

**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.**

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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 these authorizations to requirements.

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.*

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  
16 VACANCY FOR WHICH THE EMPLOYER IS CONSIDERING A CANDIDATE OR

1 CANDIDATES OR INTERVIEWING A CANDIDATE OR CANDIDATES OR THAT  
2 THE EMPLOYER EXTERNALLY POSTS.

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

5 (7.5) (a) "PROMOTIONAL OPPORTUNITY" MEANS A CURRENT OR  
6 ANTICIPATED VACANCY THAT COULD BE CONSIDERED A PROMOTION FOR  
7 ONE OR MORE EMPLOYEES IN TERMS OF COMPENSATION, BENEFITS,  
8 FULL-TIME OR PART-TIME STATUS, DUTIES, OR ACCESS TO FURTHER  
9 ADVANCEMENT.

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

12 (8.5) "VACANCY" MEANS AN OPEN POSITION, WHETHER AS A  
13 RESULT OF A NEWLY CREATED POSITION OR A VACATED POSITION.

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

16 **8-5-103. Enforcement - rules - complaints.** (1) (a) The director  
17 ~~is authorized to~~ SHALL:

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

22 (II) INVESTIGATE COMPLAINTS OR OTHER LEADS CONCERNING  
23 EMPLOYER VIOLATIONS OF SECTION 8-5-102, EXCEPT IF THE COMPLAINT  
24 CONCERNS THE STATE OF COLORADO AS THE EMPLOYER, THAT, IN THE  
25 DIRECTOR'S GOOD FAITH DISCRETION AND JUDGMENT, WARRANT  
26 INVESTIGATION;

27 (III) UPON FINDING OF A VIOLATION OF SECTION 8-5-102, ORDER

1 COMPLIANCE AND RELIEF AS AUTHORIZED BY THIS PART 1; AND

2 (IV) PROMULGATE RULES TO ENFORCE THIS ARTICLE 5.

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

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

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

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

18 **8-5-201. Employment opportunities - opportunities for**  
19 **promotion or advancement - pay rates in job listings.** (1) (a) An  
20 employer shall make reasonable efforts to announce, post, or otherwise  
21 make known ~~all opportunities for promotion~~ EACH JOB OPPORTUNITY AND  
22 PROMOTIONAL OPPORTUNITY to all ~~current~~ employees on the same  
23 calendar day and prior to ~~making a promotion decision~~ THE DATE ON  
24 WHICH THE EMPLOYER MAKES A SELECTION DECISION.

25 (b) THE EMPLOYER MUST IN GOOD FAITH DISCLOSE THE FOLLOWING  
26 IN THE NOTIFICATION OF EACH JOB OPPORTUNITY AND PROMOTIONAL  
27 OPPORTUNITY:

1 (I) THE HOURLY OR SALARY COMPENSATION OR THE RANGE OF THE  
2 HOURLY OR SALARY COMPENSATION;

3 (II) A GENERAL DESCRIPTION OF THE BENEFITS AND OTHER  
4 COMPENSATION APPLICABLE TO THE JOB OPPORTUNITY OR PROMOTIONAL  
5 OPPORTUNITY; AND

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

11 ==  
12 (2) An employer shall ~~disclose in each posting for each job~~  
13 ~~opening the hourly or salary compensation, or a range of the hourly or~~  
14 ~~salary compensation, and a general description of all of the benefits and~~  
15 ~~other compensation to be offered to the hired applicant.~~ MAKE  
16 REASONABLE EFFORTS TO ANNOUNCE, POST, OR OTHERWISE MAKE KNOWN,  
17 WITHIN THIRTY CALENDAR DAYS AFTER A CANDIDATE WHO IS SELECTED  
18 TO FILL A JOB OPPORTUNITY OR PROMOTIONAL OPPORTUNITY BEGINS  
19 WORKING IN THE POSITION, THE FOLLOWING INFORMATION TO, AT A  
20 MINIMUM, THE EMPLOYEES WITH WHOM THE EMPLOYER INTENDS THE  
21 SELECTED CANDIDATE TO WORK WITH REGULARLY:

22 (a) THE NAME OF THE CANDIDATE SELECTED FOR THE JOB  
23 OPPORTUNITY OR PROMOTIONAL OPPORTUNITY;

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

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

27 (d) INFORMATION ON HOW EMPLOYEES MAY DEMONSTRATE

1 INTEREST IN SIMILAR JOB OPPORTUNITIES AND PROMOTIONAL  
2 OPPORTUNITIES IN THE FUTURE, INCLUDING IDENTIFYING INDIVIDUALS OR  
3 DEPARTMENTS TO WHOM THE EMPLOYEES CAN EXPRESS INTEREST IN  
4 SIMILAR JOB OPPORTUNITIES OR PROMOTIONAL OPPORTUNITIES.

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

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

16 **SECTION 4. Act subject to petition - effective date -**  
17 **applicability.** (1) This act takes effect January 1, 2024; except that, if a  
18 referendum petition is filed pursuant to section 1 (3) of article V of the  
19 state constitution against this act or an item, section, or part of this act  
20 within the ninety-day period after final adjournment of the general  
21 assembly, then the act, item, section, or part will not take effect unless  
22 approved by the people at the general election to be held in November  
23 2024 and, in such case, will take effect on the date of the official  
24 declaration of the vote thereon by the governor.

25 (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.