

<p>SUPREME COURT, STATE OF COLORADO Two East 14th Avenue Denver, Co 80203</p>	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>FILER IN THE SUPREME COURT</p> <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p>JUN 03 2008</p> </div> <p>OF THE STATE OF COLORADO SUSAN J. FESTAG, CLERK</p> </div>
<p>ORIGINAL PROCEEDING PURSUANT TO § 1-40-107(2), C.R.S. (2007)</p>	
<p>IN THE MATTER OF THE TITLE, BALLOT TITLE AND SUBMISSION CLAUSE FOR 2007-2008, #96 ("Cost of Living Wage Increase")</p> <p>Petitioner:</p> <p>JOSEPH B. BLAKE, Objector,</p> <p>v.</p> <p>Respondents:</p> <p>ERNEST L. DURAN, JR. and BRADLEY JOHNSON, Proponents,</p> <p>and</p> <p>Title Board:</p> <p>WILLIAM A. HOBBS, DANIEL L. CARTIN, and DANIEL DOMENICO</p>	<p style="text-align: center;">▲ FOR COURT USE ONLY ▲</p>
<p>Attorneys for Proponents: Michael J. Belo, No. 8198 Eugene M. Sprague, No. 7680 BERENBAUM, WEINSHIENK & EASON, P.C. Address: 370 17th Street, Suite 4800 Denver, Colorado 80202 Phone Number: (303) 825-0800 FAX Number: (303) 629-7610 E-mail: mbelo@bw-legal.com esprague@bw-legal.com</p>	<p style="text-align: center;">Case No. 08SA179</p>
<p style="text-align: center;">OPENING BRIEF OF PROPOSERS</p>	

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Ernest L. Duran, Jr., and Bradley Johnston (correct spelling, rather than “Johnson” as in official caption), the Proponents of Proposed Initiative 2007-2008 #96, submit this Opening Brief in response to the Petition for Review of Final Action of Ballot Title Setting Board Concerning Proposed Initiative 2007-2008 #96 (the “Initiative”), filed by the Petitioner, Joseph B. Blake.¹

I. Introduction

Petitioner, as Objector, brought this original proceeding under C.R.S. § 1-40-107(2), to challenge the action of the ballot title setting board (the “Title Board” or “Board”), which set the title, ballot title and submission clause for the Initiative (unofficially captioned by legislative staff as, and herein called, the “Cost-of-Living Wage Increase” initiative). The Initiative seeks to amend the Colorado Revised Statutes by requiring employers who regularly employ ten or more employees in the state of Colorado to provide annual wage or salary increases to their employees to adjust for increases in the cost of living, as measured by the Consumer Price Index (“CPI”) used for Colorado. The Initiative enables aggrieved employees to file complaints with the Division of Labor in the Department of Labor and Employment (“Division of Labor”), authorizes the

¹ The Petition for Review incorrectly lists Daniel Domenico as the third member of the Title Board for this initiative. The Title Board herein consisted of William Hobbs, Daniel Cartin, and Jeffrey Blue.

Director of the Division of Labor to investigate such complaints and take action to enforce the cost-of-living increase, and allows employees who do not receive the required cost-of-living increase to recover the amount of adjustment owed, along with reasonable attorney fees, in a civil action.

Petitioner contends that the Initiative violates the single subject requirement of article V, section 1(5.5) of the Colorado Constitution and requests that the Court reverse the action of the Title Board with directions to decline to set a title and return the proposed Cost-of-Living initiative to the Proponents. Petitioner does not challenge the title or the ballot title and submission clause as designated and fixed by the Title Board. The Proponents respond that, as the Title Board held initially and reiterated upon Petitioner's motion for rehearing to the Board, the Initiative covers a single subject of requiring a cost-of-living wage or salary increase and accompanying provisions directly related to implementation of that mandate.

II. Facts and Procedural History

The Cost-of-Living initiative proposes to amend part 1 of article 2 of title 8, Colorado Revised Statutes, by the addition of new section requiring employers to provide annual wage or salary increases to their employees to adjust for increases in the cost of living, as measured by the CPI used for Colorado. It specifies that the CPI shall be the same index used by the Department of Labor and Employment

to make adjustments for inflation to the Colorado minimum wage rate pursuant to article XVIII, section 15 of the Colorado Constitution.² It provides that the wage or salary increase may be based upon a calendar year, anniversary year, fiscal year, or other basis, so long as it is given at an annual interval. It states that “employer” and “employee” shall have the same meanings set forth in Section 8-4-101, C.R.S., and provides that it applies only to employers who regularly employ ten or more employees in the state of Colorado.³ It provides that the cost-of-living increase shall not apply to employees who receive annual wage or salary increases equal to or greater than the required cost-of-living increases. It prohibits employers from reducing wages or salaries due to a decrease in the CPI. It provides remedies to employees who do not receive the required annual wage or salary cost-of-living increase. An aggrieved employee may file a complaint with the Division of Labor which shall investigate the complaint and, if warranted, take action to enforce the cost-of-living increase. An employee who does not receive the required cost-of-living increase may recover the amount of the adjustment owed, together with reasonable attorney fees, in a civil action.

² A copy of the Initiative as submitted to the Title Board is attached for reference as Appendix 1.

³ The text of the definitions of “employee”, § 8-4-101(4), C.R.S. (2007), and “employer”, § 8-4-101(5), C.R.S. (2007), is attached for reference as Appendix 2.

On May 7, 2008, the Title Board found that the Initiative contained a single subject and set the title. On May 14, 2008, Petitioner, Joseph Blake, filed a motion for rehearing, arguing that: (a) it is impossible for the Title Board to set a title because the Bureau of Labor statistics does not publish a CPI for the state of Colorado, notwithstanding the Initiative's provision that the CPI to be used shall be the same index used by the Department of Labor and Employment to make adjustments for inflation to the Colorado minimum wage rate pursuant to article XVIII, section 15 of the Colorado Constitution, and (b) the Initiative violates the single subject requirement. The Title Board rejected the Petitioner's contentions and denied the motion for rehearing on May 21, 2008.⁴ Here, Petitioner asserts only that the Initiative violates the single subject requirement.

III. Analysis and Argument

The single subject requirement is contained in article V, section 1(5.5) of the Colorado Constitution, which provides, in pertinent part: "No measure shall be proposed by petition containing more than one subject, which shall be clearly expressed in its title." *See also* § 1-40-106.5, C.R.S. (2007). This Court has interpreted and applied this requirement in numerous cases, including most recently *In the Matter of the Title, Ballot Title and Submission Clause 2007-*

⁴ A copy of the title, ballot title and submission clause as designated and fixed by the Title Board is attached for reference as Appendix 3.

2008 #61, Case No. 08SA89, 2008 Colo. LEXIS 454 (Colo. May 16, 2008), and *In the Matter of the Title, Ballot Title, and Submission Clause for 2007-2008 #62*, Case No. 08SA90, 2008 Colo. LEXIS 455 (Colo. May 16, 2008).

An initiative violates the single subject requirement when it (1) relates to more than one subject and (2) has at least two separate and distinct purposes that are not dependent upon or connected with each other. *In the Matter of the Title, Ballot Title, and Submission Clause for 2007-2008 #62*, 2008 Colo. LEXIS 455, at *8; *In the Matter of the Title, Ballot Title and Submission Clause for 2005-2006 #74*, 136 P.3d 237, 239 (Colo. 2006). If the initiative tends to achieve or to carry out one general object or purpose, it constitutes a single subject. *In the Matter of the Title, Ballot Title and Submission Clause 2007-2008 #61*, 2008 Colo. LEXIS 454, at *7. Although an initiative may contain several purposes, they must be interrelated. *In the Matter of the Title and Ballot Title and Submission Clause for 2005-2006 #55*, 138 P.3d 273, 278 (Colo. 2006). The inclusion of details relating to the implementation of a proposed initiative does not violate the single subject rule. As long as the specified procedures have a necessary and proper relationship to the substance of the initiative, they are not a separate subject. *In the Matter of the Title, Ballot Title and Submission Clause, and Summary for 2005-*

2006 #73, 135 P.3d 736, 739 (Colo. 2006); *In the Matter of the Title, Ballot Title and Submission Clause for 2005-2006* #74, 136 P.3d at 239.

The purpose of the single subject requirement is twofold. First, it ensures that each initiative depends upon its own merits for passage, which prevents the proponents from “joining multiple subjects into a single initiative in the hope of attracting support from various factions which may have different or conflicting interests.” *In the Matter of the Title, Ballot Title, and Submission Clause for 2007-2008* #62, 2008 Colo. LEXIS 455, at *9 – 10 (internal citation omitted). Second, it guards against “surreptitious measures . . . [so as] to prevent surprise and fraud from being practiced upon voters.” *Id.* (citation omitted). Thus, an initiative may not hide purposes unrelated to its central theme, a rule that avoids the practice of enticing voters to support a measure because of popular or favorable provisions, while not realizing that less favorable provisions are buried in the measure. *In the Matter of the Title and Ballot Title and Submission Clause for 2005-2006* #55, 138 P.3d at 277.

The Court construes the single subject requirement liberally to avoid imposing undue restrictions on the initiative process. *In the Matter of the Title, Ballot Title and Submission Clause 2007-2008* #61, 2008 Colo. LEXIS 454, at *8. Moreover, the Court’s review of Title Board actions is limited and deferential.

Our review of actions taken by the Title Board is of a limited scope. For example, we "will not rewrite the titles or submission clause for the Board, and we will reverse the Board's action in preparing them only if they contain a material and significant omission, misstatement, or misrepresentation." **This prohibition requires us to engage all legitimate presumptions in favor of the propriety of the Title Board's actions when reviewing proposed initiatives.** Therefore, when determining whether a proposed initiative comports with the single-subject/clear title requirement, we may "not address the merits of a proposed initiative, nor [may] we interpret its language or predict its application if adopted by the electorate." **Our inquiry is limited to determining whether the constitutional prohibition against multiple subjects and unclear titles has been violated.**

In the Matter of the Title, Ballot Title, and Submission Clause for 2007-2008 #62, 2008 Colo. LEXIS 455, at *14 – 15 (citations omitted) (emphasis added).

With these well-established principles in mind, we turn to an examination of the Petitioner's challenge to the Cost-of-Living Wage Increase initiative.

1. The Cost-of-Living Wage Increase initiative contains a single, clearly defined subject, and its other provisions are closely related to its subject.

The purpose of the Initiative can be summed up in one sentence: Employers who regularly employ ten or more employees in the state of Colorado are required to provide annual wage or salary increases to their employees to adjust for increases in the cost of living, as measured by the Consumer Price Index ("CPI") used for Colorado. Its provision that the cost-of-living increase shall not

apply to an employee who receives annual wage or salary increases equal to or greater than the required cost-of-living increase and its provision that an employer may not reduce the wages or salary of an employee because of a decrease in the CPI are interrelated with and carry out that purpose. The other provisions of the Initiative merely provide for its implementation by specifying the CPI index to be used, providing definitions for the terms “employer” and “employee” and providing remedies to aggrieved employees.

In his motion for rehearing before the Title Board, Petitioner did little more than superficially parse the Initiative into its constituent provisions, and then claim that they are separate subjects. Petitioner contended that the Initiative contains four separate subjects: (1) The Initiative requires covered employers to provide an annual wage or salary increase to account for an increase in the cost-of-living; (2) the Initiative prohibits an employer from reducing the wages or salary of an employee because of a decrease in the CPI; (3) the Initiative violates the constitutional prohibition against laws which impair the obligation of contracts set forth in article I, § 10 of the United States Constitution and article II, § 11 of the Colorado Constitution because it does not provide that it will not apply to any existing contract of employment; and (4) the Initiative creates new administrative

and civil remedies. *See*, Motion for Rehearing, attached to Petition for Review, at 4 – 5.

As the Court said in *In re Proposed Initiative for 1997-1998 #74*, 962 P.2d 927, 929 (Colo. 1998), quoted favorably in *In the Matter of the Title, Ballot Title and Submission Clause 2007-2008 #61*, 2008 Colo. LEXIS 454, at *8 - 9, “Multiple ideas might well be parsed from even the simplest proposal by applying ever more exacting levels of analytic abstraction until an initiative measure has been broken into pieces. Such analysis, however, is neither required by the single subject requirement nor compatible with the right to propose initiatives guaranteed by Colorado’s constitution.”

The Title Board correctly rejected Petitioner’s effort to derive separate subjects out of a simple, tightly interrelated initiative. The Initiative has but one purpose, to require covered employers to provide covered employees with an annual wage or salary increase to adjust for an increase in the cost-of-living. An obvious question to voters considering the Initiative is what happens if there is a decrease in the CPI. The Initiative directly answers that question by expressly stating that an employer may not reduce an employee’s wages or salary in such an event. The prohibition on reducing wages or salary is in no way inconsistent with and carries out the central theme and purpose of the Initiative, *i.e.*, to provide

covered employees with the benefit of increases in wages or salary to adjust for increases in the cost-of-living. Even if the prohibition on reducing wages or salary because of decrease in the CPI is viewed as having a separate purpose from the requirement that covered employers must provide covered employees with an annual wage or salary increase to adjust for an increase in the cost-of-living, both purposes have a common objective of providing covered employees with the benefit of wage or salary increases to adjust for increases in the cost-of-living.

Petitioner's contention that the Initiative violates the constitutional prohibition against laws which impair the obligation of contracts because it does not provide that it will not apply to any existing contract of employment is without merit. The Court has consistently held that "[i]n determining whether a proposed initiative comports with the single subject requirement, [w]e do not address the merits of a proposed initiative, **nor do we interpret its language or predict its application if adopted by the electorate.**" *In re Proposed Initiative for 1997-1998* #64, 960 P.2d 1192, 1197 (Colo. 1998) (emphasis added) (quoting *In re Proposed Initiative "Petitions"*, 970 P.2d 586 at 590 (Colo. 1995); see also *In the Matter of the Title, Ballot Title, and Submission Clause and Summary Pertaining to the Casino Gaming Initiative Adopted on April 21, 1982*, 649 P.2d 303, 309-310 (Colo. 1982) ("[W]e have held that it is not our function [in the review of action of

the Title Board], nor is it the Board's function, to determine the meaning of the language of the initiative; a judicial interpretation of the meaning of the initiative must await an adjudication in a specific factual context.").

While the constitutional prohibition against impairment of contracts is designed to protect vested contract rights, whether the Initiative will affect existing employment contracts will depend on a number of factors including the nature and validity of the contractual relationship, whether the right(s) implicated are vested, and whether any alleged impairment is substantial. *See, Parker v. City of Golden*, 119 P.3d 557, 564 (Colo. App. 2005). Contrary to Petitioner's argument to the Title Board on his motion for rehearing, the Initiative does not impliedly repeal article II, § 11 of the Colorado Constitution. Nothing in the Initiative purports to limit the power of any court to decide whether the Initiative, as applied as applied in the context of a specific contract dispute, constitutes an impermissible impairment of contract rights.

Petitioner's assertion that the Initiative violates the single subject requirement because it creates new administrative and civil remedies also lacks merit. This Court has made clear that "mere implementation or enforcement details directly tied to the initiative's single subject will not, in and of themselves, constitute a separate subject." *In the Matter of the Title, Ballot Title and*

Submission Clause, and Summary for 2005-2006 #73, 135 P.3d at 739 (Colo. 2006); *In the Matter of the Title, Ballot Title and Submission Clause for 2005-2006 #74*, 136 P.3d at 239. An obvious question to a voter considering the Initiative is what remedy is available to an employee if the employer does not pay the mandated cost-of-living increase. The Initiative answers that question directly. It provides that an aggrieved employee may file a complaint with the Division of Labor which shall investigate the complaint and, if warranted, take action to enforce the cost-of-living increase. It also provides that an employee who does not receive the required cost-of-living increase may recover the amount of the adjustment owed, together with reasonable attorney fees, in a civil action.

These remedial provisions are directly dependent upon and closely related to the Initiative's purpose of requiring employers to provide employees with an annual wage or salary increase to adjust for an increase in the cost-of-living. Moreover, the remedies provided are modeled on and parallel to the remedies presently available for violation of the minimum wage law. Section 8-6-118, C.R.S. (2007) provides that an employee who receives less than the legal minimum wage is entitled to bring a civil action to recover the unpaid balance of the full amount of the minimum wage, together with costs of suit; section 8-6-119, C.R.S. (2007) provides that an employee may file a complaint with the Division of Labor

which shall investigate the complaint and take action to enforce the minimum wage.⁵

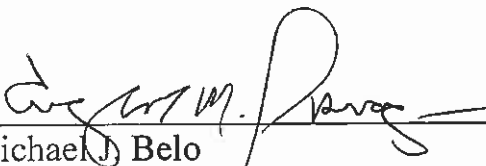
In sum, the Cost-of-Living Wage Increase initiative complies with the single subject requirement. Therefore, the Court should affirm the Title Board's determination on this issue.

IV. Conclusion

The Title Board correctly determined that Initiative #96 contains a single subject. Therefore, the Proponents request the Court to affirm the action of the Title Board.

DATED this 3rd day of June, 2008.

BERENBAUM, WEINSHIENK & EASON, P.C.



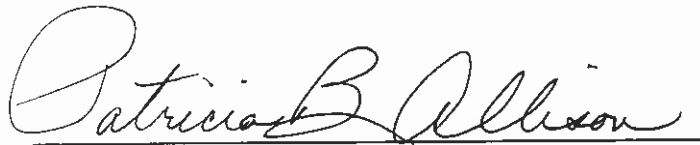
Michael J. Belo
Eugene M. Sprague
Attorneys for Proponents

⁵ The text of the remedies provided in the minimum wage law is attached for reference as Appendix 4.

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2008, a true and correct copy of the foregoing document was served via hand delivery upon the Petitioner's attorneys at the following address:

Douglas J. Friednash
John M. Tanner
Susan F. Fisher
Fairfield and Woods, P.C.
1700 Lincoln Street, Suite 2400
Denver, CO 80203
Phone: (303) 830-2400
Facsimile: (303) 830-1033

A handwritten signature in cursive script that reads "Patricia B. Allison". The signature is written in black ink and is positioned above a horizontal line.

Patricia B. Allison
Legal Assistant to Michael J. Belo, Esq.

*Proposed Initiative
#96
Final Text*

Be it Enacted by the People of the State of Colorado:

Part 1 of article 2 of title 8, Colorado Revised Statutes, shall be amended BY THE ADDITION OF A NEW SECTION to read:

8-2-124. Cost-of-living wage or salary increase. (1) ALL EMPLOYERS SHALL PROVIDE TO THEIR EMPLOYEES AN ANNUAL WAGE OR SALARY INCREASE TO ACCOUNT FOR AN INCREASE IN THE COST OF LIVING, AS MEASURED BY THE CONSUMER PRICE INDEX ("CPI") USED FOR COLORADO. THE CPI SHALL BE THE SAME INDEX USED BY THE DEPARTMENT OF LABOR AND EMPLOYMENT IN MAKING ADJUSTMENTS FOR INFLATION TO THE STATE MINIMUM WAGE RATE PURSUANT TO ARTICLE XVIII, SECTION 15, OF THE CONSTITUTION OF THE STATE OF COLORADO. THE WAGE OR SALARY INCREASE MAY BE BASED UPON A CALENDAR YEAR, ANNIVERSARY YEAR, FISCAL YEAR, OR OTHER BASIS, SO LONG AS IT IS PROVIDED AT AN ANNUAL INTERVAL.

(2) THIS SECTION DOES NOT REQUIRE AN ADDITIONAL WAGE OR SALARY INCREASE IF THE EMPLOYER, PURSUANT TO ITS POLICY OR PRACTICE, AGREEMENTS WITH EMPLOYEES OR LABOR ORGANIZATIONS, OR ANY OTHER REASON OR OTHER LAW, INCLUDING ARTICLE XVIII, SECTION 15, OF THE CONSTITUTION OF THE STATE OF COLORADO, PROVIDES ANNUAL WAGE OR SALARY INCREASES EQUAL TO OR GREATER THAN THE INCREASE REQUIRED BY THIS SECTION.

(3) IN NO EVENT SHALL AN EMPLOYER REDUCE THE WAGES OR SALARIES OF AN EMPLOYEE OR EMPLOYEES BECAUSE OF A DECREASE IN THE CPI.

(4) "EMPLOYER" AND "EMPLOYEE" SHALL HAVE THE MEANINGS SET FORTH IN SECTION 8-4-101, EXCEPT THAT THE REQUIREMENTS OF THIS SECTION SHALL APPLY ONLY TO EMPLOYERS THAT REGULARLY EMPLOY TEN OR MORE EMPLOYEES IN THE STATE OF COLORADO.

(5) ANY PERSON MAY REGISTER A COMPLAINT WITH THE DIVISION OF LABOR IN THE DEPARTMENT OF LABOR AND EMPLOYMENT THAT AN EMPLOYEE OR EMPLOYEES HAVE NOT RECEIVED THE ANNUAL WAGE OR SALARY INCREASE REQUIRED BY THIS SECTION. THE DIRECTOR OF THE DIVISION SHALL INVESTIGATE THE COMPLAINT AND TAKE ALL PROCEEDINGS NECESSARY TO ENFORCE THE PAYMENT OF SUCH INCREASE.

(6) AN EMPLOYEE WHO DOES NOT RECEIVE THE ANNUAL WAGE OR SALARY INCREASE REQUIRED BY THIS SECTION IS ENTITLED TO RECOVER IN A CIVIL ACTION THE UNPAID BALANCE OF SUCH INCREASE, TOGETHER WITH THE COSTS OF SUIT AND REASONABLE ATTORNEY FEES IF THE EMPLOYEE PREVAILS, NOTWITHSTANDING ANY AGREEMENT TO WORK FOR A LESSER WAGE OR SALARY.

RECEIVED

APR 25 2008

ELECTIONS
SECRETARY OF STATE

*1:25 p.m.
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**RESPONDENTS'
APPENDIX 1
Case 08SA179
Colo. Supreme Court**

C.R.S. 8-4-101 (2007)

8-4-101. Definitions

As used in this article, unless the context otherwise requires:

(4) "Employee" means any person, including a migratory laborer, performing labor or services for the benefit of an employer in which the employer may command when, where, and how much labor or services shall be performed. For the purpose of this article, an individual primarily free from control and direction in the performance of the service, both under his or her contract for the performance of service and in fact, and who is customarily engaged in an independent trade, occupation, profession, or business related to the service performed is not an "employee".

(5) "Employer" means every person, firm, partnership, association, corporation, migratory field labor contractor or crew leader, receiver, or other officer of court in Colorado, and any agent or officer thereof, of the above mentioned classes, employing any person in Colorado; except that the provisions of this article shall not apply to the state or its agencies or entities, counties, cities and counties, municipal corporations, quasi-municipal corporations, school districts, and irrigation, reservoir, or drainage conservation companies or districts organized and existing under the laws of Colorado.

Ballot Title Setting Board

Proposed Initiative 2007-2008 #96¹

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado Revised Statutes concerning annual cost of living increases in employees' wages or salaries, and, in connection therewith, requiring employers to provide annual wage or salary increases to their employees to adjust for increases in the cost of living; restricting such requirement to employers who regularly employ ten or more persons; requiring that such increases shall be measured by the same consumer price index used for Colorado by the state department of labor and employment to make changes to the state minimum wage; specifying that the cost-of-living increase shall not apply for employees who receive annual wage or salary increases equal to or greater than the cost-of-living increases mandated by the measure; prohibiting employers from reducing wages or salaries due to a decrease in cost of living; enabling aggrieved employees to file complaints related to the cost-of-living increase with the state department of labor and employment and authorizing the director of that department to conduct investigations of such complaints and, if warranted, take action to enforce the payment of the cost-of-living increase; and enabling employees who did not receive the required cost-of-living increase to recover the amount of the adjustment owed, along with reasonable attorney fees, in a civil action.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado Revised Statutes concerning annual cost of living increases in employees' wages or salaries, and, in connection therewith, requiring employers to provide annual wage or salary increases to their employees to adjust for increases in the cost of living; restricting such requirement to employers who regularly employ ten or more persons; requiring that such increases shall be measured by the same consumer price index used for Colorado by the state department of labor and employment to make changes to the state minimum wage; specifying that the cost-of-living increase shall not apply for employees who receive annual wage or salary increases equal to or greater than the cost-of-living increases mandated by the measure; prohibiting employers from reducing wages or salaries due to a decrease in cost of living; enabling aggrieved employees to file complaints related to the cost-of-living increase with the state department of labor and employment and authorizing the director of that department to conduct investigations of such complaints and, if warranted, take action to enforce the payment of the cost-of-living increase; and enabling employees who did not receive the required cost-of-living increase to recover the amount of the adjustment owed, along with reasonable attorney fees, in a civil action?

¹ Unofficially captioned "Cost-of-Living Wage Increase" by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.

*Hearing May 7, 2008:
Single subject approved; staff draft amended; titles set.
Hearing adjourned 11:57 a.m.*

*Hearing May 21, 2008:
Motion for Rehearing denied.
Hearing adjourned 12:12 p.m.*

C.R.S. 8-6-118 (2007)

8-6-118. Recovery of balance of minimum wage

An employee receiving less than the legal minimum wage applicable to such employee is entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage, together with costs of suit, notwithstanding any agreement to work for a lesser wage.

C.R.S. 8-6-119 (2007)

8-6-119. Investigation of complaints

Any person may register with the division a complaint that the wages paid to an employee for whom a rate has been established are less than that rate, and the director shall investigate the matter and take all proceedings necessary to enforce the payment of the minimum wage rate.