

PHIL WEISER  
Attorney General  
NATALIE HANLON LEH  
Chief Deputy Attorney General  
SHANNON STEVENSON  
Solicitor General  
TANJA WHEELER  
Chief Operating Officer



STATE OF COLORADO  
DEPARTMENT OF LAW

RALPH L. CARR  
COLORADO JUDICIAL CENTER  
1300 Broadway, 10th Floor  
Denver, Colorado 80203  
Phone (720) 508-6000

Consumer Protection Section  
Consumer Credit Unit

June 12, 2025

**TO:** Interested Parties

**RE:** Stakeholder Meeting on June 26, 2025, for Rulemaking under the Colorado Restrictive Employment Agreements Act, C.R.S. Section 8-2-113

To whom it may concern:

Under the Colorado Restrictive Employment Agreements Act, "any covenant not to compete that restricts the right of any person to receive compensation for performance of labor for any employer is void" unless the covenant falls under certain exemptions. See C.R.S. Section 8-2-113 (2)(a). Subsection 3(a) exempts provisions "providing for an employer's recovery of the expense of educating and training a worker where the training is distinct from normal, on-the-job training and satisfies any other requirements established by the Attorney General, by rule, regarding the transferability of the training or credentialing that is available to the employee as a result of the training." The Attorney General is in the process of drafting the rules authorized by subsections 3(a) and (9)(b).

The Attorney General's Office staff held a public stakeholder meeting on April 14, 2025, during which they welcomed and received oral comments concerning the rule.

**The Attorney General's Office staff is now seeking additional oral or written comments on a draft rule, which can be found below at the end of this notice.**

In addition to comments on the language of the draft rule, the Attorney General specifically requests comments from the public concerning the following:

- examples of transferable training or credentials that do not meet the requirements of the draft rule;
- examples of training that is transferable prior to receiving, or without receiving, an associated credential; and
- whether "training that an employer is required to provide an employee to retain the employer's own ability to operate" would fall within the category of "normal, on the job" training.

**The Attorney General's staff will hold the stakeholder meeting on June 26, 2025, at 10AM on Zoom (link below) where the public is invited to provide comments orally. In addition, the Attorney General will accept written comments from the public at [traps@coag.gov](mailto:traps@coag.gov) until June 26, 2025, at midnight.**

All comments will become part of the public rulemaking record.

Please keep in mind that this stakeholder meeting is an intermediate step in the rulemaking process. The Attorney General will hold the formal rulemaking hearing following consideration of information provided by stakeholders during this stakeholder meeting. Any proposed rule will be published in the Colorado Register at least 20 days before the formal rulemaking hearing. The draft rule below is not the proposed rule and has not been published in the Colorado Register.

**The Attorney General's draft rule for comment:**

A training or credential is transferable for the purposes of C.R.S. Section 8-1-113(3)(a) when it is initiated voluntarily by the employee and directly results in either

a) an educational degree or certification from:

- i. a private college or university authorized to operate in Colorado under C.R.S. Section 23-2-103.3;
- ii. a private occupational school with a certificate of approval issued under in C.R.S. Section 23-64-115(1); or
- iii. a community or technical college identified in C.R.S. Section 23-60-205; or
- iv. a public institute of higher education under in C.R.S. Section 23-4.5-102(7)

b) a license

- i. as defined in C.R.S. Section 12-20-102(9);
- ii. a commercial driver's license as defined in C.R.S. Section 42-2-402(1);
- iii. any license defined in Colorado law; or
- iv. a comparable license or credential defined in the law of any other state;

c) a certificate or license granted by a federal government agency; or

d) a training or credential that is recognized by an industry or trade association, a union, or other organization representing employers or workers within the profession or occupation to which the training or credentialing is related.

[Join Zoom Meeting Here](#)

Meeting ID: 870 6382 7772

Passcode: 048175

One tap mobile

+17193594580,,87063827772# US

+16694449171,,87063827772# US

Dial by your location

•+1 719 359 4580 US

•+1 669 444 9171 US

•+1 669 900 6833 US (San Jose)

•+1 253 205 0468 US

•+1 253 215 8782 US (Tacoma)

•+1 346 248 7799 US (Houston)

•+1 309 205 3325 US

•+1 312 626 6799 US (Chicago)

•+1 360 209 5623 US

•+1 386 347 5053 US

•+1 507 473 4847 US

•+1 564 217 2000 US

•+1 646 931 3860 US

•+1 689 278 1000 US

•+1 929 205 6099 US (New York)

•+1 301 715 8592 US (Washington DC)

•+1 305 224 1968 US

Meeting ID: 870 6382 7772

[Find your local number](#)