

## CHAPTER 266

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**LABOR AND INDUSTRY**

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**HOUSE BILL 10-1417**

BY REPRESENTATIVE(S) Peniston, Casso, Court, Frangas, Gagliardi, Kefalas, Kerr A., Levy, Merrifield, Middleton, Pace, Primavera, Ryden, Schafer S., Todd, Apuan, Ferrandino, Fischer, Hullinghorst, Labuda, Soper;  
also SENATOR(S) Williams, Bacon, Boyd, Carroll M., Foster, Heath, Hudak, Keller, Morse, Newell, Romer, Sandoval, Steadman, Tapia, Tochtrop.

**AN ACT**

**CONCERNING THE CREATION OF THE PAY EQUITY COMMISSION WITHIN THE DEPARTMENT OF LABOR AND EMPLOYMENT.**

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

**SECTION 1.** Article 5 of title 8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**8-5-106. Colorado pay equity commission - creation - duties - cash fund - report - repeal.** (1) (a) THERE IS HEREBY CREATED IN THE OFFICE OF THE EXECUTIVE DIRECTOR IN THE DEPARTMENT OF LABOR AND EMPLOYMENT THE COLORADO PAY EQUITY COMMISSION, REFERRED TO IN THIS SECTION AS THE "COMMISSION". THE COMMISSION CONSISTS OF ELEVEN MEMBERS AS FOLLOWS:

(I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT OR HIS OR HER DESIGNEE;

(II) THE DIRECTOR OF THE CIVIL RIGHTS DIVISION IN THE DEPARTMENT OF REGULATORY AGENCIES OR HIS OR HER DESIGNEE;

(III) ONE MEMBER REPRESENTING HIGHER EDUCATION WHO HAS EXPERTISE IN PAY EQUITY ISSUES, APPOINTED BY THE GOVERNOR;

(IV) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE AS FOLLOWS:

(A) ONE MEMBER REPRESENTING A STATEWIDE LABOR UNION FEDERATION THAT INCLUDES PRIVATE AND PUBLIC SECTOR UNIONS; AND

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(B) ONE MEMBER REPRESENTING A NATIONAL ORGANIZATION THAT SERVES MINORITY COMMUNITIES AND COMMUNITIES OF COLOR;

(V) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS FOLLOWS:

(A) ONE MEMBER OF A WOMEN'S NATIONAL ASSOCIATION OR ORGANIZATION; AND

(B) ONE MEMBER WHO IS AN ATTORNEY WITH EXPERIENCE IN LABOR AND EMPLOYMENT ISSUES, IS AN ACTIVE MEMBER OF A STATEWIDE ASSOCIATION OF ATTORNEYS, AND REPRESENTS EMPLOYEES;

(VI) ONE MEMBER REPRESENTING A BUSINESS ASSOCIATION, APPOINTED BY THE MINORITY LEADER OF THE SENATE;

(VII) ONE MEMBER REPRESENTING A CHAMBER OF COMMERCE OR A CONSORTIUM OF CHAMBERS OF COMMERCE, APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

(VIII) ONE MEMBER WHO IS A PRIVATE, FOR-PROFIT EMPLOYER WITH FEWER THAN FIFTEEN EMPLOYEES, APPOINTED JOINTLY BY THE MINORITY LEADERS OF THE SENATE AND HOUSE OF REPRESENTATIVES; AND

(IX) ONE MEMBER WHO IS A PRIVATE, FOR-PROFIT EMPLOYER WITH FIFTEEN OR MORE EMPLOYEES, APPOINTED JOINTLY AND WITH THE UNANIMOUS CONSENT OF THE PRESIDENT AND MINORITY LEADER OF THE SENATE AND THE SPEAKER AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

(b) (I) THE INITIAL APPOINTMENTS TO THE COMMISSION SHALL BE MADE WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. IF THE APPOINTING AUTHORITY FOR A PARTICULAR POSITION ON THE COMMISSION FAILS TO APPOINT A PERSON TO FILL THE POSITION BY THE NINETIETH DAY AFTER THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSION, BY A MAJORITY VOTE OF THE MEMBERS APPOINTED BY SUCH DATE, SHALL SELECT A QUALIFIED PERSON TO FILL THE POSITION. MEMBERS OF THE COMMISSION SHALL SERVE TWO-YEAR TERMS OF OFFICE, NOT TO EXCEED TWO CONSECUTIVE TERMS OF OFFICE.

(II) UPON THE VACANCY OF A POSITION ON THE COMMISSION, THE APPOINTING AUTHORITY FOR THAT POSITION ON THE COMMISSION SHALL APPOINT A QUALIFIED PERSON TO COMPLETE THE REMAINDER OF THE UNEXPIRED TERM. IF THE APPOINTING AUTHORITY FAILS TO APPOINT A PERSON TO FILL THE VACANCY WITHIN SIXTY DAYS AFTER THE DATE THE VACANCY OCCURS, THE COMMISSION, BY MAJORITY VOTE, SHALL SELECT A QUALIFIED PERSON TO FILL THE VACANCY.

(c) AT ITS FIRST MEETING, THE COMMISSION SHALL ELECT A CHAIR FROM ITS MEMBERSHIP.

(d) THE COMMISSION SHALL CONVENE ITS FIRST MEETING NO LATER THAN SEPTEMBER 1, 2010, AND SHALL MEET QUARTERLY THEREAFTER OR MORE FREQUENTLY, AS NECESSARY, BASED ON THE WORKLOAD OF THE COMMISSION.

(e) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT COMPENSATION AND SHALL NOT BE REIMBURSED FOR ANY EXPENSES THAT THEY INCUR BY SERVING ON THE COMMISSION.

(2) THE DEPARTMENT OF LABOR AND EMPLOYMENT MAY ACCEPT GIFTS, GRANTS, AND DONATIONS ON BEHALF OF THE COMMISSION TO FUND THE COMMISSION'S COSTS. ANY GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE DEPARTMENT FOR THE BENEFIT OF THE COMMISSION SHALL BE DEPOSITED IN THE PAY EQUITY COMMISSION CASH FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. INTEREST EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE DEPOSITED IN THE FUND. MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT TO FUND THE COMMISSION'S COSTS IN COMPLYING WITH THIS SECTION.

(3) THE COMMISSION'S WORK, IN CONJUNCTION WITH THE DEPARTMENT, INCLUDES:

(a) EDUCATING EMPLOYERS IN THE STATE ABOUT ISSUES OR PRACTICES THAT MAY CONTRIBUTE TO PAY INEQUITIES;

(b) WORKING WITH BUSINESS GROUPS AND EDUCATIONAL INSTITUTIONS TO DEVELOP AND MAINTAIN AN INVENTORY OF BEST PRACTICES FOR ENCOURAGING EQUAL PAY;

(c) ENCOURAGING EMPLOYERS TO IMPLEMENT EQUAL PAY BEST PRACTICES;

(d) STUDYING OTHER STATE MODELS OF EQUAL PAY PRACTICES THAT ACHIEVE PAY EQUITY;

(e) DEVELOPING A PROGRAM RECOGNIZING EMPLOYERS WHO PURSUE PAY EQUITY PRACTICES;

(f) CONDUCTING OUTREACH AND EDUCATION TO EMPLOYEES AND EMPLOYERS REGARDING PAY EQUITY; AND

(g) WORKING TO ESTABLISH THE STATE OF COLORADO AS A MODEL EMPLOYER WITH REGARD TO PAY EQUITY.

(4) (a) BY JUNE 30, 2012, AND BY EACH JUNE 30 THROUGH JUNE 30, 2015, THE COMMISSION SHALL SUBMIT A REPORT TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, DETAILING THE WORK OF THE COMMISSION, INCLUDING THE EDUCATION AND OUTREACH THE COMMISSION HAS ENGAGED IN, THE STEPS TAKEN TO ENCOURAGE EMPLOYERS TO IMPLEMENT EQUAL PAY BEST PRACTICES, THE STATUS OF THE INVENTORY OF BEST PRACTICES AND THE RECOGNITION PROGRAM AND WHETHER ANY EMPLOYERS HAVE BEEN RECOGNIZED UNDER THE PROGRAM, ANY FINDINGS THE COMMISSION HAS MADE BASED ON ITS STUDY OF OTHER STATES AND PRACTICES IN THIS STATE, AND ANY OTHER RELEVANT INFORMATION. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL PRESENT THE WRITTEN REPORT TO THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE AND THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES. FOLLOWING PRESENTATION OF THE REPORT TO THE

LEGISLATIVE COMMITTEES, THE DEPARTMENT SHALL POST THE REPORT ON ITS WEB SITE.

(b) THE COMMISSION SHALL INCLUDE, IN THE ANNUAL REPORTS REQUIRED UNDER PARAGRAPH (a) OF THIS SUBSECTION (4), ANY RECOMMENDATIONS SUBMITTED SINCE THE DATE OF THE PRIOR ANNUAL REPORT TO THE EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (5) OF THIS SECTION; EXCEPT THAT THE ANNUAL REPORT REQUIRED TO BE SUBMITTED BY JUNE 30, 2012, SHALL INCLUDE ALL SUCH RECOMMENDATIONS MADE PRIOR TO THAT DATE.

(5) THE COMMISSION MAY SUBMIT TO THE EXECUTIVE DIRECTOR, AT ANY TIME, RECOMMENDATIONS FOR POLICY OR ADMINISTRATIVE CHANGES THAT THE COMMISSION HAS APPROVED BY AT LEAST A TWO-THIRDS VOTE OF ITS MEMBERSHIP.

(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015. PRIOR TO SUCH REPEAL, THE COMMISSION SHALL BE REVIEWED IN ACCORDANCE WITH SECTION 2-3-1203, C.R.S.

**SECTION 2.** 2-3-1203 (3) (bb), Colorado Revised Statutes, is amended to read:

**2-3-1203. Sunset review of advisory committees.** (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(bb) July 1, 2015:

(I) The advisory committee appointed pursuant to section 12-8-108 (2), C.R.S., by the director of the division of registrations in the department of regulatory agencies;

(II) THE COLORADO PAY EQUITY COMMISSION CREATED PURSUANT TO SECTION 8-5-106, C.R.S.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 25, 2010