



Ever-Expanding Labor Laws: Colorado Restaurant Updates for 2024 with Todd Fredrickson (Fisher Phillips) // Dec. 14, 2023

FAQ & Requested Resources

Webinar recording:

<https://us02web.zoom.us/rec/share/XCssQoDj0QZUo5CjLUqZinjC7fF8zv2OgYIYd8T04SBBbZdzzHRF4ZYhsoDgKuiZ.yam7XFybcv4gNREJ?startTime=1702571406000>

RESOURCES (all can be also found in the [CRA Compliance Center](#))

- CRA members: Sign up for your free set of required 2024 Labor Law posters [here](#).
- COMPS 39 posters (post by 1/1/24 and add to handbook, if possible)
 - [Poster in English](#)
 - [Poster in Spanish](#)
 - Other languages coming soon; check [here](#)
- [Supervisor test for overtime exemptions](#)
- [Timeclock acknowledgement template](#)
- [Tip memo example](#)
- HFWA
 - [Poster in English](#)
 - [Poster in Spanish](#)
 - Other languages available [here](#)
 - [Info sheet 6B](#)
- [Model harassment/discrimination policy](#)
- [C.R.S. Section 8-74-101 separation form](#)
- [Fisher Phillips legal alerts sign up](#)
- Employee handbook template: Available for purchase from Fisher Phillips with CRA member discount. Contact info@corestaurant.org.

FAQ

1. **Do tips count toward the \$2,500 base wage requirement under FAMLI?**
 - FAMLI eligibility derives its definition from the unemployment comp statute, specifically section 8-70-141 (1), which includes tips as follows: “(c) Tips which are received while performing services that constitute employment and which are made known to the employer through a written statement furnished to him by the employee.”
 - In other words, when totaling \$2,500 in wages for an employee for FAMLI eligibility, you need to include the employee’s credit card tips towards the \$2,500 but not their cash tips, unless their cash tips are reported to you in writing.
2. **Are 10-minute rest periods paid at the tipped employee minimum wage or full minimum wage?**



- The language in the COMPS Order 39 is not entirely clear: “Therefore, a failure by an employer to authorize and permit a 10-minute compensated rest period is a failure to pay 10 minutes of wages at the employee’s agreed-upon or legally required (whichever is higher) rate of pay.” Until we receive further guidance, we suggest that any missed break be paid at full minimum wage.
- [Tips vs. service charges](#)