Colorado Equal Pay for Equal Work Act
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
Project Approach

• University-wide review since early 2020 led by System Human Resources, DEI Office, and University Counsel in partnership with CU campuses

• Advisory Committee:
  • Made up of faculty and staff across the CU system

• Consultant hired to review and assess CU’s compensation policies and practices and to evaluate salaries across positions that perform substantially similar work

• Reviewing 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)
## Project Activities

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| Data Collection & Planning  | ▪ Campus orientations  
                            ▪ Develop data requests  | ▪ Provide data and documents |
| Compensation Review         | ▪ Interviews and review policies and practices  
                            ▪ Review findings and recommendations with CU | ▪ Meetings on compensation policies  
                            ▪ Feedback on findings and recommendations |
| Legal Review                | ▪ Legal assessment of current practices  
                            ▪ Provide guidance re state and federal laws | ▪ Feedback on legal findings |
| 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 |
| Presentations & Action Plan | ▪ Present recommendations to leadership and project sponsors | ▪ **Review overall recommendations and develop a plan to implement recommended changes** |
What We Know

• New Requirements:
  • Limits decision making for raises - managers’ discretion is not defensible
  • External pay history cannot be a factor for internal pay
  • Transparency in promotions – must be posted
  • Market factors no longer justify pay disparities
  • Job duties are most critical, not titles

• All job descriptions must be up-to-date and use consistent template
What Will Not Change

• We are not anticipating:
  • widespread salary changes
  • reducing or eliminating jobs
  • changes to working titles or job duties
What We Have Done

• HR at front-end of all position and personnel requests
• Developed job families with unique compensation codes
• Created pay ranges for each level within a job family using market data
What We Are Working On

• Reviewing/creating job descriptions for all employees
  • Includes students, temps, and working retirees

• Comparing duties and grouping jobs across all departments

• Slotting positions within compensation structure

• Finalizing job leveling matrix
  • i.e. what are the requirements for a professional vs. senior professional?

• Reviewing current policies and procedures to ensure compliance
What We Recognize

• This is a huge culture shift!
• There are many emotions tied to compensation and classification
• Transparency is key
• EPA Website: https://www.cu.edu/employee-services/collaborative-hr-services/cu-system-administration/employee-resources/equal-pay
Thank You!