COLORADO
Department of Labor and Employment

**Division of Labor Standards and Statistics**
707 17th Street, Denver, CO 80202 | 303-318-8441
www.ColoradoLaborLaw.gov | www.LeyesLaboralesDeColorado.gov

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# KNOWLEDGE #2: Colorado Wage & Hour Rights for Direct Care Workers

*Each **KNOWLEDGE** (Knowledge for Workers on Labor Law is Empowering & Drives Good Employment) summarizes key labor rights, but is not binding law itself. Each **INFO** (Interpretive Notice & Formal Opinion) gives more detail on each topic.*

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|---|---|---|
| **What PAY Do I Have a Right to?**<br>*details in INFOs:*<br>*#1: key wage rules, & who's covered by them*<br>*#3: what counts as wages & how they must be paid*<br>*#16: deductions*<br>*#20: what time is paid* | **Minimum Wage** & **Direct Care** Rates | In 2026, **$15.16** (**$19.29** in Denver), *except:*<br>● **$17.00** for care workers receiving the HCBS Direct Care Base Wage, and<br>● **$19.29** in Denver (including for care workers receiving HCBS Wage)<br>● **$18.71** in Edgewater (including for care workers receiving HCBS Wage) |
| | **Overtime Pay** ("Time and a half") | **1½ times** the regular pay rate: required after **40** hours a week or **12** a day *except:*<br>● No overtime needed for some **supervisors** or others, if **salaried** (not hourly)<br>● No 12-hour overtime for some Medicaid-funded companions' 24-hour shifts |
| | Pay for all **Time Worked** | All time spent for the **employer's benefit** must be **paid**, including:<br>✔ any time **required** to be at **any location**, even if just **waiting for work** (but not on-site, **uninterrupted sleep** time of 5-8 hours)<br>✔ **check-in/out** – timeclock, screening, gear pickup, time in line, etc.<br>✔ **travel between** worksites/offices or **special trips** – but **not usual commutes**<br>✔ any other **work-related**: setup/cleanup, meetings/training, paperwork, etc. |
| | **Deductions** from Pay, or **Charges** to Employees | ● **Lodging**: not if use is **required**; only if in **writing**; & at most $25-$100/week<br>● **Meals**: only if **optional**, & for a meal's fair value or actual cost **without profit**<br>● **Uniforms**: only if plain/ordinary, not special; can't charge for cleaning, wear/tear<br>● **Equipment**: not for items that are for employer **benefit**; not if the cost drops pay below **minimum** wage; & only if employees agree in **writing**<br>✘ **Never** for: poor work **quality**, **quitting** without notice, **employer losses**, etc. |
| **What Breaks & Time Off Do I Have a Right to?**<br>*#4: breaks*<br>*#6: paid leave* | **Rest Breaks** (**paid**) | **10 minutes** in every **4 hours** (or multiple 5-minute breaks in some situations)<br>● **duty-free**, but the employer can require you to stay at the workplace |
| | **Meal Breaks** (**unpaid** *if* duty-free) | **30 minutes**, in workdays of **over 5 hours**<br>● **duty-free** & free to go **off-site** – if not, it's **paid** time, & must be allowed to **eat** |
| | **Paid Leave** | **1 hour per 30** worked, up to **48 hours a year**, for worker or family needs<br>✔ for any medical **care** – diagnosis, care, treatment, or preventative care<br>✔ when a mental or physical illness, injury, or condition **prevents working**<br>✔ due to **domestic abuse**, sex assault, or criminal harassment<br>✔ **bereavement**, or unexpected **school** closure or **home** evacuation |
| **When Do I Have a Right to Be Paid?** | **Regular Paydays** | Employers must pay at least **monthly**, and post **notice** of paydays |
| | **Departing Employees' Pay** | All **earned** pay: due the next payday (or immediately if terminated), including:<br>✔ unused **vacation** pay, including **paid time off** that can be used for vacation<br>✘ but not **sick**, bereavement, or other pay limited to **specific needs** |
| **Can an Agreement Take Away My Rights?**<br>*#10: misclassification* | **No:** | **No waiver**, **policy**, or **agreement** (collective bargaining or individual) can allow:<br>✘ not paying minimum wage, overtime, or for any "time worked"<br>✘ disallowing breaks or sick leave, or making all leave unpaid<br>✘ misclassifying employees as **independent contractors** — look to **actual facts**, not just what **documents** say (contract, 1099, etc.), such as:<br>- does the hirer benefit like a **customer** (with limited control, often in specialty work) or an **employer** (with more control, often for its primary work)? *and*<br>- does the worker benefit like an **employee** or like someone running an **independent business** not subject to employer control? |
| | **But:** | Employees and employers **can agree** to:<br>✔ any **pay rate** (at least the minimum wage or direct care wage rate)<br>✔ any **schedule** or number of hours (with all required breaks)<br>✔ what if any **paid time off** is earned (other than required sick leave) |
| **How Can I Protect My Rights?**<br>*#2: complaint investigations* | What's Protected from **Retaliation or Interference** | You have a right to **complain** of violations, or **assert** your rights:<br>✔ as to **wages or hours**, including **breaks** and family/medical **leave**<br>✔ to **talk or organize** about work with others, **informally** or with a **union**<br>✔ against various unsafe or illegal **workplace conditions** |
| | **File a Claim**, or a **Confidential Tip** | **Report violations** as to wages or hours (including breaks or leave), or retaliation: as a **complaint to the Division**, or in court, *or* as a **confidential tip** to the Division, by email or phone. **Call or email** the Division with any **questions**, in English or Spanish. |