



PINPOINT WEBINAR

April 14, 2021

Thanks for joining us a few minutes early.

We will start promptly at 2 p.m.!

LEGAL UPDATE

*... a conversation with **Philip J. Siegel**,
Hendrick, Phillips, Salzman & Siegel, P.C.*



Agenda

- ◆ 2:00 | Start Program and Webinar Housekeeping Items
Debbie Hathorne, CRA Executive Director
- ◆ 2:02 | CRA Announcements & Speaker Intro
Debbie Hathorne, CRA Executive Director
- ◆ 2:05 | Colo Labor & Employment Law Update
*Philip J. Siegel, Esq, Hendrick, Phillips,
Salzman & Siegel, P.C.*
- ◆ 2:50 | Q & A



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Industry Leader



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Thank you!

Webinar Courtesies:

- ★ Thank you for being on-time.
- ★ All attendees are muted.
- ★ **Use the Q&A at the bottom your screen to send your questions to Debbie.** She will relay them to the speaker(s).
- ★ We will not use the raise hand function, please use Q & A.
- ★ Links and other information will be sent in Chat box if applicable. Otherwise, the chat function is limited and we ask you to use Q&A.
- ★ We may not get to all the questions, but we will try.
- ★ Please participate in our interactive polling through-out the presentation.
- ★ Final note, in order to earn CIU credit, you will be required to answer a final poll question at the end of today's presentation.



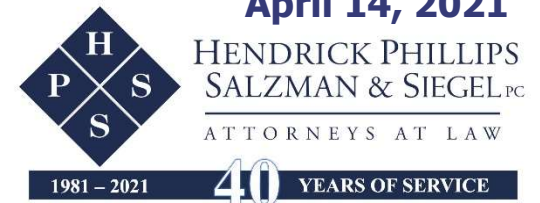


Colorado Labor and Employment Law Update



Presented by Philip J. Siegel, Esq.
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April 14, 2021



An Overview



- ◆ Equal Pay Transparency Rules
- ◆ Wage Protection Rules/Healthy Families and Workplaces Act
- ◆ Overtime and Minimum Pay Standards

Equal Pay Transparency Rules



Poll #1

Which of these roofing related jobs does this new job posting requirement apply to?

(Select all that apply)

- a) Roofer
- b) Roofing Sales
- c) Field Superintendent
- d) Project Manager
- e) Repair Tech
- f) Accountant
- g) Office staff



Job Posting Requirements

- ◆ Effective January 1, 2021
- ◆ Covered employers
- ◆ Required for all “promotional” job postings
- ◆ Other job postings?



What is a promotion?

“A ‘promotional opportunity’ exists when an employer has or anticipates a vacancy in an existing or new position that could be considered a promotion for one or more employee(s) in terms of compensation, benefits, status, duties, or access to further advancement.”



Required Contents

- ◆ Hourly rate or salary and other forms of compensation
- ◆ Description of benefits
- ◆ Promotional opportunity? Include job title and means to apply



Publishing Requirements

- ◆ Reasonable efforts required
- ◆ Provided to all employees
- ◆ Qualifications



Exceptions

- ◆ Confidentiality
- ◆ Automatic promotion
- ◆ Temporary hires
- ◆ Geographic limits



Recordkeeping

- ◆ Job description and wage rate history
- ◆ Retention rule



Complaint Procedure

- ◆ One year statute of limitation
- ◆ Fines of \$500 to \$10,000 per violation
- ◆ Appeals process



Wage Protection Rules/Healthy Families and Workplaces Act



Poll #2

How many of you provide the following:

(Select all that apply)

- a) A paid time off policy that covers all time off from work
- b) Paid time off for vacation only
- c) Paid time off for health related reasons



Wage Protection Rules

- ◆ Effective January 1, 2021
- ◆ Provides for wage complaints and investigations
- ◆ Includes vacation pay as “wages or compensation”



Vacation Pay

- ◆ Use-it-or-lose-it policies
- ◆ Unused vacation pay must be paid out at the time of termination
- ◆ No obligation to offer vacation
- ◆ Can set terms of vacation pay



Poll #3

Are you continuing with voluntary compliance with the Families First Coronavirus Response Act, which is permitted with the corresponding tax credit through September 30?

- a) Yes
- b) No



Healthy Families Workplace Act

- ◆ Effective January 1, 2021
- ◆ Covered employers
- ◆ Provides for paid sick leave
- ◆ Accrual rate/Cap



Healthy Families Workplace Act

- ◆ Paid sick leave falls within the definition of wages and compensation, but need not be paid out at termination
- ◆ Provides for leave for the employee's own condition or condition of a family member
- ◆ Domestic abuse, sexual assault, or harassment
- ◆ Ordered closure of business/school/childcare by public official

Supplemental Paid Leave

- ◆ Leave during a public health emergency
- ◆ Amended rules effective April 14, 2021
- ◆ Provides for up to 80 hours of additional leave for full time employees
- ◆ Available only once



Public Health Emergency Leave

- ◆ Self-isolating or excluded from the workplace due to exposure, symptoms, or diagnosis
- ◆ Seeking a diagnosis, treatment, or care
- ◆ Unable to work due to a health condition that may increase susceptibility to or risk of illness
- ◆ Caring for child or other family member in the above-categories, or unavailable school/childcare

Frequently Asked Questions

Can we require our employees to provide notice of the need for leave?

What about documentation supporting the stated need or reason for either paid sick leave or the supplemental leave required under a public health emergency?



Overtime and Minimum Pay Standards



Poll #4

Does your company utilize the administration exemption from overtime pay provided under federal law?

- a) Yes
- b) No



Overtime and Minimum Pay Standards

- ◆ COMPS #37 effective January 1, 2021
- ◆ Differs from Federal law
- ◆ Minimum wage: \$12.32 (increases annually)
- ◆ Salary basis test: \$778.85/wk
(\$40,500.20/yr) (increases annually)



Posting Requirement

- ◆ COMPS #37 Poster published by state
- ◆ Post in central areas of workplace
- ◆ Distribute to employees if physical posting is impractical or if distribution to employees is customary
- ◆ Acknowledgment of receipt

Overtime

- ◆ Over 40 hours in a work week
- ◆ Over 12 hours in a work day
- ◆ Over 12 consecutive hours

The Administrative Exemption

- ◆ Involves the performance of office or non-manual work directly related to the management or general business operations of the employer or its customers
- ◆ Includes the exercise of discretion and independent judgment with respect to matters of significance
- ◆ AND: Directly serves an executive, and regularly performs duties important to the *decision-making* process of that executive



Meal and Rest Breaks

- ◆ Meal Breaks: 30 minutes when shift exceeds five hours
- ◆ Rest Periods: 10 minutes, compensated, for each four hours of work or major fractions thereof

<u>Work Hours</u>	<u>Rest Periods Required</u>
2 or fewer	0
Over 2, and up to 6	1
Over 6, and up to 10	2
Over 10, and up to 14	3
Over 14, and up to 18	4
Over 18, and up to 22	5
Over 22	6



Questions?

Contact Info:

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Final comments:



- ★ Thank you Philip!
- ★ Presentation Handout is available at:
<https://www.coloradoroofing.org/member/education>
- ★ A survey will be sent after the seminar, please take the time to respond. Your feedback helps us plan future webinars and seminars.
- ★ Thank you for staying on the webinar the full time. **Please answer this final poll question to earn your CIUs.** Then, you are free to hop off and end your session.

Thank You for attending!