

Comments to CDLE regarding the Colorado Minimum Wage Order

On Friday August 16, 2019, Alliance submitted the following comments to CDLE regarding the Colorado Minimum Wage Order. CDLE solicited comments to the Order this spring. Comments closed on Friday and are being uploaded [here](#).

“Hello Mr. Primo,

Alliance submits the following comments in relation to the MW Order. Alliance is a nonprofit, statewide association of Community Centered Boards (CCBs) and Program Approved Service Agencies (PASAs) in Colorado. Our members provide supports to people with intellectual and developmental disabilities throughout the state.

2. Minimum Salary for Exempt Employees: Should Colorado implement a minimum salary required to be paid to employees covered by the exemptions in Section 5 of the Minimum Wage Order? If so, what should that minimum salary be?

No. Colorado employers are already subject to the minimum salary threshold for exempting employees from overtime under the Fair Labor Standards Act. With the increases in minimum wage over the last few years, and with localities soon able to establish their own local minimum wage thresholds pursuant to legislation passed this year, adding a separate minimum salary requirement will further complicate the compensation landscape for employers. Alliance is an association of agencies that provide services to people with intellectual and developmental disabilities statewide. Unlike most other employers, these agencies rely on Medicaid reimbursement rates for 90+% of their revenues, as private insurance and other public programs do not fund the services they provide, and most people cannot afford to private-pay. While IDD providers value their employees and struggle constantly with recruitment and retention challenges, they are unable to pay them more without increases to state-established Medicaid reimbursement rates. Therefore, if CDLE implements any compensation requirements that impact IDD providers, it should work with the Department of Health Care Policy & Financing to ensure that there is a commensurate raise in reimbursement rates to cover the increases. Otherwise, such policy changes will only work to decrease provider capacity and hinder access to services for Coloradoans living with intellectual and developmental disabilities and their families.

Additional Related Comments - Subminimum Wage:

Alliance is partnering with The Arc of Colorado and Disability Law Colorado on addressing the issue of subminimum wage payments to employees with intellectual and developmental disabilities, including developing legislation for the 2020 legislative session that phases out this employment model while providing the necessary supports to move people into competitive employment. If the minimum wage order were to establish a hard stop on sub-minimum wage jobs, it would be devastating for individuals and families with I/DD who currently rely on these jobs, as well as their employers. Transitioning away from subminimum wage employment models requires a thoughtful approach with meaningful policy changes to remove systemic barriers to competitive employment and allow employers time to transition their programs. For these reasons, we request that this order not apply to subminimum wage employment for individuals with IDD at this time, in order to provide time for a more robust solution developed by stakeholders with expertise in this area.

We are happy to discuss any of these comments further with you.”

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