



City and County of Denver

**Denver
Labor**

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(720) 913-5039 • www.denverauditor.org/DenverLabor

Minimum Wage - Recordkeeping

EMPLOYER REQUIREMENTS

Denver law requires employers conducting business in Denver to retain records demonstrating compliance with Denver's minimum wage law.

- Employers are required to retain sufficient payroll records to demonstrate compliance with Denver's minimum wage law for a period beginning Jan. 1, 2020 for at least three years.¹
- Employers will not be asked to retain or produce payroll records for work performed before Jan. 1, 2020.
- No special format or recordkeeping system is required, provided the retained records can demonstrate compliance with the law.
- Records must be retained for current and past employees.

RECORDS REQUESTS

During a minimum wage investigation, Denver Labor will ask employers for payroll records that demonstrate compliance with the law or refute elements of a complaint.

- Following notice of a credible complaint and a request for payroll records, an employer must furnish Denver Labor a true, certified, and sworn copy of payroll records for all workers working in Denver from Jan. 1, 2020 until the date of the request.²
- Payroll records must include: 1.) the number of hours worked by each worker; 2.) the hourly wage paid to each worker; 3.) any deductions made from worker wages, including any taxes withheld; and 4.) the net amount of wages received by each worker.³

¹ See D.R.M.C. §58-16(i)

² See D.R.M.C. §58-17(a)(1)

³ See D.R.M.C. §58-17(a)(1)

- Employers are required to identify their workers, including names, Social Security numbers, and most recent contact information.
- In addition to the documents requested, employers may provide other documentation to demonstrate compliance with the law.
- Denver Labor may request supplemental information during an investigation. Denver Labor may make document requests more than once during an investigation.

PRESUMPTIONS AND FINES

Failing to retain or produce payroll records can result in negative consequences.

- When an employer fails to maintain or produce payroll records, Denver Labor presumes the employer violated Denver’s minimum wage law for the period covered by the law and for each worker where the employer failed to provide payroll records. An employer may overcome this presumption by producing clear and convincing evidence of compliance with the law.⁴
- Employers who fail to provide or provide false certified payroll records are subject to a \$1,000 fine.⁵

EMPLOYEE BEST PRACTICE

Employees are not required to retain records; however, should an employer violate Denver’s minimum wage law, records will assist an employee make a credible complaint.

- Complainants bear the initial burden of establishing their claim. Records are not required to establish a claim but can be very helpful.
- Workers should keep copies of paychecks, benefits contracts, insurance cards, and time cards, and be able to identify their employers, work locations, coworkers, and agreed-to deductions.

ADDITIONAL INFORMATION

Additional information about Denver’s minimum wage can be found:

- On the internet at [www. https://www.denverauditor.org/denverlabor/citywide-minimum-wage/](https://www.denverauditor.org/denverlabor/citywide-minimum-wage/)
- By calling 720-913-5039
- By e-mailingwagecomplaints@denvergov.org

⁴ See D.R.M.C. §58-16(i)

⁵ See D.R.M.C. §58-17(b)(5)-(6)