

Colorado Equal Pay Bill Moves Forward...With Amendments

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Colorado's Equal Pay for Equal Work Act ([SB 19-085](#)), [originally introduced on January 17](#), received its first hearing in the Senate Judiciary Committee on February 20, 2019.

Hearings lasted for over four hours and included passionate testimony from members of the civil rights and business communities. After the dust had settled, the Committee adopted a number of employer-friendly changes to the law, including:

1. Adding consideration of shift differential to the definition of *substantially similar* work
2. Including several additional justifications for wage differential, including geographic location, education, training, and travel to the extent that are reasonably related to the work in question
3. Eliminating a *reposting* requirement that would have mandated that if an employer is unable to fill a position at the posted wage rate, it would have to re-publish the job opening at a new rate before hiring for the position
4. Striking a provision that would have presumed bad faith on the part of an employer who did not appropriately maintain employment records and clarified that liquidated damages will not be awarded for good faith violations of the law
5. Limiting back pay to three years
6. Delaying the effective date of the Act until January 1, 2021

Senate Democrats also rejected several amendments, including those that would have removed the employer's new job wage posting requirement, clarified that an applicant may voluntarily disclose prior wages, and changed the Act to more closely mirror federal law by allowing *any factor other than sex* as an acceptable reason for wage differences between men and women.

Looking Ahead

After clearing the [Senate Judiciary Committee](#) on a 3-2 party-line vote, the Colorado Senate Appropriations Committee will review the minimal [fiscal implications](#) of the bill. This will also provide another opportunity for new amendments to be raised and considered.

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