

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.