

Since 1983

mancon

1961 Diamond Springs Road
Virginia Beach, VA 23455
Phone (757) 460-6308
Fax (757) 457-9345

COLORADO EMPLOYEES

MANCON Employees,

Included in this packet is the following information:

1. Anti-Discrimination Poster
2. Minimum Wage Poster
3. Notice to Employees regarding Unemployment Insurance
4. Workers Compensation
5. Pay Day Notice
6. Pregnancy Workers Fairness Act

If you have any questions, please contact your supervisor.

Thanks,
Human Resources



COLORADO

Department of
Regulatory Agencies

Colorado Civil Rights Division

Aubrey Elenis, Colorado Civil Rights Division,
Division Director

Joe Neguse, Department of Regulatory Agencies,
Executive Director

John Hickenlooper, Governor

This Establishment Complies with the Colorado Anti-Discrimination Laws

Discrimination based on the following factors is illegal in the areas of:

▶ **Employment**

Race, color, religion, creed, national origin, ancestry, sex, pregnancy, age, sexual orientation (incl. transgender status), physical or mental disability, marriage to a co-worker and retaliation for engaging in protected activity (opposing a discriminatory practice or participating in an employment discrimination proceeding)

▶ **Housing**

Race, color, religion, creed, national origin, ancestry, sex, sexual orientation (incl. transgender status), physical or mental disability, marital status, families with children under the age of 18, and retaliation for engaging in protected activity (opposing a discriminatory practice or participating in a housing discrimination proceeding)

▶ **Public Accommodation**

Race, color, religion, creed, national origin, ancestry, sex, physical or mental disability, sexual orientation (incl. transgender status), marital status, and retaliation for engaging in protected activity (opposing a discriminatory practice or participating in a public accommodations discrimination proceeding)

REGULATIONS PROMULGATED BY THE COLORADO CIVIL RIGHTS COMMISSION

Rule 20.1 – Anti-Discrimination Notices in Employment and Places of Public Accommodation. Every employer, employment agency, labor organization, and place of public accommodation shall post and maintain at its establishment a notice that summarizes the discriminatory or unfair practices prohibited by the Law in employment and places of public accommodation. The Division shall make a notice available for printing on its website or provide a copy upon request.

- (A) With respect to employers and employment agencies, such notices must be posted conspicuously in easily accessible and well-lit places customarily frequented by employees and applicants for employment, and at or near each location where services of employees are performed.
- (B) With respect to labor organizations, such notices must be posted conspicuously in easily accessible and well-lit places customarily frequented by members and applicants for membership.
- (C) With respect to places of public accommodation, such notices must be posted conspicuously in easily accessible and well-lit places customarily frequented by people seeking services, purchases, facilities, privileges, advantages or accommodations offered to the general public.

Rule 20.2 – Anti-Discrimination Notices in Housing.

Every real estate broker or agent, home builder, home mortgage lender, and all other persons who transfer, rent, or finance real estate, shall post and maintain in all places where real estate transfers, rentals and loans are executed, a notice that summarizes the discriminatory or unfair practices prohibited by the Law in housing. The Division shall make a notice available for printing on its website or provide a copy upon request. The notices shall be posted and maintained in conspicuous, well-lit, and easily accessible places ordinarily frequented by prospective buyers, renters, borrowers, and the general public.

Rule 20.3 – Photographs of Applicants for Employment. No employer, employment agency, or labor organization shall suggest or require that applicants submit their photographs prior to their employment or placement, unless the requirement is based upon a Bona Fide Occupational Qualification (BFOQ).

Rule 20.4 – Discriminatory Signage in Places of Public Accommodation. No person shall post or permit to be posted in any place of public accommodation any sign which states or implies the following:

WE RESERVE THE RIGHT TO REFUSE SERVICE TO ANYONE

Rule 20.5 - Preservation of Records (A) Retention of Records During Processing of Charge. Whenever a charge of discrimination is filed with the Division, all parties shall maintain all relevant records, in their custody, control, or possession until final disposition. Relevant records include, but are not limited to, the following: personnel or employment records of a Charging Party and of all employees holding similar positions; applications or test papers and assessments of all candidates for the positions sought by the Charging Party; payroll records; handbooks; registration records; offers; leases; contracts; tenant files; rental applications; loan and purchase files; advertisements; data regarding protected classes; disability-related and medical records; policies and procedures; notices; phone records; bank and accounting records; photographs; videos; correspondence; emails; electronic records; and other business or institutional records relevant to the allegations of the charge. Final disposition of the charge or complaint occurs when the statutory time periods for all appeals have expired.

(B) **Rebuttable Presumption.** The failure to comply with this regulation shall create a rebuttable presumption that the records contained information adverse to the interests of the non-compliant party.

www.dora.colorado.gov/crd

1560 Broadway, Suite 1050, Denver, CO 80202, Phone: 303.894.2997, Fax: 303.894.7830, Toll Free:
800.262.4845, V/TDD 711



Este Establecimiento Cumple con las Leyes que Prohíben Discriminación en el Estado de Colorado

Discriminación basada en las siguientes categorías es ilegal en las áreas de:

► Empleo

Raza, color, religión, credo o creencia, nacionalidad, ascendientes (antepasados), sexo, embarazo, edad, orientación sexual (incluyendo los que se clasifican como transgénero), discapacidad física o mental, matrimonio con un compañero de trabajo, y represalias por participar en una actividad protegida (oposición a prácticas discriminatorias o participación en procedimientos de discriminación en el empleo)

► Vivienda

Raza, color, religión, credo o creencia, nacionalidad, ascendientes (antepasados), sexo, orientación sexual (incluyendo los que se clasifican como transgénero), discapacidad física o mental, estado civil, familias con menores de 18 años, y represalias por participar en una actividad protegida (oposición a prácticas discriminatorias o participación en procedimientos de discriminación en la vivienda)

► Servicios al Público

Raza, color, religión, credo o creencia, nacionalidad, ascendientes (antepasados), sexo, discapacidad física o mental, orientación sexual (incluyendo los que se clasifican como transgénero), estado civil, y represalias por participar en una actividad protegida (oposición a prácticas discriminatorias o participación en procedimientos de discriminación en lugares donde se proveen bienes, productos o servicios al público).

REGULACIONES PUBLICADAS POR LA COMISIÓN DE DERECHOS CIVILES DE COLORADO

Regla 20.1 -

Todo patrón, agencia de empleo, organización laboral (sindicato), lugar donde se proveen bienes, productos o servicios al público, debe colocar y mantener en su establecimiento un aviso que resume las prácticas discriminatorias o injustas prohibidas por la Ley en empleo y sitios abiertos al público. La División pondrá un aviso para imprimir a disposición en su sitio Web o proveerá una copia si así lo solicitan.

(A) Con respecto a patrones y agencias de empleo, tales avisos deben colocarse en lugares visibles, bien iluminados y de fácil acceso, frecuentados habitualmente por los empleados y solicitantes de un trabajo y en o cerca del lugar donde los empleados prestan sus servicios.

(B) Con respecto a organizaciones laborales, tales avisos deben colocarse en lugares visibles, bien iluminados y de fácil acceso, frecuentados habitualmente por sus miembros y solicitantes de membresía a la organización.

(C) Con respecto a los lugares abiertos al público, tales avisos deben de ser colocados en lugares visibles, bien iluminados y de fácil acceso frecuentados habitualmente por personas que buscan un servicio, bien o producto, entretenimiento, recreación u otro servicio ofrecido al público en general.

Regla 20.2 -

Cada agente de bienes raíces, constructores, agentes de préstamos hipotecarios y toda persona que transfiera, rente, o financie bienes raíces deberán obtener uno o más de los avisos que resume las prácticas discriminatorias o injustas prohibidas por la Ley en lugares de vivienda y los colocara en todos los lugares donde se realizan transferencias de bienes raíces, préstamos, y rentas. La División pondrá un aviso para imprimir a disposición en su sitio Web o proveerá una copia si así lo solicitan.

Los avisos deberán colocarse en lugares visibles, bien iluminados y de fácil acceso, frecuentados habitualmente por probables compradores, rentistas, solicitantes de préstamos y al público en general.

Regla 20.3 -

Ningún patrón, agencia de empleo, u organización laboral deberá sugerir o pedir a los solicitantes que entreguen fotografías antes de obtener el empleo, a menos que este requisito sea basado en una cualificación ocupacional de buena fe (*bona fide occupational qualification*)

Regla 20.4 -

Ninguna persona deberá colocar o permitir que se coloque en ningún lugar donde se proveen bienes, productos o servicios al público una nota o aviso que declare o implique lo siguiente:

NOS RESERVAMOS EL DERECHO DE RECHAZAR SERVICIO A CUALQUIERA WE RESERVE THE RIGHT TO REFUSE SERVICE TO ANYONE

Tal aviso implica que los patrones podrán basarse en una serie de factores discriminatorios ilegales.

Regla 20.5 - Conservación de Documentos

(A) **Retención de documentos** durante la investigación de una queja de discriminación.

En situaciones donde una queja de discriminación es presentada con la División, todos los partidos mantendrán todos los archivos relevantes en su custodia, o posesión hasta la disposición final. Documentos relevantes incluyen, pero no están limitados a, lo siguiente: el expediente personal de la parte acusadora y de todo empleado que mantenga una situación similar a la de la parte acusadora, así como solicitudes, exámenes escritos de los candidatos a un puesto, registros de inscripción, ofertas, arrendamientos, contratos, correspondencia, archivos del negocio, etc. La decisión final de la queja ocurre cuando el tiempo establecido por la ley para todas las apelaciones ha expirado.

(B) **Presunción Rebatible**

La falta de cumplimiento con estas regulaciones creará una presunción rebatible de que los documentos o archivos contienen información contraria a los intereses de la parte incumplidora.

www.dora.colorado.gov/crd

1560 Broadway, Suite 1050, Denver, CO 80202, Phone: 303.894.2997, Fax: 303.894.7830, Toll Free: 800.262.4845, V/TDD 711



COLORADO MINIMUM WAGE ORDER 33 POSTER

COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT
DIVISION OF LABOR STANDARDS AND STATISTICS

\$9.30

per hour effective January 1, 2017

\$8.31 per hour effective January 1, 2016

\$8.23 per hour effective January 1, 2015

In addition to state minimum wage requirements, there are also federal minimum wage requirements. If an employee is covered by both state and federal minimum wage laws, the law which provides a higher minimum wage or sets a higher standard shall apply.

Colorado Minimum Wage Order Number 33 regulates wages, hours, overtime, and working conditions for covered employees in the following industries: Retail and Service, Commercial Support Service, Food and Beverage, and Health and Medical.

MINIMUM WAGE

Minimum wage shall be paid to all adult employees and emancipated minors whether employed on an hourly, piecework, commission, time, task, or other basis. This minimum wage shall be paid to employees who receive the state or federal minimum wage.

WORKDAY

Any consecutive twenty-four (24) hour period starting with the same hour each day and the same hour as the beginning of the workweek. The workday is set by the employer and may accommodate flexible work shift scheduling.

WORKWEEK

Any consecutive seven (7) day period starting with the same calendar day and hour each week. A workweek is a fixed and recurring period of 168 hours, seven (7) consecutive twenty-four (24) hour periods.

OVERTIME

Employees shall be paid time and one-half of the regular rate of pay for any work in excess of: (1) forty (40) hours per workweek; (2) twelve (12) hours per workday; or (3) twelve (12) consecutive hours without regard to the starting and ending time of the workday (excluding duty free meal periods), whichever calculation results in the greater payment of wages. Hours worked in two or more workweeks shall not be averaged for computation of overtime. Performance of work in two or more positions at different pay rates for the same employer shall be computed at the overtime rate based on the regular rate of pay for the position in which the overtime occurs, or at a weighted average of the rates for each position, as provided in the Fair Labor Standards Act.

TIPPED EMPLOYEE MINIMUM WAGE

\$6.28 per hour effective January 1, 2017

\$5.29 per hour effective January 1, 2016

\$5.21 per hour effective January 1, 2015

A tipped employee is defined as any employee engaged in an occupation in which he or she customarily and regularly receives more than \$30.00 a month in tips. Tips include amounts designated as a "tip" by credit card customers on their charge slips. Nothing herein contained shall prevent an employer covered hereby from requiring employees to share or allocate such tips or gratuities on a pre-established basis among other employees of said business who customarily and regularly receive tips. Employer-required sharing of tips with employees who do not customarily and regularly receive tips, such as management or food preparers, or deduction of credit card processing fees from tipped employees, shall nullify allowable tip credits towards the minimum wage authorized in section 3(c). No more than \$3.02 per hour in tip income may be used to offset the minimum wage of tipped employees.

REST PERIODS

Every employer shall authorize and permit rest periods, which insofar as practicable, shall be in the middle of each four (4) hour work period. A compensated ten (10) minute rest period for each four (4) hours or major fractions thereof shall be permitted for all employees. Such rest periods shall not be deducted from the employee's wages. It is not necessary that the employee leave the premises for said rest period.

MEAL PERIODS

Employees shall be entitled to an uninterrupted and "duty free" meal period of at least a thirty minute duration when the scheduled work shift exceeds five consecutive hours of work. The employees must be completely relieved of all duties and permitted to pursue personal activities to qualify as a non-work, uncompensated period of time. When the nature of the business activity or other circumstances exist that makes an uninterrupted meal period impractical, the employee shall be permitted to consume an "on-duty" meal while performing duties. Employees shall be permitted to fully consume a meal of choice "on the job" and be fully compensated for the "on-duty" meal period without any loss of time or compensation.

UNIFORMS

Where the wearing of a particular uniform or special apparel is a condition of employment, the employer shall pay the cost of purchases, maintenance, and cleaning of the uniforms or special apparel. If the uniform furnished by the employer is plain and washable and does not need or require special care such as ironing, dry cleaning, pressing, etc., the employer need not maintain or pay for cleaning. An employer may require a reasonable deposit (up to one-half of actual cost) as security for the return of each uniform furnished to employees upon issuance of a receipt to the employee for such deposit. The entire deposit shall be returned to the employee when the uniform is returned. The cost of ordinary wear and tear of a uniform or special apparel shall not be deducted from the employee's wages or deposit.

RECOVERY OF WAGES

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 reasonable attorney fees and court costs, notwithstanding any agreement to work for a lesser wage, pursuant to § 8-6-118 C.R.S. (2016). Alternatively, an employee may elect to pursue a minimum wage complaint through the division's administrative procedure as described in the Colorado Wage Act, § 8-4-101, et seq., C.R.S. (2016).

DUAL JURISDICTION

Whenever employers are subject to both federal and Colorado law, the law providing greater protection or setting the higher standard shall apply. For information on federal law contact the nearest office of the U. S. Department of Labor, Wage and Hour Division, 1999 Broadway, Suite 710, Denver, CO 80201-6550. Telephone (720) 264-3250.

MUST BE POSTED IN AN AREA FREQUENTED BY EMPLOYEES WHERE IT MAY BE EASILY READ

www.colorado.gov/cdle/labor | 303-318-8441 | 1-888-390-7936

THE EMPLOYER IS REQUIRED BY LAW TO POST THIS NOTICE

Colorado Employment Security Act (CESA), 8-74-101(2); Regulations Concerning Employment Security 7.3.1 through 7.3.5

NOTICE TO WORKERS

You have the right to be properly classified as an employee if you meet the criteria in Colorado Revised Statute 8-70-115. If you believe you have been improperly classified as an independent contractor, there is a complaint process available to you. On the first offense, an employer may be fined up to \$5,000 per misclassified employee. To file a complaint, call the Unemployment Insurance Audit section at 303-318-9100 and select Option **3**, or visit www.colorado.gov/cdle/ui.

You, as an employee, are entitled to unemployment insurance benefits if you become unemployed through no fault of your own. Your employer contributes to unemployment insurance and cannot deduct this from your wages.

If you become unemployed and wish to file for unemployment insurance benefits, go to www.colorado.gov/cdle/ui and click on File for Unemployment. You may also call one of the following numbers instead:

303-318-9000

(Denver-metro area)

1-800-388-5515

(Outside Denver-metro area)

TDD 303-318-9016

(Hearing Impaired Denver-metro area)

TDD 1-800-894-7730

(Hearing Impaired Outside Denver-metro area)

If your hours of work and pay are reduced, you may be entitled to partial unemployment benefits.

IMPORTANT NOTICE: Be sure to have your social security number and the name and address of your last employer available when you call to file a claim for unemployment insurance benefits.

AVISO PARA EMPLEADOS

Usted tiene el derecho de ser propiamente clasificado como un empleado si se cumplen los criterios en Estatuto Revisado de Colorado 8-70-115. Si cree que ha sido impropriadamente clasificado como un contratista independiente, hay un proceso de queja disponible. Por la primera ofensa, un empleador puede ser multado hasta \$5,000 por cada empleado misclasificado. Para presentar una queja, llame a la sección de Auditoría de Seguro de Desempleo al 303-318-9100, y marque Opción **3** o visite www.colorado.gov/cdle/ui.

Usted, como empleado, tiene derecho a los beneficios de seguro de desempleo si se encuentra desempleado y no es responsable por la separación. La compañía contribuye al seguro de desempleo y no puede deducirlos de su sueldo.

Si se encuentra desempleado y desea reclamar los beneficios de seguro de desempleo, vaya al sitio www.colorado.gov/cdle/ui y haga click en en enlace File for Unemployment. También puede llamar a los números siguientes.

303-318-9333

(Área metropolitana de Denver)

1-866-422-0402

(Fuera del área metropolitana de Denver)

TDD 303-318-9016

(Impedimento Auditivo Área de Denver)

TDD 1-800-894-7730

(Impedimento Auditivo Fuera del área metropolitana de Denver)

Si sus horas de trabajo y pago son reducidas, usted puede tener derecho a los beneficios parciales de seguro de desempleo.

AVISO IMPORTANTE: Asegúrese de tener su número de seguro social y el nombre y la dirección de su empleo mas reciente cuando llame para establecer su reclamo de seguro de desempleo.

Employers can download copies of this poster at www.colorado.gov/cdle/ui, click on **Forms & Publications**, and then click on **Employer Forms**.

Additional copies can be requested by contacting the Colorado Department of Labor and Employment, Unemployment Insurance Program, P.O. Box 8789, Denver, Colorado 80201-8789 or by calling 303-318-9100 or 1-800-480-8299

WARNING

**IF YOU ARE INJURED ON THE JOB,
WRITTEN NOTICE OF YOUR INJURY MUST
BE GIVEN TO YOUR EMPLOYER WITHIN
FOUR WORKING DAYS AFTER THE
ACCIDENT, PURSUANT TO SECTION 8-43-
102(1) AND (1.5), COLORADO REVISED
STATUTES.**

**IF THE INJURY RESULTS FROM YOUR USE
OF ALCOHOL OR CONTROLLED
SUBSTANCES, YOUR WORKERS'
COMPENSATION DISABILITY BENEFITS MAY
BE REDUCED BY ONE-HALF IN
ACCORDANCE WITH SECTION 8-42-
112.5, COLORADO REVISED STATUTES.**

AVISO

SI SE LASTIMA EN EL TRABAJO, DEBE DARLE UN AVISO POR ESCRITO A SU EMPLEADOR DENTRO DE CUATRO DÍAS LABORABLES DEL ACCIDENTE, SEGÚN A LA SECCIÓN DE LOS ESTATUOS REVISADOS DE COLORADO 8-43-102(1) Y (1.5).

SI EL ACCIDENTE RESULTA DEBIDO AL USO DE ALCOHOL O UNA SUSTANCIA CONTROLADA, SUS BENEFICIOS DE LA INCAPACIDAD DE LA COMPENSACIÓN DE LOS TRABAJADORES PUEDEN SER REDUCIDOS POR UN MEDIO EN ACUERDO DE LA SECCIÓN DE LOS ESTATUOS REVISADOS DE COLORADO 8-42-112.5.

INFORMACIÓN DE INDEMNIZACIÓN POR ACCIDENTES LABORALES DE COLORADO

Su empleador tiene cobertura de indemnización por accidentes laborales para empleados completamente:

Liberty Mutual Fire Insurance Company

175 Berkeley Street
Boston, MA 02116
800-362-0000

La indemnización por accidentes laborales es un tipo de cobertura de seguro que los empleadores deben proveer a sus empleados. El coste del seguro de indemnización por accidentes laborales es pagado completamente por el empleador y no puede ser deducido de los sueldos de un empleado.

Si usted está lastimado o mantiene una enfermedad profesional mientras su curso de trabajo, usted puede estar autorizado para los beneficios de compensación como proveer por ley. **LA NOTIFICACIÓN ESCRITA DEBE SER DADO A SU EMPLEADOR DENTRO DE 4 DÍAS HÁBILES DEL ACCIDENTE.** Si usted no informa sobre su lastimación o enfermedad profesional inmediatamente sus beneficios podrían ser reducidos.

Si usted no puede trabajar por el resultado de una lastimación de trabajo o la enfermedad profesional, los beneficios de compensación (la sustitución de sueldo) serán sobre la base de 2/3 de su sueldo semanal medio iguales a un máximo fijado por ley. Ninguna remuneración es pagadera para la incapacidad de los primeros 3 días a menos que el período de la incapacidad sobrepasa dos semanas.

Usted está autorizado para el tratamiento médico razonable y necesario de lesiones compensables o enfermedades profesionales. Si usted notifica a su empleador sobre una lesión o la enfermedad profesional y no ser ofrecidos la atención médica, usted puede seleccionar los servicios de un médico dado licencia o quiropráctico.

Usted puede archivar el Reclamo de un Trabajador para la Compensación con la División de la Indemnización por Accidentes Laborales. Para obtener formularios o información tratar del sistema de indemnización por accidentes laborales, en los que usted puede llamar al servicio de asistencia al numero 303.318.8700, o visitar nuestro sitio web en: www.coworkforce.com/dwc/.

**División de Colorado de la Indemnización por Accidentes Laborales
633 17th St. Suite 400, Denver, CO 80202-3660**

Cualquier información proveída abajo viene de su empleador y es propio de este lugar del empleo:

Management Consulting, Inc.

1055 CLERMONT ST

DENVER, CO 802203808

COLORADO WORKERS' COMPENSATION INFORMATION

Your employer has workers' compensation coverage for employees through:

Liberty Mutual Fire Insurance Company
175 Berkeley Street
Boston, MA 02116
1-800-362-0000

Workers' compensation is a type of insurance coverage that employers must provide to their employees. The cost of workers' compensation insurance is paid entirely by the employer and may not be deducted from an employee's wages.

If you are injured or sustain an occupational disease while at work, you may be entitled to compensation benefits as provided by law. **WRITTEN NOTICE MUST BE GIVEN TO YOUR EMPLOYER WITHIN 4 WORKING DAYS OF THE ACCIDENT.** If you don't report your injury or occupational disease promptly your benefits may be reduced.

If you are unable to work as the result of a work-related injury or occupational disease, compensation (wage replacement) benefits will be based on 2/3 of your average weekly wage up to a maximum set by law. No compensation is payable for the first 3 days' disability unless the period of disability exceeds two weeks.

You are entitled to reasonable and necessary medical treatment of compensable injuries or occupational diseases. If you notify your employer of an injury or occupational disease and are not offered medical care, you may select the services of a licensed physician or chiropractor.

You may file a Worker's Claim for Compensation with the Division of Workers' Compensation. To obtain forms or information regarding the workers' compensation system, you may call Customer Service at 303.318.8700, or visit our website at: www.coworkforce.com/dwc/.

**COLORADO DIVISION OF WORKERS' COMPENSATION
633 17th Street, Suite 400, Denver, CO 80202-3626**

Any information provided below comes from your employer and is specific to this place of employment:

Management Consulting, Inc.
1055 CLERMONT ST
DENVER, CO 802203808



COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT
DIVISION OF LABOR
www.colorado.gov/cdle/labor

NOTICE OF PAYDAYS

In accordance with 8-4-107, C.R.S.:

Every employer shall post and keep posted conspicuously at the place of work if practicable, or otherwise where it can be seen as employees come or go to their places of work, or at the office or nearest agency for payment kept by the employer a notice specifying the regular paydays and the time and place of payment, in accordance with the provisions of section 8-4-103, and also any changes concerning them that may occur from time to time.

Pay periods can be no greater duration than a calendar month or 30 days, whichever is longer. Paydays must occur no later than 10 days following the close of each pay period. 8-4-103, C.R.S.

EMPLOYEES ARE PAID ON REGULAR PAYDAYS AS FOLLOWS:

Time: **Around 7th and 22nd of each month**

Place: **Paid direct deposit or mailed check**

This form is provided as a courtesy by the Colorado Division of Labor. Other Notice of Paydays Posters may be acceptable provided that they contain the elements and information required by 8-4-107, C.R.S.



COLORADO

Department of
Regulatory Agencies

Colorado Civil Rights Division

NOTICE FOR EMPLOYERS TO USE IN ORDER TO BE IN COMPLIANCE WITH HB 16-1438 (PREGNANCY ACCOMMODATIONS):

PREGNANT WORKERS FAIRNESS ACT C.R.S. § 24-34-402.3

The Pregnant Workers Fairness Act makes it a discriminatory or unfair employment practice if an employer fails to provide reasonable accommodations to an applicant or employee who is pregnant, physically recovering from childbirth, or a related condition.

Requirements:

Under the Act, if an applicant or employee who is pregnant or has a condition related to pregnancy or childbirth requests an accommodation, an employer must engage in the interactive process with the applicant or employee and provide a reasonable accommodation to perform the essential functions of the applicant or employee's job unless the accommodation would impose an undue hardship on the employer's business.

The Act identifies reasonable accommodations as including, but not limited to:

- provision of more frequent or longer break periods;
- more frequent restroom, food, and water breaks;
- acquisition or modification of equipment or seating;
- limitations on lifting;
- temporary transfer to a less strenuous or hazardous position if available, with return to the current position after pregnancy;
- job restructuring;
- light duty, if available;
- assistance with manual labor; or modified work schedule.

The Act prohibits requiring an applicant or employee to accept an accommodation that the applicant or employee has not requested or an accommodation that is unnecessary for the applicant or the employee to perform the essential functions of the job.



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Colorado Civil Rights Division

Scope of accommodations required:

An accommodation may not be deemed reasonable if the employer has to hire new employees that the employer would not have otherwise hired, discharge an employee, transfer another employee with more seniority, promote another employee who is not qualified to perform the new job, create a new position for the employee, or provide the employee paid leave beyond what is provided to similarly situated employees.

Under the Act, a reasonable accommodation must not pose an “undue hardship” on the employer. Undue hardship refers to an action requiring significant difficulty or expense to the employer. The following factors are considered in determining whether there is undue hardship to the employer:

- the nature and cost of accommodation;
- the overall financial resources of the employer;
- the overall size of the employer’s business;
- the accommodation’s effect on expenses and resources or its effect upon the operations of the employer;

If the employer has provided a similar accommodation to other classes of employees, the Act provides that there is a rebuttable presumption that the accommodation does not impose an undue hardship.

Adverse action prohibited:

The Act prohibits an employer from taking adverse action against an employee who requests or uses a reasonable accommodation and from denying employment opportunities to an applicant or employee based on the need to make a reasonable accommodation.

Notice:

This written notice must be posted in a conspicuous area of the workplace. Employers must also provide written notice to new employees at the start of employment and to current employees within 120 days of the Act’s August 10, 2016 effective date.