



Responsible Department: Human Resources & Inclusive Community

Recommended By: Provost and Executive Vice Chancellor, SVC Business and Financial Affairs and Vice Chancellor of Human Resources

Approved By: Chancellor

Policy Number
HRIC 5.10.030

Effective Date
5/___/2023

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, unless 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 promotional opportunities with specified information prior to making a hiring decision.

II. POLICY OVERVIEW

A. The University prohibits discrimination on the basis of race, color, national origin, ancestry, age (for employment 40 and over), religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, genetic information, military enlistment, or veteran status, and any other class of individuals protected from discrimination under federal, state, or local law, regulation, or ordinance in any of the University's educational programs and activities, and in the employment (including application for employment) and admissions (including application for admission) context, as required by Title IX of the Education Amendments of 1972; Title III of the Americans with Disabilities Act of 1990, as amended in 2008; Section 504 of the Rehabilitation Act of 1973; Title VI and VII of the Civil Rights Act of 1964; the Age Discrimination Act of 1975; the Age Discrimination in Employment Act of 1967; and any other federal, state, and local laws, regulations, or ordinances that prohibit discrimination, harassment, and/or retaliation.

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

1. Communicate job openings and promotional opportunities (collectively "Job Postings") to all current employees on the same day and prior to making a hiring decision;

2. Disclose in Job Postings the hourly or salary compensation or range thereof and a general description of all benefits and other compensation offered; and
3. Keep records of job descriptions and wage rate history for each employee for the duration of their employment plus two years after the end of their employment.

III. PROCESS OVERVIEW

- A. Prior to making a hiring decision, the University must communicate all Job Postings to all current employees on the same day unless one of the limited exceptions specified in 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. Automatic promotion -- When an employee is hired with a written representation (through an offer letter, agreement, or a published policy) that the University will automatically consider the employee for a promotion to a specific position within one year of being hired based solely on the employee's performance and/or the University's needs.
 3. Temporary, acting or interim hires -- When a position is filled on a temporary basis for up to six (6) 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 Postings 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 Postings must include at least the following information:
 1. Required by the EPEWA and its implementing rules:
 - a. The job title;
 - b. Means by which individuals may apply for the position;
 - c. The hourly rate or salary compensation (or a range thereof) that the employer in good faith believes it may pay for the particular job;
 - d. A general description of any bonuses, commission, or other forms of compensation that are being offered for the job;
 - e. 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.
 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 and preferred qualifications; and
- e. Any pre-hiring requirements, such as background checks.

IV. DEFINITIONS

- A. **“Promotional Opportunity”** under the Act and its implementing rules means when the University has or anticipates a vacancy in an existing or new position that could be considered a promotion for one or more employee(s) in terms of compensation, benefits, status, duties, or access to further advancement.

V. RESOURCES

- A. [Department of Labor and Employment, Division of Labor Standards and Statistics, Equal Pay Transparency Rules, 7 C.C.R. 1103-13.](#)
- B. [Interpretive Notice & Formal Opinion \(“INFO”\) #9: Equal Pay for Equal Work Act, Part 2: Transparency in Pay and Opportunities for Promotion and Advancement](#) (updated September 6, 2022).
- C. [Equal Pay for Equal Work Act Pay Equity Study and Related FAQ’s](#)
- D. Human Resources & Inclusive Community Equal Pay for Equal Work Act Resources and Procedures
- E. [Staff Hiring Guide](#)

Purpose	
1/1/2021	Original Policy
5/__/2023	