

# Equal Pay for Equal Work Act

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# What is the Equal Pay for Equal Work Act (EPEWA)?

- **Colorado's Equal Pay for Equal Work Act** amends existing law and provides new wage discrimination protections to prevent pay disparities.
- The intent of the legislation is to close the pay gap in Colorado and ensure that employees with similar job duties are paid the same wage rate regardless of sex or sex in combination with another protected identity status.
  - Sex includes gender identity.





# What Does This Mean for CSU?

- EPEWA went into effect January 1, 2021
- The Office of Equal Opportunity and Human Resources Department are working to effectuate the required **changes to ensure CSU's compliance**



# Equal Pay for Equal Work Act Requirements



## Pay Transparency

- Cannot ask for previous salary
- Employees may discuss their salary



## Opportunities for Promotion

- All vacant or new positions must be posted



## Salary and Benefits on Postings

- A salary range must be listed
- Applicable benefits must be listed

# Equal Pay for Equal Work Act Requirements



## Pay Transparency

- Cannot ask for previous salary
- Employees may discuss their salary

Prohibits employers from asking job candidates about their previous compensation levels.

What does this mean for CSU?

Supervisors and hiring authorities may not ask candidates in any manner about current or past salaries. They may ask a candidate what their salary expectation is for the position for which they have applied.



# Equal Pay for Equal Work Act Requirements



## Opportunities for Promotion

- All vacant or new positions must be posted

Requires employers to announce and make known opportunities for promotion to all current employees prior to making a promotion decision.

What does this mean for CSU?

CSU will post job openings internally ([jobs.colostate.edu](http://jobs.colostate.edu)) for at least one day (24 hours) before making an internal hire or promoting an employee.

# What is a “Promotion”?



EPEWA Definition:

A “**promotional opportunity**” exists when an employer has or anticipates a vacancy in an existing or new position that could be considered a promotion for one or more employee(s) in terms of compensation, benefits, status, duties, or access to further advancement.

Temporary, acting or interim hires of six months or less do not have to be posted. If the job is to become permanent, it must be posted and treated like a promotion opportunity.

# What is a "Promotion"?

## Non-Student Hourly



Non-Student Hourly roles require a job announcement/posting

- 1 day minimum
- A salary range is required
- New Talent Management System workflow
- Late January go-live with training



# What is a “Vacancy”?



Vacancy in an Existing Position: An employer “has or anticipates a vacancy” when an existing position that the employer intends to fill is open or is held by a departing employee. For example, an employer “anticipates a vacancy” when an employee gives notice of resignation, and the employer intends to hire a replacement.

Vacancy in a New Position: A vacancy in a new position exists when an employer: (1) adds a position; or (2) gives an existing employee a new position, including by changing their title, and/or materially changing their authority, duties, or opportunities, but not merely by changing their pay or by adding to their title an externally obtained degree or certification such as “CPA” or “LCSW.” A vacancy in a new position thus includes a lateral job change, or a promotion along a fixed, in-line career trajectory, for which a current employee is eligible.

# Equal Pay for Equal Work Act Requirements



## Salary and Benefits on Postings

- A salary range must be listed
- Applicable benefits must be listed

An appropriate salary range as well as a general description of benefits must be included in each job posting for a job opening.

What does this mean for CSU?

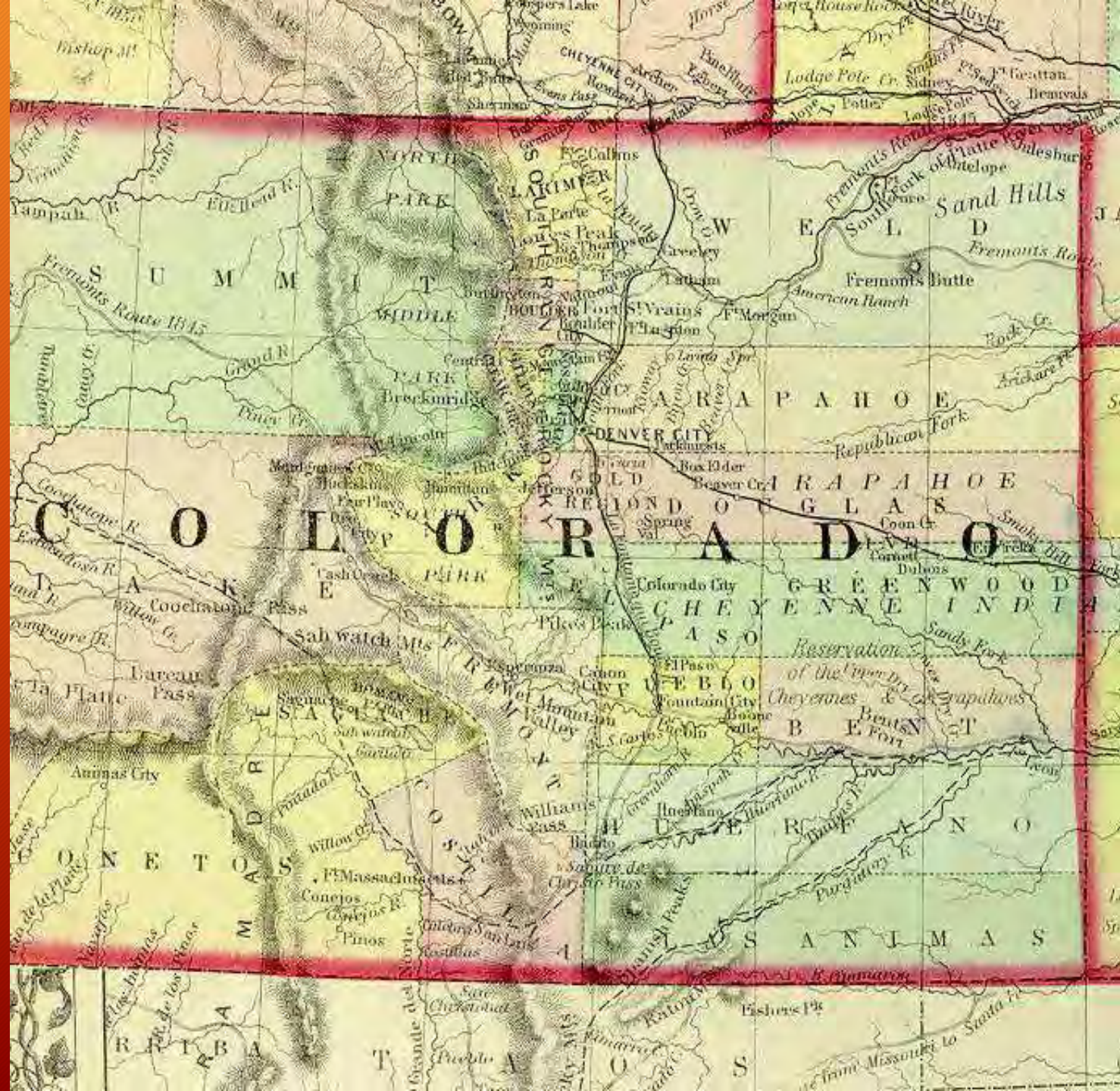
A salary range is required for all job postings; a set salary figure is not acceptable. Benefits will be automatically noted in the TMS for each job opening.



# Exception to Promotional Opportunity Posting Requirement

## Geographic limits

- Promotion posting requirements do not apply to employees entirely outside of Colorado.
- Salary range and description of benefits do not apply for jobs to be performed entirely outside of Colorado.

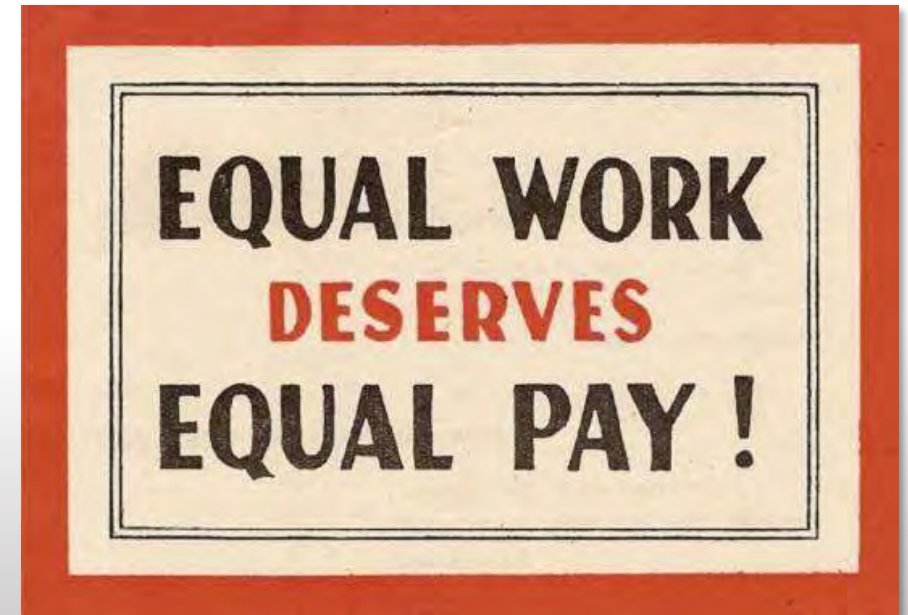




# Actions an Employee May Take Under the EPEWA

## Wage Discrimination

- File a civil action in civil court.
- File a charge with the Colorado Civil Rights Division.
- An employer may have a defense if the employer may demonstrate they have completed a thorough and comprehensive pay equity analysis with the specific goal of identifying and remedying unlawful pay disparities.



# Actions an Employee May Take Under the EPEWA

## Wage Discrimination

- CSU conducts an annual salary equity analysis for academic faculty, administrative professional and state classified employees.
- No discrepancy is acceptable.
- Differences in salary may be acceptable if based on a seniority system, a merit system, systems that measure earnings by quantity or quality of work, geographic location, education, training, experience, or required travel.



# Actions an Employee May Take Under the EPEWA



## Announcement of Promotion Opportunity and Salary Range plus Benefits

- File a written complaint with the Division of Labor Standards and Statistics in the Colorado Department of Labor and Employment within one year after the date that the person learned of a violation in connection with a promotion opportunity or a job posting failing to include a salary range and general description of benefits.
- Fines may be imposed between \$500 and \$10,000 for each violation.



# Remedies Under the EPEWA

## Legal and Equitable Relief



Employment  
Reinstatement  
Promotion



Pay Increase  
Payment of Lost  
Wages  
Liquidated Damages



**Employee's**  
Reasonable Costs  
(Including Attorney  
Fees)

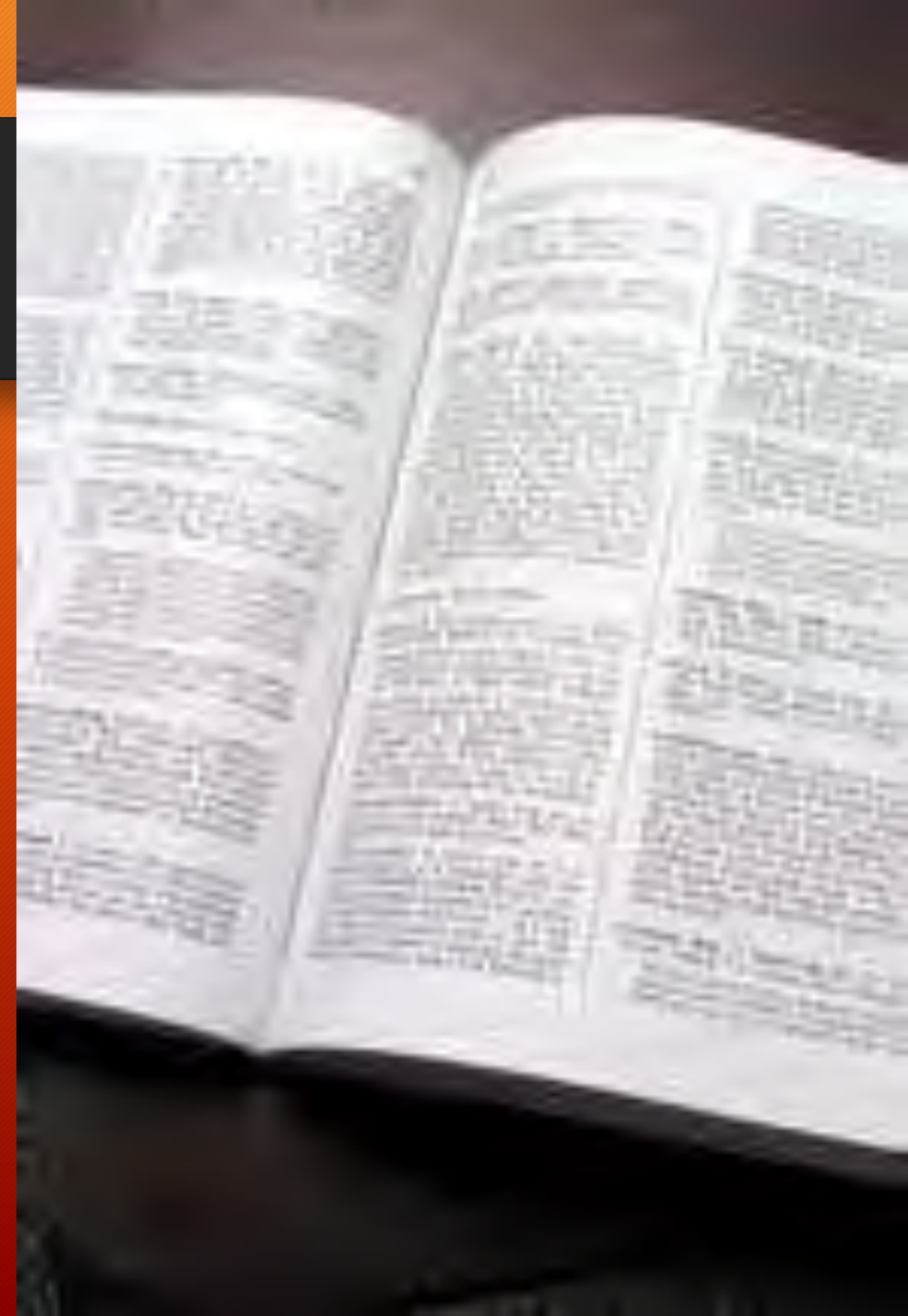
# Additional Definitions Under the EPEWA

## Employee

- A person employed by an employer.
- All employees at CSU are covered, including students.

## Employer

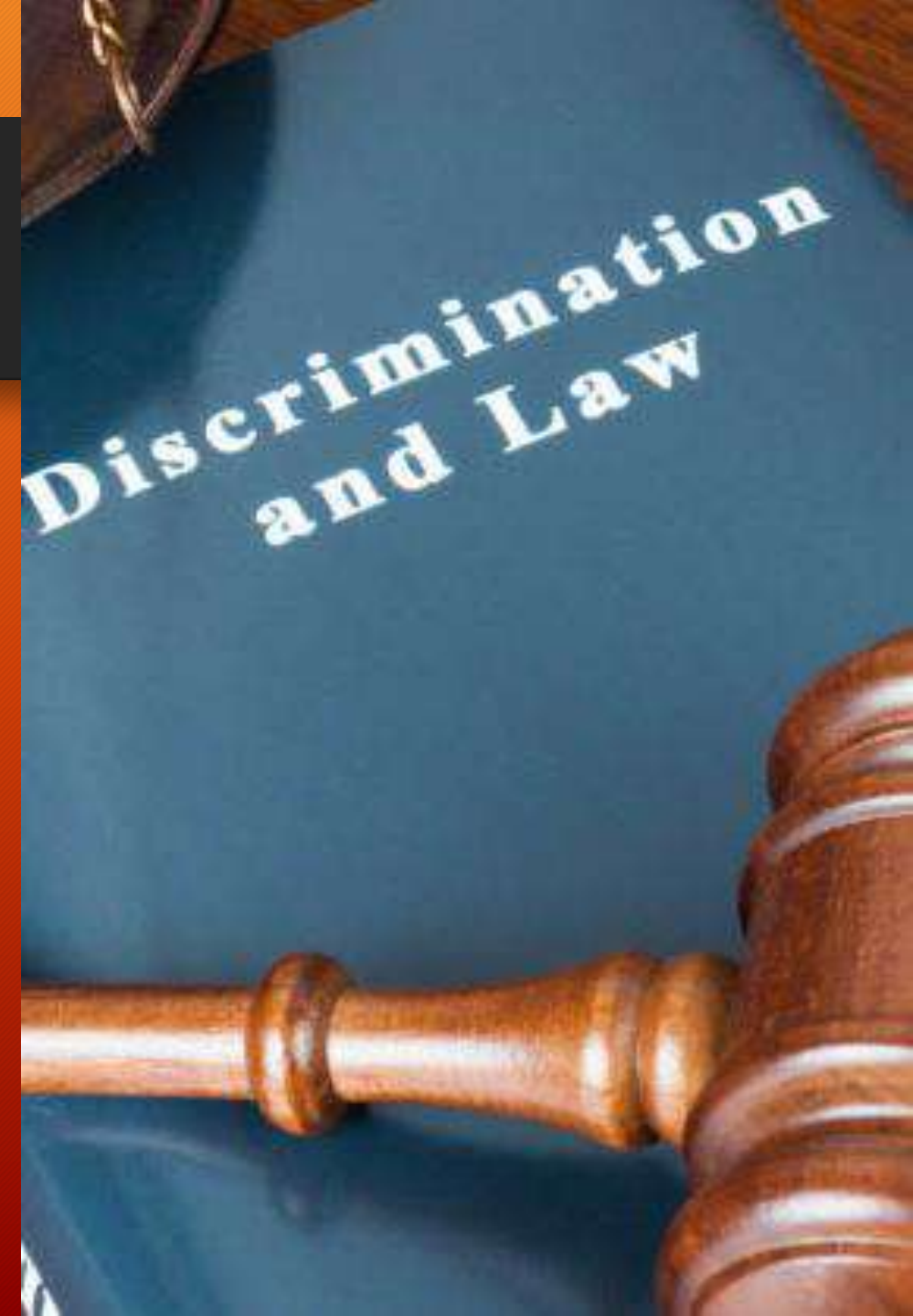
- The state or any political subdivision, commission, department, institution or school district thereof, and every other person employing a person in the state.



# What is the CROWN Act?

Creating a Respectful and Open World for Natural Hair Act of 2020 (CROWN)

- HB20-148, Race Trait Hairstyle Anti-discrimination Protect, Creating a Respectful and Open World for Natural Hair (CROWN) Act of 2020
  - Incorporating in the definition of race hair texture, hair type or a protective hairstyle that is commonly or historically associated with race.
  - Protective hairstyle includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu nots, afros and headwraps.





- Colorado Equal Pay for Equal Work Act:  
[https://leg.colorado.gov/sites/default/files/2019a\\_085\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2019a_085_signed.pdf)
- Colorado Department of Labor and Employment guidance:
  - [https://cdle.colorado.gov/sites/cdle/files/7%20CCR%201103-13%20Equal%20Pay%20Transparency%20Rules%20ADOPTED%20%28Clean%29\\_0.pdf](https://cdle.colorado.gov/sites/cdle/files/7%20CCR%201103-13%20Equal%20Pay%20Transparency%20Rules%20ADOPTED%20%28Clean%29_0.pdf)
  - [https://cdle.colorado.gov/sites/cdle/files/INFO%20%239\\_%20Equal%20Pay%20Transparency%20Rules%20%282021%29.pdf](https://cdle.colorado.gov/sites/cdle/files/INFO%20%239_%20Equal%20Pay%20Transparency%20Rules%20%282021%29.pdf)
- **How to log into the internal job board, a guide available on OEO's website:**  
<https://oeo.colostate.edu/media/sites/160/2021/01/How-to-View-Internal-Job-Board.pdf>
- CROWN Act: [https://leg.colorado.gov/sites/default/files/2020a\\_1048\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2020a_1048_signed.pdf)

## Resources

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Questions?