

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0061.01 Kristen Forrestal x4217

**SENATE BILL 23-105**

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**SENATE SPONSORSHIP**

**Danielson and Buckner**, Coleman, Cutter, Exum, Fields, Gonzales, Hinrichsen, Jaquez  
Lewis, Marchman, Rodriguez, Sullivan, Winter F.

**HOUSE SPONSORSHIP**

**Gonzales-Gutierrez and Bacon**, Boesenecker, deGruy Kennedy, Froelich, Garcia, Jodeh,  
Joseph, Mabrey, Martinez, Michaelson Jenet, Ortiz, Story, Vigil, Willford, Woodrow

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**Senate Committees**

Business, Labor, & Technology  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE IMPLEMENTATION OF MEASURES TO ENSURE EQUAL**  
102                    **PAY FOR EQUAL WORK, AND, IN CONNECTION THEREWITH,**  
103                    **MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Current law authorizes the director of the division of labor standards and statistics in the department of labor and employment (director) to create and administer a process to accept and mediate complaints, to provide legal resources concerning alleged wage inequity, and to promulgate rules as necessary for this purpose. The bill changes

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

these authorizations to requirements.

Additionally, the bill requires the director to:

- Investigate complaints or other leads concerning wage inequity;
- Upon finding of a violation, order compliance and relief; and
- Promulgate rules to enforce the bill.

The bill also requires an employer to:

- For each job opportunity or promotional opportunity where the employer is considering more than one candidate, follow specific guidelines for posting the opportunity;
- For all job opportunities and promotional opportunities, provide specific information to employees regarding the candidate selected for the opportunity; and
- For all objectively defined career progressions, disclose the requirements for career progression and the terms of compensation, benefits, status, duties, and access to further advancement.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 8-5-101, **add** (1.3),  
3 (1.5), (5.5), (7.5), and (8.5) as follows:

4 **8-5-101. Definitions.** As used in this article 5, unless the context  
5 otherwise requires:

6 (1.3) "CAREER DEVELOPMENT" MEANS A CHANGE TO AN  
7 EMPLOYEE'S TERMS OF COMPENSATION, BENEFITS, FULL-TIME OR  
8 PART-TIME STATUS, DUTIES, OR ACCESS TO FURTHER ADVANCEMENT IN  
9 ORDER TO UPDATE THE EMPLOYEE'S JOB TITLE OR COMPENSATE THE  
10 EMPLOYEE TO REFLECT WORK PERFORMED OR CONTRIBUTIONS ALREADY  
11 MADE BY THE EMPLOYEE.

12 (1.5) "CAREER PROGRESSION" MEANS A REGULAR OR AUTOMATIC  
13 MOVEMENT FROM ONE POSITION TO ANOTHER BASED ON TIME IN A SPECIFIC  
14 ROLE OR OTHER OBJECTIVE METRICS.

15 (5.5) (a) "JOB OPPORTUNITY" MEANS A CURRENT OR ANTICIPATED

1 VACANCY FOR WHICH THE EMPLOYER IS CONSIDERING A CANDIDATE OR  
2 CANDIDATES OR INTERVIEWING A CANDIDATE OR CANDIDATES OR THAT  
3 THE EMPLOYER EXTERNALLY POSTS.

4 (b) "JOB OPPORTUNITY" DOES NOT INCLUDE CAREER DEVELOPMENT  
5 OR CAREER PROGRESSION.

6 (7.5) (a) "PROMOTIONAL OPPORTUNITY" MEANS A CURRENT OR  
7 ANTICIPATED VACANCY THAT COULD BE CONSIDERED A PROMOTION FOR  
8 ONE OR MORE EMPLOYEES IN TERMS OF COMPENSATION, BENEFITS,  
9 FULL-TIME OR PART-TIME STATUS, DUTIES, OR ACCESS TO FURTHER  
10 ADVANCEMENT.

11 (b) "PROMOTIONAL OPPORTUNITY" DOES NOT INCLUDE CAREER  
12 DEVELOPMENT OR CAREER PROGRESSION.

13 (8.5) "VACANCY" MEANS AN OPEN POSITION, WHETHER AS A  
14 RESULT OF A NEWLY CREATED POSITION OR A VACATED POSITION.

15 **SECTION 2.** In Colorado Revised Statutes, 8-5-103, **amend** (1)  
16 and (3) as follows:

17 **8-5-103. Enforcement - rules - complaints.** (1) (a) The director  
18 ~~is authorized to~~ SHALL:

19 (I) Create and administer a process to accept and mediate  
20 complaints and ~~to~~ provide legal resources concerning alleged violations  
21 of section 8-5-102 and ~~to~~ SHALL promulgate rules as necessary for this  
22 purpose;

23 (II) ON OR BEFORE JULY 1, 2024, CREATE AND ADMINISTER A  
24 PROCESS TO MEDIATE COMPLAINTS REGARDING ALLEGED VIOLATIONS OF  
25 SECTION 8-5-102 AND PROMULGATE RULES AS NECESSARY FOR THIS  
26 PURPOSE;

27 (III) INVESTIGATE COMPLAINTS OR OTHER LEADS CONCERNING

1 EMPLOYER VIOLATIONS OF SECTION 8-5-102, EXCEPT IF THE COMPLAINT  
2 CONCERNS THE STATE OF COLORADO AS THE EMPLOYER, THAT, IN THE  
3 DIRECTOR'S GOOD FAITH DISCRETION AND JUDGMENT, WARRANT  
4 INVESTIGATION;

5 (IV) UPON FINDING OF A VIOLATION OF SECTION 8-5-102, ORDER  
6 COMPLIANCE AND RELIEF AS AUTHORIZED BY THIS PART 1; AND

7 (V) PROMULGATE RULES TO ENFORCE THIS ARTICLE 5.

8 (b) FOR THE PURPOSE OF INVESTIGATING A VIOLATION OF THIS  
9 PART 1, THE DIRECTOR MAY APPLY THE INFORMATION-GATHERING  
10 PROVISIONS OF ARTICLE 1 OF THIS TITLE 8 TO AN EMPLOYER, EMPLOYEE,  
11 OR OTHER PERSON.

12 (c) The process created and administered by the director,  
13 INCLUDING THE RULES FOR THE INVESTIGATION OF ALLEGED COMPLAINTS  
14 FOR VIOLATIONS OF SECTION 8-5-102 AND ANY FINES LEVIED OR  
15 CORRECTIVE ACTION TAKEN BY THE DIRECTOR, does not affect or prevent  
16 the right of an aggrieved person from commencing a civil action pursuant  
17 to subsection (2) of this section.

18 (3) A person aggrieved by a violation of section 8-5-102 may  
19 obtain relief for back pay for the entire time the violation continues, not  
20 to exceed ~~three~~ SIX years.

21 **SECTION 3.** In Colorado Revised Statutes, **amend** 8-5-201 as  
22 follows:

23 **8-5-201. Employment opportunities - opportunities for**  
24 **promotion or advancement - pay rates in job listings.** (1) (a) An  
25 employer shall make reasonable efforts to announce, post, or otherwise  
26 make known ~~all opportunities for promotion~~ EACH JOB OPPORTUNITY AND  
27 PROMOTIONAL OPPORTUNITY to all ~~current~~ employees on the same

1 calendar day and prior to ~~making a promotion decision~~ THE DATE ON  
2 WHICH THE EMPLOYER MAKES A SELECTION DECISION.

3 (b) THE EMPLOYER MUST IN GOOD FAITH DISCLOSE THE FOLLOWING  
4 IN THE NOTIFICATION OF EACH JOB OPPORTUNITY AND PROMOTIONAL  
5 OPPORTUNITY:

6 (I) THE HOURLY OR SALARY COMPENSATION OR THE RANGE OF THE  
7 HOURLY OR SALARY COMPENSATION;

8 (II) A GENERAL DESCRIPTION OF THE BENEFITS AND OTHER  
9 COMPENSATION APPLICABLE TO THE JOB OPPORTUNITY OR PROMOTIONAL  
10 OPPORTUNITY; AND

11 (III) FOR EACH JOB OPPORTUNITY OR PROMOTIONAL OPPORTUNITY  
12 FOR WHICH THE EMPLOYER IS INTERVIEWING CANDIDATES OR IS EITHER  
13 INFORMALLY OR FORMALLY CONSIDERING MORE THAN ONE CANDIDATE,  
14 THE EARLIEST DATE THE APPLICATION WINDOW WILL CLOSE, WHICH SHALL  
15 NOT BE LESS THAN FIVE BUSINESS DAYS AFTER THE NOTIFICATION DATE.

16 ==  
17 (2) An employer shall ~~disclose in each posting for each job~~  
18 ~~opening the hourly or salary compensation, or a range of the hourly or~~  
19 ~~salary compensation, and a general description of all of the benefits and~~  
20 ~~other compensation to be offered to the hired applicant.~~ MAKE  
21 REASONABLE EFFORTS TO ANNOUNCE, POST, OR OTHERWISE MAKE KNOWN,  
22 WITHIN THIRTY CALENDAR DAYS AFTER A CANDIDATE WHO IS SELECTED  
23 TO FILL A JOB OPPORTUNITY OR PROMOTIONAL OPPORTUNITY BEGINS  
24 WORKING IN THE POSITION, THE FOLLOWING INFORMATION TO, AT A  
25 MINIMUM, THE EMPLOYEES WITH WHOM THE EMPLOYER INTENDS THE  
26 SELECTED CANDIDATE TO WORK WITH REGULARLY:

27 (a) THE NAME OF THE CANDIDATE SELECTED FOR THE JOB

1 OPPORTUNITY OR PROMOTIONAL OPPORTUNITY;

2 (b) THE SELECTED CANDIDATE'S FORMER JOB TITLE IF SELECTED  
3 WHILE ALREADY EMPLOYED BY THE EMPLOYER;

4 (c) THE SELECTED CANDIDATE'S NEW JOB TITLE; AND

5 (d) INFORMATION ON HOW EMPLOYEES MAY DEMONSTRATE  
6 INTEREST IN SIMILAR JOB OPPORTUNITIES AND PROMOTIONAL  
7 OPPORTUNITIES IN THE FUTURE, INCLUDING IDENTIFYING INDIVIDUALS OR  
8 DEPARTMENTS TO WHOM THE EMPLOYEES CAN EXPRESS INTEREST IN  
9 SIMILAR JOB OPPORTUNITIES OR PROMOTIONAL OPPORTUNITIES.

10 (3) FOR POSITIONS WITH CAREER PROGRESSION, AN EMPLOYER  
11 SHALL DISCLOSE AND MAKE AVAILABLE TO ALL ELIGIBLE EMPLOYEES THE  
12 REQUIREMENTS FOR CAREER PROGRESSION, IN ADDITION TO EACH  
13 POSITION'S TERMS OF COMPENSATION, BENEFITS, FULL-TIME OR PART-TIME  
14 STATUS, DUTIES, AND ACCESS TO FURTHER ADVANCEMENT.

15 (4) NOTHING IN THIS SECTION REQUIRES AN EMPLOYER TO  
16 IDENTIFY A SELECTED CANDIDATE FOR A JOB OPPORTUNITY OR  
17 PROMOTIONAL OPPORTUNITY IN ANY MANNER THAT VIOLATES THE  
18 CANDIDATE'S PRIVACY RIGHTS UNDER APPLICABLE LOCAL, STATE, OR  
19 FEDERAL LAW OR IN A MANNER THAT WOULD PLACE AT RISK THE  
20 SELECTED CANDIDATE'S HEALTH OR SAFETY.

21 **SECTION 4. Appropriation. (1) For the 2023-24 state fiscal**  
22 **year, \$292,590 is appropriated to the department of labor and**  
23 **employment. This appropriation is from the general fund. To implement**  
24 **this act, the department may use this appropriation as follows:**

25 (a) **\$250,294 for use by division of labor standards and statistics**  
26 **for program costs related to labor standards, which amount is based on an**  
27 **assumption that the department will require an additional 2.1 FTE; and**

1           (b) \$42,296 for the purchase of legal services.

2           (2) For the 2023-24 state fiscal year, \$42,296 is appropriated to  
3 the department of law. This appropriation is from reappropriated funds  
4 received from the department of labor and employment under subsection  
5 (1)(b) of this section and is based on an assumption that the department  
6 of law will require an additional 0.2 FTE. To implement this act, the  
7 department of law may use this appropriation to provide legal services for  
8 the department of labor and employment.

9           (3) For the 2023-24 state fiscal year, \$119,848 is appropriated to  
10 the department of personnel for use by the division of human resources.  
11 This appropriation is from the general fund. To implement this act, the  
12 department may use this appropriation as follows:

13           (a) \$97,813 for personal services related to state agency services,  
14 which amount is based on an assumption that the department will require  
15 an additional 1.2 FTE; and

16           (b) \$22,035 for operating expenses related to state agency  
17 services.

18           **SECTION 5. Act subject to petition - effective date -**  
19 **applicability.** (1) This act takes effect January 1, 2024; except that, if a  
20 referendum petition is filed pursuant to section 1 (3) of article V of the  
21 state constitution against this act or an item, section, or part of this act  
22 within the ninety-day period after final adjournment of the general  
23 assembly, then the act, item, section, or part will not take effect unless  
24 approved by the people at the general election to be held in November  
25 2024 and, in such case, will take effect on the date of the official  
26 declaration of the vote thereon by the governor.

27           (2) Section 8-5-201, Colorado Revised Statutes, as amended in

1 section 3 of this act, applies to promotions, career progressions, and  
2 career developments that take place on or after the applicable effective  
3 date of this act.