

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 20-0436.01 Kristen Forrestal x4217

**SENATE BILL 20-192**

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**SENATE SPONSORSHIP**

**Rodriguez and Gonzales, Danielson**

**HOUSE SPONSORSHIP**

**Sirota and Woodrow,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING ADDITIONAL PROTECTIONS FOR EMPLOYEES OF A**  
102                    **STAFFING AGENCY WHO ARE REFERRED TO WORK-SITE**  
103                    **EMPLOYERS FOR EMPLOYMENT.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires a staffing agency that places temporary and part-time employees with work-site employers to provide the employees specific information concerning the terms and conditions of employment. The information must be provided in writing before the end of the first pay period.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

The bill requires the staffing agency to post a notice in its workplace that includes the name and telephone number of the division of labor standards and statistics (division) in the department of labor and employment and a description of employees' rights to the receipt of the required terms and conditions of employment.

A staffing agency and a work-site employer are prohibited from charging an employee:

- ! A fee for certain work-related expenses or deducting expenses from the employee's wages without authorization from the employee;
- ! The cost of required specific transportation services; or
- ! More than the actual cost of optional transportation.

The bill prohibits a staffing agency from knowingly issuing, distributing, circulating, or providing false, fraudulent, or misleading information to an employee or applicant for employment and from refusing to refund fees or costs owed to the employee.

The bill requires each staffing agency to annually register and pay a fee to the division. Each staffing agency is required to submit information to the division in a form and manner required by the division. The division is required to maintain a list of the registration status of each staffing agency on its website. Employers who use staffing agencies are required to verify whether the staffing agency is registered with the division. The division may assess a fine for a violation and may revoke or suspend the registration of a staffing agency for any violation.

The division is authorized to promulgate rules, including rules that state the information that a staffing agency is required to submit to the division and that establish circumstances where a staffing agency's registration may be revoked or suspended.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4           (a) The temporary workforce has been growing rapidly since the  
5 end of the great recession;

6           (b) According to a national survey of temporary workers, 22% of  
7 the workers experienced racial discrimination, 53% of Latinx workers felt  
8 targeted due to their immigration status, and 47% of workers who filed  
9 a complaint with authorities about discrimination or other work

1 conditions experienced retaliation;

2 (c) In Colorado, the hourly median wage for temporary help and  
3 staffing agency workers is 25% lower than that of workers overall. For  
4 workers in logistics, the pay gap is 28%, and for construction workers, the  
5 pay gap is 39%.

6 (d) According to a national survey of temporary workers, 74% had  
7 experienced at least one form of wage theft, such as not being paid for all  
8 hours worked, not being paid overtime, or having illegal deductions from  
9 their paychecks, such as deductions for equipment and other job  
10 necessities or for required transportation to and from the work site; and

11 (e) Temporary staffing has shifted from office and clerical to  
12 production and transportation. These occupations come with much higher  
13 risk of workplace injury and death, and temporary workers do not receive  
14 the same training or safety equipment and as a result experience more  
15 work-related injuries.

16 (2) Therefore, the general assembly declares that temporary  
17 workers deserve the same workplace protections as permanent workers.

18 **SECTION 2.** In Colorado Revised Statutes, **add** 8-2-131 as  
19 follows:

20 **8-2-131. Staffing agencies - temporary and part-time**  
21 **employees - definitions - rules.** (1) AS USED IN THIS SECTION, UNLESS  
22 THE CONTEXT OTHERWISE REQUIRES:

23 (a) "DIVISION" MEANS THE DIVISION OF LABOR STANDARDS AND  
24 STATISTICS IN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

25 (b) "EMPLOYEE" HAS THE SAME MEANING AS SECTION 8-4-101 (5).

26 (c) "EMPLOYER" HAS THE SAME MEANING AS SECTION 8-4-101 (6).

27 (d) "EMPLOYMENT" MEANS ANY TRADE, OCCUPATION, JOB,

1 POSITION, OR PROCESS OF MANUFACTURE OR ANY METHOD OF CARRYING  
2 ON ANY SUCH TRADE, OCCUPATION, JOB, POSITION, OR PROCESS OF  
3 MANUFACTURE IN WHICH ANY PERSON IS ENGAGED.

4 (e) "STAFFING AGENCY" MEANS AN ENTITY, AS THAT TERM IS  
5 DEFINED IN SECTION 7-90-102 (20), THAT PROCURES OR PROVIDES  
6 TEMPORARY OR PART-TIME EMPLOYMENT TO AN INDIVIDUAL WHO WORKS  
7 UNDER THE SUPERVISION OR DIRECTION OF A WORK-SITE EMPLOYER.

8 (f) "WORK-SITE EMPLOYER" MEANS A PERSON THAT A STAFFING  
9 AGENCY CONTRACTS WITH OR OTHERWISE AGREES TO PROVIDE  
10 TEMPORARY OR PART-TIME EMPLOYEES.

11 (2) A STAFFING AGENCY SHALL PROVIDE EACH EMPLOYEE PLACED  
12 FOR EMPLOYMENT IN A NEW ASSIGNMENT WITH A WORK-SITE EMPLOYER  
13 NOTICE OF THE FOLLOWING:

14 (a) THE NAME AND ADDRESS OF:

15 (I) THE STAFFING AGENCY;

16 (II) THE STAFFING AGENCY'S WORKERS' COMPENSATION  
17 INSURANCE CARRIER;

18 (III) THE WORK-SITE EMPLOYER; AND

19 (IV) THE DIVISION;

20 (b) A DESCRIPTION OF THE POSITION THAT THE EMPLOYEE WILL  
21 FILL; AN INDICATION OF WHETHER ANY SPECIAL CLOTHING, EQUIPMENT,  
22 TRAINING, OR LICENSES ARE REQUIRED; AND WHETHER THERE IS A COST TO  
23 THE EMPLOYEE FOR SUPPLIES OR TRAINING;

24 (c) THE DESIGNATED PAY DAY, THE HOURLY RATE OF PAY, AND  
25 WHETHER THE EMPLOYMENT IS ELIGIBLE FOR OVERTIME PAY;

26 (d) THE DAILY START TIME AND ANTICIPATED END TIME OF THE  
27 WORKDAY;

1 (e) THE EXPECTED DURATION OF EMPLOYMENT;

2 (f) AN INDICATION OF WHETHER MEALS ARE PROVIDED BY THE  
3 STAFFING AGENCY OR THE WORK-SITE EMPLOYER AND, IF ANY, THE COST  
4 TO THE EMPLOYEE FOR THE MEALS; AND

5 (g) DETAILS OF THE MEANS OF TRANSPORTATION TO AND FROM  
6 THE WORK-SITE EMPLOYER'S WORK SITE AND ANY FEES CHARGED TO THE  
7 EMPLOYEE FOR THE TRANSPORTATION.

8 (3) THE NOTICE REQUIRED IN SUBSECTION (2) OF THIS SECTION  
9 MUST BE IN WRITING AND SENT TO THE EMPLOYEE BY MEANS DESIGNATED  
10 BY THE EMPLOYEE BEFORE THE END OF THE FIRST PAY PERIOD. THE  
11 STAFFING AGENCY SHALL PROVIDE ANY CHANGE TO THE INITIAL TERMS OF  
12 THE NOTICE IN WRITING TO THE EMPLOYEE AT THE TIME THE CHANGE IS  
13 MADE.

14 (4) A STAFFING AGENCY SHALL POST IN A CONSPICUOUS PLACE AT  
15 EACH OF ITS LOCATIONS IN A FORM DETERMINED BY RULE OF THE  
16 DIRECTOR OF THE DIVISION A NOTICE THAT INCLUDES THE NAME AND  
17 TELEPHONE NUMBER OF THE DIVISION AND A DESCRIPTION OF EMPLOYEES'  
18 RIGHTS TO THE RECEIPT OF THE INFORMATION REQUIRED BY SUBSECTION  
19 (2) OF THIS SECTION.

20 (5) A STAFFING AGENCY OR A WORK-SITE EMPLOYER SHALL NOT  
21 CHARGE OR ACCEPT A FEE FROM AN EMPLOYEE:

22 (a) FOR THE COST OF REGISTRATION OF THE STAFFING AGENCY OR  
23 THE COST OF PROCURING EMPLOYMENT;

24 (b) FOR ANY GOOD OR SERVICE UNLESS THE FEE IS CHARGED OR  
25 ACCEPTED PURSUANT TO THE TERMS OF A WRITTEN CONTRACT WITH THE  
26 EMPLOYEE, WHICH CONTRACT CLEARLY STATES IN A LANGUAGE  
27 UNDERSTANDABLE TO THE EMPLOYEE THAT THE PAYMENT OF THE FEE IS

1 VOLUNTARY AND THAT THE STAFFING AGENCY WILL NOT GAIN A PROFIT  
2 FROM THE FEE CHARGED TO THE EMPLOYEE;

3 (c) IN AN AMOUNT THAT EXCEEDS THE ACTUAL COST PER  
4 EMPLOYEE FOR A DRUG SCREEN OR FOR THE PROVISION OF A BANK CARD,  
5 DEBIT CARD, PAYROLL CARD, VOUCHER, DRAFT, MONEY ORDER, OR  
6 SIMILAR FORM OF PAYMENT OR WAGES;

7 (d) FOR A CRIMINAL HISTORY RECORD CHECK;

8 (e) FOR TRANSPORTATION, EXCEPT AS PROVIDED IN SUBSECTION  
9 (7) OF THIS SECTION;

10 (f) FOR ANY GOOD OR SERVICE IF THE AMOUNT OF THE FEE IS  
11 SUFFICIENT TO CAUSE THE EMPLOYEE TO EARN LESS THAN THE APPLICABLE  
12 MINIMUM WAGE; OR

13 (g) FOR ANY OTHER GOOD OR SERVICE THAT IS OTHERWISE  
14 PROHIBITED BY LAW.

15 (6) A STAFFING AGENCY, A WORK-SITE EMPLOYER, OR A PERSON  
16 ACTING IN THE INTEREST OF THE STAFFING AGENCY OR WORK-SITE  
17 EMPLOYER SHALL NOT DEDUCT COSTS OR FEES FROM THE WAGES OF AN  
18 EMPLOYEE WITHOUT THE EXPRESS WRITTEN AUTHORIZATION OF THE  
19 EMPLOYEE. IF THE EMPLOYEE PROVIDES EXPRESS WRITTEN  
20 AUTHORIZATION, THE STAFFING AGENCY OR THE WORK-SITE EMPLOYER  
21 SHALL PROVIDE A COPY OF THE AUTHORIZATION TO THE EMPLOYEE IN A  
22 LANGUAGE THAT THE EMPLOYEE UNDERSTANDS.

23 (7) (a) IF A STAFFING AGENCY OR WORK-SITE EMPLOYER, OR A  
24 PERSON ACTING IN THE INTEREST OF EITHER, OFFERS TRANSPORTATION  
25 SERVICES TO AN EMPLOYEE, THE STAFFING AGENCY, WORK-SITE  
26 EMPLOYER, OR PERSON MAY NOT CHARGE A FEE THAT EXCEEDS THE  
27 ACTUAL COST TO TRANSPORT THE EMPLOYEE TO OR FROM THE PLACE OF

1 EMPLOYMENT. THE FEE, IF ANY, MAY NOT EXCEED THREE PERCENT OF THE  
2 EMPLOYEE'S TOTAL DAILY WAGES AND MUST NOT REDUCE THE  
3 EMPLOYEE'S TOTAL DAILY WAGES BELOW THE APPLICABLE MINIMUM  
4 WAGE.

5 (b) A STAFFING AGENCY OR WORK-SITE EMPLOYER THAT REQUIRES  
6 THE USE OF SPECIFIC TRANSPORTATION MAY NOT CHARGE A FEE TO THE  
7 EMPLOYEE FOR THE TRANSPORTATION.

8 (c) IF A STAFFING AGENCY SENDS AN EMPLOYEE TO A WORK-SITE  
9 EMPLOYER FOR EMPLOYMENT, NO EMPLOYMENT EXISTS FOR THE  
10 EMPLOYEE, AND THE STAFFING AGENCY CHARGED THE EMPLOYEE FOR  
11 TRANSPORTATION, THE STAFFING AGENCY SHALL REFUND TO THE  
12 EMPLOYEE THE FULL COST OF TRANSPORTATION TO AND FROM THE PLACE  
13 OF EMPLOYMENT.

14 (8) A STAFFING AGENCY SHALL NOT:

15 (a) KNOWINGLY ISSUE, DISTRIBUTE, CIRCULATE, OR PROVIDE ANY  
16 FALSE, FRAUDULENT, OR MISLEADING INFORMATION, REPRESENTATION,  
17 PROMISE, NOTICE, OR ADVERTISEMENT TO AN EMPLOYEE OR APPLICANT  
18 FOR EMPLOYMENT;

19 (b) ASSIGN OR PLACE AN EMPLOYEE IN EMPLOYMENT BY FORCE OR  
20 FRAUD, FOR ILLEGAL PURPOSES, OR WHERE THE EMPLOYMENT IS IN  
21 VIOLATION OF STATE OR FEDERAL LAWS GOVERNING MINIMUM WAGE,  
22 CHILD LABOR, COMPULSORY SCHOOL ATTENDANCE, OR REQUIRED  
23 LICENSURE, REGISTRATION, OR CERTIFICATION;

24 (c) ASSIGN OR PLACE AN EMPLOYEE IN EMPLOYMENT AT ANY  
25 LOCATION THAT IS ON STRIKE OR LOCKOUT WITHOUT NOTIFYING THE  
26 EMPLOYEE OF THE STRIKE OR LOCKOUT; OR

27 (d) REFUSE TO RETURN ON DEMAND ANY PERSONAL PROPERTY

1 BELONGING TO AN EMPLOYEE OR ANY FEE THAT IS CHARGED OR ACCEPTED  
2 BY A STAFFING AGENCY OR WORK-SITE EMPLOYER IN EXCESS OF THE  
3 AMOUNTS ALLOWED PURSUANT TO THIS SECTION.

4 (9) (a) ON AND AFTER JANUARY 1, 2021, EACH STAFFING AGENCY  
5 DOING BUSINESS IN THIS STATE SHALL REGISTER ANNUALLY WITH THE  
6 DIVISION. AT THE TIME OF REGISTRATION, THE STAFFING AGENCY SHALL  
7 PAY A REGISTRATION FEE TO THE DIVISION IN AN AMOUNT DETERMINED BY  
8 RULE OF THE DIRECTOR OF THE DIVISION AND SUBMIT INFORMATION IN A  
9 FORM AND MANNER DETERMINED BY THE DIVISION.

10 (b) THE DIVISION SHALL CREATE AND MAINTAIN ON ITS PUBLIC  
11 WEBSITE A LIST OF STAFFING AGENCIES IN THIS STATE WHOSE  
12 REGISTRATION:

13 (I) IS IN GOOD STANDING;

14 (II) HAS BEEN SUSPENDED, INCLUDING THE REASON FOR THE  
15 SUSPENSION, THE DATE THE SUSPENSION WAS INITIATED, AND THE DATE,  
16 IF KNOWN, THAT THE SUSPENSION IS TO BE LIFTED; AND

17 (III) HAS BEEN REVOKED, INCLUDING THE REASON FOR THE  
18 REVOCATION.

19 (10) (a) A WORK-SITE EMPLOYER SHALL VERIFY THAT A STAFFING  
20 AGENCY HAS A REGISTRATION IN GOOD STANDING BEFORE THE WORK-SITE  
21 EMPLOYER ENTERS INTO A CONTRACT WITH THE STAFFING AGENCY FOR  
22 PART-TIME OR TEMPORARY EMPLOYEES AND ON OR BEFORE MARCH 1 AND  
23 SEPTEMBER 1 OF EACH YEAR THAT A CONTRACT REMAINS IN PLACE. THE  
24 DIVISION MAY ASSESS A FINE AGAINST A WORK-SITE EMPLOYER THAT DOES  
25 BUSINESS WITH AN UNREGISTERED STAFFING AGENCY OF UP TO FIVE  
26 HUNDRED DOLLARS FOR EACH DAY THAT THE VIOLATION OCCURS.

27 (b) (I) A STAFFING AGENCY SHALL:



1 (A) AT THE TIME OF ENTERING INTO A CONTRACT WITH A  
2 WORK-SITE EMPLOYER, PROVIDE THE WORK-SITE EMPLOYER WITH PROOF  
3 OF VALID REGISTRATION ISSUED BY THE DIVISION; AND

4 (B) NOTIFY EACH WORK-SITE EMPLOYER WITH WHOM IT HAS A  
5 CONTRACT, BY TELEPHONE AND IN WRITING, OF ANY DENIAL, SUSPENSION,  
6 OR REVOCATION OF THE STAFFING AGENCY'S REGISTRATION BY THE  
7 DIVISION.

8 (II) A CONTRACT BETWEEN A STAFFING AGENCY AND A WORK-SITE  
9 EMPLOYER IS VOID AS OF THE DATE OF THE DENIAL, SUSPENSION, OR  
10 REVOCATION OF A STAFFING AGENCY'S REGISTRATION.

11 (11) THE DIVISION MAY REVOKE OR SUSPEND THE REGISTRATION  
12 OF A STAFFING AGENCY AND MAY ASSESS FINES PURSUANT TO SECTION  
13 8-1-140 FOR VIOLATIONS OF THIS SECTION.

14 (12) THE DIRECTOR OF THE DIVISION MAY PROMULGATE RULES TO  
15 IMPLEMENT THIS SECTION, INCLUDING RULES THAT STATE THE  
16 INFORMATION THAT A STAFFING AGENCY IS REQUIRED TO SUBMIT TO THE  
17 DIVISION AT THE TIME OF REGISTRATION PURSUANT TO SUBSECTION (9)(a)  
18 OF THIS SECTION AND THAT ESTABLISH CIRCUMSTANCES UNDER WHICH  
19 THE DIVISION MAY REVOKE OR SUSPEND A STAFFING AGENCY'S  
20 REGISTRATION.

21 **SECTION 3. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the  
23 ninety-day period after final adjournment of the general assembly (August  
24 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
25 referendum petition is filed pursuant to section 1 (3) of article V of the  
26 state constitution against this act or an item, section, or part of this act  
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in  
2 November 2020 and, in such case, will take effect on the date of the  
3 official declaration of the vote thereon by the governor.