter or email.

Companies must register for this program starting in March 2023 depending on the size of the company. Registration can be completed at: <https://coloradosecuresavings.com/employers/program-details>. The deadline for registration is:

- a. Employers with 50 or more employees must register by 3/15/23.
- b. Employers with 15 to 49 employees must register by 5/15/23.
- c. Employers with 5 to 14 employees must register by 6/30/23.

This Program is required for businesses with five (5) or more employees, that have been in business for two or more years, and do not have an existing qualified retirement plan. This program provides a retirement benefit for all employees that are currently not offered a retirement plan. If your company has a 401(K), 403(B), or other qualified plan, you do not need to enroll in the program but you do need to register your business' exemption at the website above by the deadline indicated.

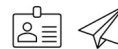
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