



Responsible Department: Human Resources & Inclusive Community
Recommended By: Provost and Executive Vice Chancellor, SVC for Operations & Strategy Implementation, and SVC for Business and Financial Affairs
Approved By: Chancellor

Policy Number
HRIC 5.10.030

Effective Date
11/__/2024

I. INTRODUCTION

The Colorado Equal Pay for Equal Work Act ("EPEWA"), C.R.S. § 8-5-101, et. seq., prohibits wage discrimination based on sex or sex in combination with another protected status for substantially similar work. Wage differentiation is allowed when the employer demonstrates that the wage differential is based on specified criteria and that the employer did not engage in other prohibited conduct. The legislative intent is to close the pay gap in Colorado and for employees with similar job duties to be paid the same wage rate regardless of sex or sex in combination with another protected status. The law also strives to improve pay equity by improving pay transparency through requiring employers to post Job Opportunities with specified information prior to making a hiring decision.

II. POLICY OVERVIEW

A. In accordance with the University's Non-Discrimination Statement and the University's Discrimination and Harassment Policy, the University prohibits discrimination and does not discriminate based on a Protected Status in any condition of employment or opportunity because of race, color, national origin (including shared ancestry or ethnic characteristics), ancestry, age, religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy or related conditions, genetic information, military enlistment, or veteran status (each a "Protected Status").

B. To comply with the EPEWA, the University will:

- 1. Communicate Job Opportunities to all current employees on the same day and prior to making a hiring decision;
2. Disclose in postings for Job Opportunities the hourly or salary compensation or range thereof, a general description of all benefits and other compensation offered, and the date the application window is anticipated to close;
3. Keep records of job descriptions and wage rate history for each employee for the duration of their employment plus two (2) years after the end of their employment; and

4. Post an announcement of the name of the candidate selected for the Job Opportunity; the selected candidate's former title if the candidate was employed by the University; the selected candidate's new job title; and information regarding how current University employees may demonstrate interest in similar Job Opportunities.

III. PROCESS OVERVIEW

- A. Prior to making a hiring decision, the University must communicate all Job Opportunities to all current employees on the same day unless one of the limited exceptions identified below and further defined in the EPEWA and/or the implementing rules applies:
 1. Confidentiality -- When there is a compelling need to keep a particular job opening confidential because the incumbent employee is not aware that they will be separated.
 2. Career Progression Promotion or a Career Development Promotion.
 3. Temporary, acting or interim hires -- When a position is filled on a temporary basis for up to nine (9) months where the hiring is not expected to be permanent, such as an acting or interim position, provided that if the hire may become permanent, the position must be posted in time for employees to apply for the permanent position.
- B. Although Job Opportunities must be communicated to all current employees regardless of qualifications, the hiring unit may screen or reject candidates who do not meet the minimum qualifications for the position.
- C. All Job Opportunities must include at least the following information:
 1. Required by the EPEWA and its implementing rules:
 - a. The job title;
 - b. The hourly rate or salary compensation (or a range thereof) that the employer in good faith believes it may pay for the particular job;
 - c. A general description of any bonuses, commission, or other forms of compensation that are being offered for the job;
 - d. A general description of all employment benefits offered for the position, including health care benefits, retirement benefits, any benefits permitting paid days off, and other benefits that must be reported for federal tax purposes, but not benefits in the form of minor perks;
 - e. Means by which individuals may apply for the position; and
 - f. The application deadline.
 2. Required by the University
 - a. Information about the University's mission;
 - b. The University's stated commitment to diversity and inclusion;
 - c. A description of the unit;

- d. Required qualifications; and
- e. Any pre-hiring requirements, such as background checks.

IV. DEFINITIONS

- A. **“Career Progression Promotions”** mean “regular or automatic” promotions “based on time in a specific role or other objective metrics” that employees can satisfy without competition.
- B. **“Career Development Promotions”** mean “to update the employee’s job title or compensate the employee to reflect work performed or contributions already made by the employee.” This exception recognizes that there’s no competitive “job opportunity” to post if an employee’s own duties simply grew enough to change their own position.
- C. **“Job Opportunity”** under the EPEWA and its implementing rules means a current or anticipated vacancy for which the University is considering a candidate or candidates or interviewing a candidate or candidates or that the University externally posts. Job Opportunity does not include Career Development or Career Progression.

V. RESOURCES

- A. [Colorado Department of Labor: Equal Pay for Equal Work Act](#)
- B. [Interpretive Notice & Formal Opinion \(“INFO”\) #9A: Transparency in Pay and Opportunities: Equal Pay for Equal Work Act, Part 2 \(updated May 29, 2024\)](#)
- C. [Interpretive Notice and Formal Opinion #8: Equal Pay by Sex: The Colorado Equal Pay for Equal Work Act, Part 1](#)
- D. [Department of Labor and Employment, Division of Labor Standards and Statistics, Equal Pay Transparency Rules, 7 C.C.R. 1103-13.](#)

Purpose	
1/1/2021	<i>Original Policy</i>
11/__/2024	<i>Language to align with the Colorado Ensure Equal Pay for Equal Work Act)</i>