

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 17, 2019

Committee on Business Affairs & Labor.

After consideration on the merits, the Committee recommends the following:

SB19-085 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, page 7, line 3, strike "A" and substitute "THE
- 2 DIRECTOR IS AUTHORIZED TO CREATE AND ADMINISTER A PROCESS TO
- 3 ACCEPT AND MEDIATE COMPLAINTS AND TO PROVIDE LEGAL RESOURCES
- 4 CONCERNING ALLEGED VIOLATIONS OF SECTION 8-5-102, AND TO
- 5 PROMULGATE RULES AS NECESSARY FOR THIS PURPOSE. THE PROCESS
- 6 CREATED AND ADMINISTERED BY THE DIRECTOR DOES NOT AFFECT OR
- 7 PREVENT THE RIGHT OF AN AGGRIEVED PERSON FROM COMMENCING A
- 8 CIVIL ACTION PURSUANT TO SUBSECTION (2) OF THIS SECTION.
- 9 (2) A".
- 10 Renumber succeeding subsections accordingly.
- 11 Page 7, line 26, after "(1)" insert "(a)".
- 12 Page 8, line 15, strike "DAMAGES. IF" and substitute "DAMAGES, EXCEPT
- 13 AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION.
- 14 (b) (I) IF".
- 15 Page 8, after line 19 insert:
- 16 "(II) IN DETERMINING WHETHER THE EMPLOYER'S VIOLATION WAS
- 17 IN GOOD FAITH, THE FACT FINDER MAY CONSIDER EVIDENCE THAT WITHIN
- 18 TWO YEARS PRIOR TO THE DATE OF THE COMMENCEMENT OF A CIVIL
- 19 ACTION PURSUANT TO SECTION 8-5-103, THE EMPLOYER COMPLETED A

1 THOROUGH AND COMPREHENSIVE PAY AUDIT OF ITS WORKFORCE, WITH
2 THE SPECIFIC GOAL OF IDENTIFYING AND REMEDYING UNLAWFUL PAY
3 DISPARITIES."

4 Page 9, strike lines 20 through 23 and substitute:

5 "(2) AN EMPLOYER SHALL DISCLOSE IN EACH POSTING FOR EACH
6 JOB OPENING THE HOURLY OR SALARY COMPENSATION, OR A RANGE OF
7 THE HOURLY OR SALARY COMPENSATION, AND A GENERAL DESCRIPTION OF
8 ALL OF THE BENEFITS TO BE OFFERED TO THE HIRED APPLICANT."

9 Page 11, line 2, after "A" insert "REBUTTABLE".

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