

2019 Colorado Bills to Watch

Tuesday, March 26, 2019

Colorado's 2019 legislative session began on January 4 and concludes May 3, 2019. Several proposed bills may affect employers, including these two:

HB19-1025

HB19-1025 is Colorado's 2019 "Ban the Box" proposal. Formally known as the Colorado Chance to Compete Act, the bill would prohibit employers from stating in job advertisements or on employment applications that a person with a criminal history may not apply for a position. Employers also would be prohibited from inquiring about an applicant's criminal history on an initial employment application form. However, an employer may obtain a job applicant's publicly available criminal background report at any time. The bill contains several exceptions, such as for particular jobs that require criminal background checks or prohibit people with certain criminal histories from holding the position.

Note the bill does not create a private cause of action for a violation of its provisions; rather, the Colorado Department of Labor and Employment would be charged with enforcing the bill's requirements through issuance of warnings and orders of compliance for violations, as well as the imposition of civil penalties for subsequent violations. If enacted, this measure would become effective September 1, 2019, for employers with 11 or more employees, and effective September 1, 2021, for all other employers.

SB19-085

SB19-085 concerns the creation of the "Equal Pay for Equal Work Act" in Colorado and expands current Colorado law prohibiting employers from discriminating in rate of pay based on sex. Significantly, the proposed bill, applicable to all Colorado employers, would create a private right of action in district court. Further, it would prohibit an employer from (1) seeking the wage rate history of a prospective employee, (2) relying on a prior wage rate to determine a wage rate, (3) discriminating or retaliating against prospective employees for failing to disclose their wage rate histories, and (4) discharging or retaliating against employees for asserting their rights under the bill.

Moreover, the bill would require employers to demonstrate that any wage differentials are based on one or more of the following factors:

- a seniority system;
- a merit system;
- a system that measures earnings by quality or quantity of production;
- geographic location;
- relevant education, training or experience; or
- regular and necessary travel.



Article By [Polsinelli PC](#)
[Laura KastetterPolsinelli At Work](#)

[Administrative & Regulatory](#)
[Election Law / Legislative News](#)
[Labor & Employment](#)
[Colorado](#)

Additionally, the bill would require employers to announce promotion opportunities to all employees, as well as the pay range for job openings.

Stay tuned for developments on these and other 2019 Colorado bills that may impact employers.

© Polsinelli PC, Polsinelli LLP in California

Source URL: <https://www.natlawreview.com/article/2019-colorado-bills-to-watch>