



Keep Jobs in Colorado Act (KJICA) Complaint Instructions

(for use with violations of the 80% Colorado labor requirement, § 8-17-101, et. seq., C.R.S.)

Colorado Department of Labor and Employment | Division of Labor Standards and Statistics

www.colorado.gov/cdle/kjica

What is a Keep Jobs in Colorado Act complaint?

A “Keep Jobs in Colorado Act ” complaint is a written complaint filed with the Division against a contractor for violations of the 80% Colorado labor requirement, § 8-17-101, et. seq., C.R.S. The complaint form may be used when an individual believes that a contractor has not met the 80% Colorado labor requirement on a public works project, in violation of the law.

What is the Keep Jobs in Colorado Act?

The Keep Jobs in Colorado Act (KJICA) requires contractors who are overseeing a public works project financed in whole or in part by the state, counties, school districts, or municipalities of Colorado, to meet the 80% Colorado labor requirement on that public works project. ([§ 8-17-101, et. seq., C.R.S.](#)).

However, if the public works project is financed with any amount of federal money, the public works project is not covered by the Act. The Keep Jobs in Colorado Act applies to new contracts for which invitations for bids or the request for proposals were issued on or after January 1, 2014.

According to the Act, a contractor overseeing a public works project must meet the 80% Colorado labor requirement on that public works project. The governmental body financing the project may waive the 80% Colorado labor requirement if there is reasonable evidence to demonstrate insufficient Colorado labor to perform the work and if compliance with the law would create an undue burden that would substantially prevent a project from proceeding to completion.

For more information on this law, please refer to the Division’s Keep Jobs in Colorado Act Fact Sheet and Frequently Asked Questions at www.colorado.gov/cdle/kjica

Can I file a Keep Jobs in Colorado complaint with the Division?

Yes, if you are an individual who has specific evidence of a contractor violating the Keep Jobs in Colorado Act, you may submit a written complaint to the Division.

YES The Division <u>may</u> have the authority to assist you if:	NO The Division <u>does not</u> have authority to assist you if:
<ul style="list-style-type: none"> The project is a public works project as defined by § 8-10-102(2) and § 24-92-102(8), C.R.S. The project is a public works project funded in whole or in part by funds of the state, counties, school districts, or municipalities of Colorado. If the project is a public works project, and there is specific evidence Colorado labor was not employed to perform at least 80% of the work. <p>If you are unsure whether your complaint is within the Division’s authority, contact us at (303) 318-3441 or 1-888-390-7936.</p>	<ul style="list-style-type: none"> The project is a not a public works project. The project is a public works project funded in whole or in part with federal monies. A waiver of the 80% Colorado labor requirement was granted by the governmental body overseeing the public works project. The project was bid on and/or completed before January 1, 2014. The public works project was completed more than 90 days prior to filing the complaint.

For more information on the coverage of the law, contact the Division at (303) 318-3441 or toll free 1-888-390-7936.

How do I file a Keep Jobs in Colorado complaint?

A person who alleges a potential violation of the law may file a complaint with the Division. The Division only accepts complaints in writing or electronically. Complaints must be filed using the Division-approved form. The complaint shall include the complainant's signature, contact information, and basis for the complaint. Failure to include this information on the complaint form may result in an administrative dismissal of the complaint.

If you are an individual who has specific evidence of a contractor violating the Keep Jobs in Colorado Act, you may submit a written complaint to the Division. Please complete the form and answer all questions. If the complaint form is not completed, the process may be delayed.

May I file a complaint anonymously?

The Division does not accept anonymous complaints. The complainant must provide his or her contact information. Failure to include this information on the complaint form may result in an administrative dismissal of the complaint.

How do I include supporting documentation?

You may mail, fax, or email all supporting documents to the Division. Attach copies of supporting documentation that may substantiate your complaint, such as:

- Minutes from relevant meetings;
- Project manager reports;
- Public body documents;
- Notes from personal interviews;
- Payroll documentation;
- Residency documentation;
- Any documentation that relates to compliance with the 80% Colorado labor requirement.

On all pages of your documents, please include your name and the name of the contractor you are filing the complaint against. Do not send the originals; please make copies of all supporting documentation.

What is the next step after I've filed a complaint, and how long can an investigation take?

Once a complaint is received by the Division, it is assigned to an investigator. The investigator will contact you to follow up on the matter.

In general, the time it takes to resolve or complete an investigation depends on the complexity of each complaint and other factors. The Division will complete the investigation and render an initial decision in response to the complaint within 90 days from the date the Division began the investigation.

What can I do to help expedite the process?

- Answer all questions on the "Keep Jobs in Colorado Act Complaint Form" accurately and provide a detailed explanation where necessary.
- Provide all information in detail and supply supporting documentation with your written complaint. Failure to supply information may result in delays.
- Attach copies of any supporting documentation. **DO NOT SEND ORIGINALS.**
- Contact the Division immediately if your address or contact information changes.

What is the status of my complaint?

If you would like to inquire about the status of your complaint, please contact the Division to talk to an investigator.

What are the possible outcomes?

The Division investigates complaints, and when applicable, conducts hearings of appeals.

After conducting an investigation, if the Division determines that a contractor knowingly violated the requirements of the 80% Colorado labor requirement, the Division may impose a fine on such contractor as follows:

- For the first violation, \$5,000 or an amount equal to 1% of the cost of the contract, whichever is less;
- For the second violation, \$10,000 or an amount equal to 1% of the cost of the contract, whichever is less;
- For the third violation and any violation thereafter, \$25,000 or an amount equal to 1% of the cost of the contract, whichever is less.

If the Division imposes three fines on a contractor within 5 years and finds the violations to be egregious, the Division may initiate the process to debar the contractor pursuant to § 24-109-105, C.R.S.

Before submitting the complaint:

By filling out, signing, and filing the “Keep Jobs in Colorado Act Complaint Form”, you agree to the following:

- I have been notified and understand that any person providing false information to the Division in order to obtain and/or retain anything of value may be subject to criminal prosecution under the laws of the State of Colorado with possible penalties of fines, imprisonment, or both.
- I hereby certify that this is a true and accurate statement of the alleged violation, and authorize the Division to investigate and assist in this matter.
- I hereby certify that I have reviewed the Keep Jobs in Colorado Act Fact Sheet and Frequently Asked Questions on the Division’s website www.colorado.gov/cdle/kjica
- I understand that any information supplied to the Division may be provided to the contractor, the agents of the contractor involved in the dispute, and other agencies or individuals as the Division deems appropriate.
- I understand that this complaint and all associated documentation may be subject to the Colorado Open Records Act, and is potentially reviewable by the public.

What is the Division’s contact information if I have additional questions?

Contact the Division using the information listed below. You may also visit our website at www.colorado.gov/cdle/kjica

Mailing Address:

Colorado Division of Labor Standards and Statistics
633 17th Street, Suite 600
Denver, Colorado 80202-2107

Phone: (303) 318-3441

Toll Free: 1-888-390-7936

Fax: (303) 318-8400

Email: cdle_labor_standards@state.co.us



Colorado Division of Labor Standards and Statistics
KEEP JOBS IN COLORADO ACT COMPLAINT FORM
(for use with violations of the Keep Jobs in Colorado Act,
§ 8-17-101, et. seq., C.R.S.)

633 17th Street, Suite 600
Denver, Colorado 80202-2107
Telephone (303) 318-8441
Fax (303) 318-8400
Toll Free (888) 390-7936
www.colorado.gov/cdle/kjica

This form is used to report contractors who may be in violation of the Keep Jobs in Colorado Act, [§ 8-17-101](http://www.colorado.gov/cdle/kjica), et. seq., C.R.S. You must sign and date this form at the bottom.

Effective January 1, 2014, the Keep Jobs in Colorado Act (§ 8-17-101, et. seq., C.R.S.) requires that Colorado labor be employed to perform at least 80% of the work on a public works project, as defined in § 8-19-102(2), C.R.S. For more information on the Keep Jobs in Colorado Act, go to www.colorado.gov/cdle/kjica

You may not file a complaint if:

- The project is not a public works project;
- The project received any amount of federal money;
- You do not identify yourself on this form. Anonymous complaints are not accepted by the Division; or
- Your complaint is filed more than 90 days after the project has been completed.

Section I: Contact Information for Complainant

(Your information is required. The Division does not accept anonymous claims.)

First Name		Home Phone
Last Name		Work Phone
Mailing Address		Cell Phone
City	State	Zip Code
Email Address		

Section II: Project Information

Name of Contractor (or Contractor Business) in Violation of Law		Daytime Phone
Contact Person		Fax Number
Mailing Address		
City	State	Zip Code
Contractor Email Address		
Project/Contract Number	County	
Location of Project		
City	State	Zip Code

