



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 18-1377**

**FISCAL NOTE**

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**Drafting Number:** LLS 18-0618      **Date:** April 12, 2018  
**Prime Sponsors:** Rep. Coleman; Pettersen      **Bill Status:** House Finance  
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**Bill Topic:** PROHIBIT SEEKING SALARY INFO JOB APPLICANT

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**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure ( <i>minimal</i> )	<input checked="" type="checkbox"/> Local Government ( <i>minimal</i> )
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill makes it a discriminatory or unfair employment practice for an employer to seek salary history information except in certain circumstances. It may increase state and local expenditures and workload on an ongoing basis.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** The fiscal note reflects the introduced bill.

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**Summary of Legislation**

This bill makes it a discriminatory or unfair employment practice for an employer to seek salary history information, including information about prior compensation and benefits, from an applicant for employment unless an employer has provided a salary range for the open position or the applicant voluntarily agreed to discuss his or her salary with the employer.

**State Expenditures**

The bill may increase workload for several state agencies beginning in FY 2018-19. Overall, these increases are assumed to be minimal and will not require an adjustment in appropriations. Additionally, the bill may affect the salaries paid by state agencies to employees hired after the bill is adopted. To the extent that an employer would have determined a new employee's salary based on the salary history he or she provided in a job application, and this salary would have been less than the amount the employer chooses to award without salary information history, there may be an increase in employment costs. These amounts are not estimated.

**Department of Regulatory Agencies.** Employment discrimination cases investigated by the Civil Rights Division within the Department of Regulatory Agencies are routinely filed under multiple bases of complaint. The division is not anticipated to investigate any cases based solely on a complaint related to a potential employer seeking salary history information from an applicant for employment. Additionally, adding another basis of complaint to a case, such as a potential employer seeking salary information from an applicant, is not anticipated to create any meaningful case activity for the division and can be addressed within existing appropriations.

**Judicial Department.** To the extent that an individual asserts violations under House Bill 18-1377, workload for trial courts will increase. Any increase can be addressed within existing appropriations.

**Department of Labor and Employment (CDLE).** The CDLE may experience an increase in unfair employment practice complaints and questions from employers about their responsibilities under the bill. Any increase can be addressed within existing appropriations.

**Department of Personnel and Administration (DPA).** The DPA may experience an increase in workload associated with assisting state agencies in modifying existing employment application forms. Any increase can be addressed within existing appropriations.

## Local Government Impact

Similar to the state, local governments may experience an increase in workload associated with modifying existing employment application forms and training employers about the new addition to the list of unfair employment practices in the state. Additionally, the bill may affect the salaries paid by local governments to employees hired after the bill is adopted.

## Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

## State and Local Government Contacts

Information Technology  
Personnel

Labor  
Regulatory Agencies

Law