

DENVER ECONOMIC DEVELOPMENT & OPPORTUNITY RULES FOR CERTIFIED YOUTH EMPLOYMENT PROGRAMS

GENERAL PROVISION

Statement of Authority

In May 2019, the Colorado General Assembly passed House Bill 19-1210, which amended Colorado Revised Statute § 29-1-1401 authorizing local governments to enact laws establishing a local minimum wage within their geographic jurisdictions. In November 2019, the Denver City Council enacted Denver Revised Municipal Code (“D.R.M.C.”) § 58-16 through 58-18, which established a local minimum wage for the City and County of Denver, as well as compliance requirements and means of enforcement (“Ordinance”).

The Citywide Minimum Wage Ordinance became effective January 1, 2020.

The Ordinance in part permits employers of unemancipated minors performing work pursuant to a city-certified youth employment program (each, a “Certified Youth Employment Program” or “CYEP”, and collectively, “Youth Programs” or “CYEPs”) to pay such workers no less than 15% less than the required Minimum Wage. The Ordinance directed that Denver Economic Development & Opportunity (“DEDO”) would be responsible for certifying any such CYEP and authorized DEDO to enact rules, regulations, and certification requirements to which any such CYEP must adhere.

In August 2020, the Denver Auditor’s Office enacted “Denver Labor Rules for Citywide Minimum Wage Compliance” (the “Wage Rules”) to provide notice of the presumptions, procedures, and requirements employed by the City when enforcing the Ordinance. The Wage Rules are meant to ensure consistent compliance and provide guidance to parties benefiting from the Ordinance. The Wage Rules include provisions relating to CYEPs, including a requirement that any youth employment program be certified by DEDO and remain compliant with DEDO rules and standards.

These Denver Economic Development & Opportunity Rules for Citywide Youth Employment Programs (“CYEP Rules”) are enacted pursuant to DEDO’s rulemaking authority prescribed in Executive Order 28, the Ordinance and the Wage Rules. These CYEP Rules shall be adopted, published, and updated pursuant to D.R.M.C. § 2-91 through 2-100.

Purpose

These CYEP Rules are enacted to provide notice of the presumptions, procedures, and requirements employed by the city and DEDO when certifying and monitoring Certified Youth

Employment Programs. These CYEP Rules are meant to ensure consistent compliance and provide guidance to employers operating a Certified Youth Employment Program.

Definitions

These Rules incorporate all definitions codified in the Ordinance and the Wage Rules. In addition, these Rules shall use the following defined terms:

- **“Unemancipated minor”** – has the meaning set forth in the Ordinance at Section 58-18.
- **“Certified Youth Employment Program”** – has the meaning set forth in the Ordinance at Section 58-18.

CITYWIDE MINIMUM WAGE ORDINANCE INTERPRETATION

The Auditor’s Office — and Denver Labor as part of the Auditor’s Office — is Denver’s only authorized citywide minimum wage enforcement authority. Denver Labor shall employ the Ordinance, the Wage Rules and these CYEP Rules when enforcing the Citywide Minimum Wage Ordinance as applicable to CYEPs.

Neither the Ordinance, the Wage Rules, nor these CYEP Rules shall reduce any party’s contractual obligations. In addition, no preexisting or future contractual obligation shall reduce minimum wage requirements. A party may not limit an employer’s minimum wage obligations by contract or any other instrument.

Neither the Ordinance, the Wage Rules, nor these CYEP Rules modify or relieve any party’s duties and obligations under any other municipal, state, or federal law. These CYEP Rules may address issues depicted in portions of the Denver Municipal Code related to wage and labor enforcement other than D.R.M.C. 58-16 through 58-18; however, unless expressly adopted by code or other rules, these CYEP Rules have no effect on any other portions of the D.R.M.C. Specifically, these CYEP Rules do not affect and are not meant to affect Denver prevailing wage, contractor minimum wage, or living wage requirements. Where more than one wage requirement is applicable, the greatest compensation requirement will be enforced, and Denver Labor will utilize the corresponding laws and rules to enforce the greater wage requirement.

Enforcement of the Ordinance does not create a relationship, contract, or other duty or liability between Denver, any underpaid employee, or other party.

Nothing in the Ordinance nor the Wage Rules nor these CYEP Rules should be interpreted to limit or prevent any party from filing a separate private civil action, initiating criminal charges, or filing concurrent wage violation claims with a state or federal agency.¹

These CYEP Rules are independent and severable. If any part of these CYEP Rules is found to violate any law or found to be invalid or in conflict with the Ordinance or the Wage

¹ See D.R.M.C. § 58-16(j).

Rules, such finding shall be limited as narrowly as possible and all other parts of these CYEP Rules shall be considered valid and in effect.

Any update or amendment to these CYEP Rules shall not affect prior application of the Ordinance, the Wage Rules or these CYEP Rules.

SCOPE AND JURISDICTION

The City-wide Minimum Wage pursuant to the Ordinance applies to all minors performing work other than qualified persons performing work pursuant to a Certified Youth Employment Program as outlined herein.

Certified Youth Employment Program

Pursuant to the Wage Rules, employers of unemancipated minors performing work pursuant to a CYEP may pay such unemancipated minors no less than the minimum wage for CYEPs set forth in the Wage Rules (the “Reduced Minimum Wage”).

Employers operating a Certified Youth Employment Program are responsible for confirming, and shall confirm, that each individual participating in the CYEP is and remains an unemancipated minor at all times that the employer pays such individual the Reduced Minimum Wage. An employer shall timely provide documentation acceptable to the Auditor evidencing that each individual participating in the employer’s CYEP is an unemancipated minor. Failure to timely provide such documentation, or in the event individuals who are not unemancipated minors are being paid the Reduced Minimum Wage, may result in immediate revocation of the employer’s CYEP certification, along with other applicable penalties or consequences resulting from such violation(s).

Employers interested in participating in a Certified Youth Employment Program must first apply for certification from DEDO by completing an application, available from DEDO upon request. Certification shall be effective for one year from the date DEDO certifies (or recertifies, as applicable) the CYEP.

Participating CYEPs must be recertified by DEDO annually. As part of such recertification process, the employer must complete a recertification application, available from DEDO upon request, and provide such documentation as is required by DEDO.

A Certified Youth Employment Program must be certified by DEDO and remain certified and compliant with these CYEP Rules, as they may be amended from time to time, and any separate standards published by DEDO, which standards shall be available upon request, for this Reduced Minimum Wage to apply.

The following procedures shall be followed in seeking recertification of a CYEP:

1. The employer seeking recertification shall file a completed Application for Recertification no later than sixty (60) days prior to expiration of its then-current

certification. Such recertification application must include all information and documents required by DEDO to be considered timely filed.

2. DEDO shall notify the employer, within thirty (30) days of the employer filing its Application for Recertification, that DEDO has either (a) recertified the employer's CYEP for an additional year, or (b) denied the recertification, including reasons therefore.
3. In the event a CYEP employer misses any deadline for recertification, or fails to timely submit a complete recertification application, including all required supporting documentation, such employer's certification shall be automatically revoked as of the expiration of its then-current certification without any further action from DEDO or the city. In such event, the employer must submit an application for a new certification and follow the process described herein for certifying a new CYEP. From the expiration of such employer's certification until such time as DEDO approves the employer's new application, the employer shall pay any unemancipated minors it employs the full minimum wage required by the Ordinance for adult workers and minors not participating in a CYEP. If DEDO approves the employer's new application, the employer may resume paying unemancipated minors the Reduced Minimum Wage beginning on the certification date.

The Certified Youth Employment Program exception has no effect on and shall in no way reduce any other City, state, or federal wage or labor requirements.