

# Employer NEWSLETTER

Colorado Department of Labor and Employment



**COLORADO**  
Department of  
Labor and Employment

Welcome to the Colorado Department of Labor and Employment's Employer Newsletter. In this issue you will find tips on proper worker classification, managing your premiums account online, requesting advisory opinions and Workforce Development month.

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[colorado.gov/cdle/businesses-employers](http://colorado.gov/cdle/businesses-employers)

## New Unemployment Outreach Presentations



We are reaching out to Colorado's employer community to help Colorado businesses comply with UI laws and regulations. We are conducting outreach through education presentations to Colorado employers, employer representative groups and chambers of commerce.

Presentations cover topics including:

- Correct wage reporting
- How premiums and benefits are calculated
- Accurate premium payments
- Using online tools to manage unemployment premium accounts
- Proper classification of workers as employees or independent contractors
- Understanding the unemployment insurance appeal process.

To schedule a presentation call 303-318-9100, Option 4

# Manage Your Unemployment Premium Account



MyUI Employer offers 24/7 online access to your employer account, including online tracking of your wage and premium reports, convenient account access, and answers to many questions about your account.

You can do almost everything you need to do online, such as:

- Review rate information
- Access forms
- Submit wage data
- File premium reports
- View account balance
- Make payments
- Review payment history

## TIPS



**Business changes.** If you have changed your address, acquired, sold or closed your business, you must notify the Division within 10 days by submitting a form UITL-2, Employer Change Request available at [colorado.gov/cdle/businesses-employers](http://colorado.gov/cdle/businesses-employers).



**No wages to report.** If you have no wages to report, you are still required to file your quarterly reports timely each quarter. A \$50.00 per quarter penalty will be assessed for each quarter the report is late.



**If you use QuickBooks,** it is not supported by our system and does not transfer electronic submission of reports and payments through QuickBooks. Your submissions can only occur by registering for MyUI Employer for online filing or by sending us your paper reports and payments.



**Premium overpayments.** To request a refund of an overpayment of unemployment insurance premiums, submit a request in writing and send it via mail or fax to 303-318-9013.



**Forms.** Our employer forms may be downloaded from our website, at [colorado.gov/cdle/businesses-employers](http://colorado.gov/cdle/businesses-employers).

## Ensure Proper Classification

While the definition of employment in Colorado law is broad and inclusive, it is not limited to the common-law relationship of master and servant (as used by the Internal Revenue Service).

The two main concepts used to determine the status of a worker, as stated in Colorado law, are:

- Whether or not the individual is free from control and direction in the performance of the service, both under the contract for the performance of service and in fact.
- Whether or not the individual is customarily engaged in an independent trade, occupation, profession, or business related to the service performed.

Some examples of these circumstances may include any written agreements that are in existence, the day to day relationship between the worker and the company, the actual directions given, the use of tools, advertising, type of payments and a myriad of other everyday issues. Overall, it is the totality of circumstances that is the basis of the decision.



## Request an Advisory Opinion

Advisory Opinions are available to employers seeking advice on proper classification of workers. If you would like to request an advisory opinion regarding whether you should classify individuals as employees or independent contractors, please complete the request form below and include a nonrefundable check in the amount of \$100 made payable to the Colorado Department of Labor and Employment.

Go to [coloradoui.gov/properclassification](http://coloradoui.gov/properclassification) to Request an Advisory Opinion.



## Labor Laws for Final Paychecks

When an employer terminates an employee, any earned wages and compensation for labor or service that are unpaid are due and payable immediately. There are some exceptions depending on where checks are normally drawn.

For example, when the employer's accounting unit, responsible for the drawing of payroll checks, is not regularly scheduled to be operational, then the wages owed to the separated employee must be available to the employee no later than six hours after the start of said employer's accounting unit's next regular workday.

If the accounting unit is located away from the work site, the employer must deliver the check for wages due no later than twenty-four hours after the start of the employer's accounting unit's next regular workday to one of the following locations selected by the employer: a) the work site; b) the employer's local office; c) the employee's last-known mailing address.

When an employee voluntarily quits or resigns, they are to receive their wages and compensation, due and payable, upon the next regular payday. They may be paid by check, cash, or by direct deposit as on any other payday.

For more information about final payment of wages, contact the Division of Labor at 303-318-8441 or [coloradolaborlaw.gov](http://coloradolaborlaw.gov).

## Enhanced Online Services to be Introduced During Workforce Development

In September, the Department of Labor and Employment and Workforce Centers across the state will celebrate the almost 3 million Colorado workers and the more than 166,000 companies that employ them. Workforce Development Month is a month-long focus on the resources and services we offer to help businesses and workers succeed.

A major focus of Workforce Development Month 2015 will be two website redesigns that will improve services to job seekers and businesses. The first is a redesign of our virtual job fair platform which saw overwhelming support when launched in 2012. The virtual job fair was built around a robust online job board but this redesign takes the model much further. The redesign will allow users to walk through the virtual recruiting process step by step, with individual booths and "chatrooms." The graphical look is professional and allows job seekers to easily join in and participate in workshops, job interviews and other features that convey a sense of a real gathering.

Another improvement to debut during Workforce Development Month is a redesign of the Department of Labor and Employment's job board called Connecting Colorado. The new site is more than merely a site to post jobs, it is a portal to a wide array of unparalleled business services including recruiting and screening, training, cost savings, downsizing assistance and much more. Most importantly, Connecting Colorado connects you with a Business Services professional.

Workforce Development Month focuses on the services that create a stronger and more competitive Colorado. To learn more about everything to be offered in September, visit our website and check in with us on Facebook and Twitter.