

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0878.01 Kristen Forrestal x4217

SENATE BILL 16-096

SENATE SPONSORSHIP

Heath, Newell, Todd, Aguilar, Carroll, Donovan, Garcia, Guzman, Hodge, Jahn, Johnston, Jones, Kefalas, Kerr, Merrifield, Steadman, Ulibarri

HOUSE SPONSORSHIP

(None),

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING THE RECREATION OF THE PAY EQUITY COMMISSION
102 WITHIN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

On July 1, 2015, the statutes creating the pay equity commission (commission) expired in accordance with an automatic self-repeal clause. The bill reestablishes the commission within the Colorado department of labor and employment (department). The appointing authorities are to appoint 11 members to the commission within 90 days after May 25, 2016, with representatives of large and small private, for-profit

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

employers, a women's national association, a labor organization, a statewide association of attorneys, higher education, the department, the civil rights division in the department of regulatory agencies, a national organization that serves minority communities and communities of color, and a business association.

The commission is charged with the following tasks:

- ! Educating employers in the state about issues or practices that may contribute to pay inequities;
- ! Working with business groups and educational institutions to develop and maintain an inventory of best practices for encouraging equal pay;
- ! Encouraging employers to implement equal pay best practices;
- ! Studying other state models of equal pay practices that achieve pay equity;
- ! Developing a program recognizing employers who pursue pay equity practices;
- ! Conducting outreach and education to employees and employers regarding pay equity; and
- ! Working to establish Colorado as a model employer with regard to pay equity.

The commission is required to submit annual reports to the executive director of the department; the business, labor, and technology committee of the senate; and the business affairs and labor committee of the house of representatives. Each report should detail the work the commission has done. The commission may submit recommendations for policy or administrative changes, upon approval of 2/3 of its members, and any such recommendations shall be included in the commission's annual reports.

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

2 **SECTION 1.** In Colorado Revised Statutes, **recreate and**
3 **reenact, with amendments,** 8-5-106 as follows:

4 **8-5-106. Colorado pay equity commission - creation - duties**
5 **- cash fund - report.** (1) (a) THERE IS HEREBY CREATED IN THE OFFICE OF
6 THE EXECUTIVE DIRECTOR IN THE DEPARTMENT OF LABOR AND
7 EMPLOYMENT THE COLORADO PAY EQUITY COMMISSION, REFERRED TO IN
8 THIS SECTION AS THE "COMMISSION". THE COMMISSION CONSISTS OF

1 ELEVEN MEMBERS AS FOLLOWS:

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

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

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

8 (IV) FOUR MEMBERS APPOINTED BY THE PRESIDENT OF THE
9 SENATE AS FOLLOWS:

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

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

14 (C) ONE MEMBER REPRESENTING A BUSINESS ASSOCIATION; AND

15 (D) ONE MEMBER REPRESENTING A CHAMBER OF COMMERCE OR A
16 CONSORTIUM OF CHAMBERS OF COMMERCE;

17 (V) FOUR MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
18 REPRESENTATIVES AS FOLLOWS:

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

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

24 (C) ONE MEMBER WHO IS A PRIVATE, FOR-PROFIT EMPLOYER WITH
25 FEWER THAN FIFTEEN EMPLOYEES; AND

26 (D) ONE MEMBER WHO IS A PRIVATE, FOR-PROFIT EMPLOYER WITH
27 FIFTEEN OR MORE EMPLOYEES.

1 (b) (I) THE APPOINTING AUTHORITIES SHALL MAKE THE INITIAL
2 APPOINTMENTS TO THE COMMISSION ON OR BEFORE SEPTEMBER 1, 2016.
3 IF THE APPOINTING AUTHORITY FOR A PARTICULAR POSITION ON THE
4 COMMISSION FAILS TO APPOINT A PERSON TO FILL THE POSITION ON OR
5 BEFORE SEPTEMBER 1, 2016, THE COMMISSION, BY A MAJORITY VOTE OF
6 THE MEMBERS APPOINTED BY SUCH DATE, SHALL SELECT A QUALIFIED
7 PERSON TO FILL THE POSITION. MEMBERS OF THE COMMISSION SHALL
8 SERVE TWO-YEAR TERMS OF OFFICE, NOT TO EXCEED TWO CONSECUTIVE
9 TERMS OF OFFICE.

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

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

19 (d) THE COMMISSION SHALL CONVENE ITS FIRST MEETING NO
20 LATER THAN NOVEMBER 1, 2016, AND SHALL MEET QUARTERLY
21 THEREAFTER OR MORE FREQUENTLY, AS NECESSARY, BASED ON THE
22 WORKLOAD OF THE COMMISSION.

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

26 (2) (a) THE COMMISSION MAY SOLICIT AND THE DEPARTMENT OF
27 LABOR AND EMPLOYMENT MAY ACCEPT GIFTS, GRANTS, AND DONATIONS

1 ON BEHALF OF THE COMMISSION TO FUND THE COMMISSION'S COSTS. ANY
2 GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE DEPARTMENT FOR THE
3 BENEFIT OF THE COMMISSION MUST BE DEPOSITED IN THE PAY EQUITY
4 COMMISSION CASH FUND, WHICH FUND IS HEREBY CREATED IN THE STATE
5 TREASURY. INTEREST EARNED ON THE DEPOSIT AND INVESTMENT OF
6 MONEY IN THE FUND MUST BE DEPOSITED IN THE FUND. MONEY IN THE
7 FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT TO FUND THE
8 COMMISSION'S COSTS IN COMPLYING WITH THIS SECTION.

9 (b) IF THE COMMISSION RECEIVES SUFFICIENT FUNDS THROUGH
10 GIFTS, GRANTS, AND DONATIONS, THE COMMISSION MAY EMPLOY OR
11 CONTRACT WITH UP TO ONE FULL-TIME EQUIVALENT EMPLOYEE OR
12 CONTRACTOR TO ASSIST THE COMMISSION IN PERFORMING ITS DUTIES
13 PURSUANT TO THIS SECTION.

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

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

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

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

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

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

27 (f) CONDUCTING OUTREACH AND EDUCATION TO EMPLOYEES AND

1 EMPLOYERS REGARDING PAY EQUITY; AND

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

4 (4) (a) BY JUNE 30, 2018, AND BY EACH JUNE 30 THEREAFTER, THE
5 COMMISSION SHALL SUBMIT A REPORT TO THE EXECUTIVE DIRECTOR OF
6 THE DEPARTMENT, DETAILING THE WORK OF THE COMMISSION, INCLUDING
7 THE EDUCATION AND OUTREACH THE COMMISSION HAS ENGAGED IN, THE
8 STEPS TAKEN TO ENCOURAGE EMPLOYERS TO IMPLEMENT EQUAL PAY BEST
9 PRACTICES, THE STATUS OF THE INVENTORY OF BEST PRACTICES AND THE
10 RECOGNITION PROGRAM AND WHETHER ANY EMPLOYERS HAVE BEEN
11 RECOGNIZED UNDER THE PROGRAM, ANY FINDINGS THE COMMISSION HAS
12 MADE BASED ON ITS STUDY OF OTHER STATES AND PRACTICES IN THIS
13 STATE, AND ANY OTHER RELEVANT INFORMATION. THE COMMISSION
14 SHALL ALSO PRESENT THE WRITTEN REPORT TO THE BUSINESS, LABOR, AND
15 TECHNOLOGY COMMITTEE OF THE SENATE AND THE BUSINESS AFFAIRS AND
16 LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR THEIR
17 SUCCESSOR COMMITTEES. FOLLOWING PRESENTATION OF THE REPORT TO
18 THE LEGISLATIVE COMMITTEES, THE DEPARTMENT SHALL POST THE
19 REPORT ON ITS WEBSITE.

20 (b) THE COMMISSION SHALL INCLUDE, IN THE ANNUAL REPORTS
21 REQUIRED UNDER PARAGRAPH (a) OF THIS SUBSECTION (4), ANY
22 RECOMMENDATIONS SUBMITTED SINCE THE DATE OF THE PRIOR ANNUAL
23 REPORT TO THE EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (5) OF
24 THIS SECTION; EXCEPT THAT THE ANNUAL REPORT REQUIRED TO BE
25 SUBMITTED BY JUNE 30, 2018, MUST INCLUDE ALL THE
26 RECOMMENDATIONS MADE PRIOR TO THAT DATE.

27 (5) THE COMMISSION MAY SUBMIT TO THE EXECUTIVE DIRECTOR,

1 AT ANY TIME, RECOMMENDATIONS FOR POLICY OR ADMINISTRATIVE
2 CHANGES THAT THE COMMISSION HAS APPROVED BY AT LEAST A
3 TWO-THIRDS VOTE OF ITS MEMBERSHIP.

4 **SECTION 2. Effective date.** This act takes effect July 1, 2016.

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