Colorado Equal Pay for Equal Work Act

Background:
• SB19-058 passed during the 2019 legislative session
• Effective January 1, 2021

Requires University to:
• Pay the same rate for substantially similar work

Adhere to new:
• Recordkeeping requirements
• Notice requirements
• Pay history prohibitions
• Pay transparency
• Rights of action process

More detail available in Appendix
Project Approach

• University-wide review started in early 2020 led by System HR, DEI Office, and University Counsel in partnership with campuses

• Advisory Committee:
  • Campus HR teams
  • Employees involved in setting compensation for staff and faculty
  • Faculty and Academic Affairs
  • University Faculty Council and Staff Council

• Consultant reviewing CU compensation policies and practices, also evaluating salaries across positions that perform substantially similar work

• Reviewing pay related Regent Laws and Policies at System level

• Reviewing each campus as separate entity (comparing substantially similar roles within each campus but not across the system)
  • Detailed position-by-position analysis
## Project Activities

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| Data Collection & Planning          | - Campus orientations  
- Develop data requests                                                | - Provide data and documents                                        |
| (Completed)                         |                                                                      |                                                                      |
| Compensation Review                 | - Interviews and review policies and practices  
- Review findings and recommendations with CU                         | - Meetings on compensation policies  
- Feedback on findings and recommendations                              |
| (Completed)                         |                                                                      |                                                                      |
| Legal Review                        | - Legal assessment of current practices  
- Provide guidance re state and federal laws                           | - Feedback on legal findings                                         |
| (in process)                        |                                                                      |                                                                      |
| Pay Equity Analysis                 | - Finalize job groups  
- Conduct pay equity analysis  
- Present pay gap analysis findings                                    | - Assist in identifying groups doing similar work  
- Review modeling results and outliers                                 |
| (in process)                        |                                                                      |                                                                      |
| Presentations & Action Plan         | - Present recommendations to leadership and project sponsors         | - Review overall recommendations and develop a plan to implement recommended changes |
| (pipeline)                          |                                                                      |                                                                      |

**Bolded items are completed**
CO Equal Pay for Equal Work Act, Effective January 1, 2021

• **Pay same rate for substantially similar work**
  • An employer shall not discriminate between employees on the basis of sex, or on the basis of sex in combination with another protected status, by paying an employee of one sex a wage rate less than the rate paid to an employee of a different sex for substantially similar work, regardless of job title.

• A wage rate differential is permissible if at least one of the following factors accounts for the entire wage rate differential:
  • A seniority system;
  • A merit system;
  • A system that measures earnings by quantity or quality of production;
  • The geographic location where the work is performed;
  • Education, training, or experience to the extent that they are reasonably related to the work in question; or
  • Travel, if the travel is a regular and necessary condition of the work performed
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• **Recordkeeping:** Required to keep records of job descriptions and wage rate history for each employee during employment and for two years after employment ends

• **Notice Requirements:**
  - Job Openings: must disclose in each posting for each job opening the hourly or salary compensation, or a range of the hourly or salary compensation, and a general description of all of the benefits and other compensation to be offered to the hired applicant.
  - Promotional Opportunities: must announce, post, or otherwise make known all opportunities for promotion to all current employees on the same calendar day and prior to making a promotion decision.

• **Pay History Prohibitions:** Impermissible to seek the wage rate history of a prospective employee or rely on the wage rate history of a prospective employee to determine a wage rate

• **Pay Transparency:** Employees are expressly permitted to disclose or discuss their pay

• **Rights of Action:** Employees may go directly to court without pursuing or exhausting an administrative remedy first