

Colorado Equal Pay for Equal Work Act

FOUR CAMPUSES UNITED
ALL FOUR:**ONE**



University of Colorado

Boulder | Colorado Springs | Denver | Anschutz Medical Campus

CO Equal Pay for Equal Work Act, Effective January 1, 2021

- **Pay same rate for substantially similar work**
 - An employer shall not discriminate between employees on the basis of sex, or on the basis of sex in combination with another protected status, by paying an employee of one sex a wage rate less than the rate paid to an employee of a different sex for substantially similar work, regardless of job title.
- A wage rate differential is permissible if at least one of the following factors accounts for the entire wage rate differential:
 - A seniority system;
 - A merit system;
 - A system that measures earnings by quantity or quality of production;
 - The geographic location where the work is performed;
 - Education, training, or experience to the extent that they are reasonably related to the work in question; or
 - Travel, if the travel is a regular and necessary condition of the work performed

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- **Recordkeeping:** Required to keep records of job descriptions and wage rate history for each employee during employment and for two years after employment ends
- **Notice Requirements:**
 - Job Openings: must disclose in each posting for each job opening the hourly or salary compensation, or a range of the hourly or salary compensation, and a general description of all of the benefits and other compensation to be offered to the hired applicant.
 - Promotional Opportunities: must announce, post, or otherwise make known all opportunities for promotion to all current employees on the same calendar day and prior to making a promotion decision.
- **Pay History Prohibitions:** Impermissible to seek the wage rate history of a prospective employee or rely on the wage rate history of a prospective employee to determine a wage rate
- **Pay Transparency:** Employees are expressly permitted to disclose or discuss their pay
- **Rights of Action:** Employees may go directly to court without pursuing or exhausting an administrative remedy first

Project Approach

- University-wide review since early 2020 led by System Human Resources, DEI Office, and University Counsel in partnership with CU campuses
- Advisory Committee:
 - Made up of faculty and staff across the CU system
- Consultant hired to review and assess CU's compensation policies and practices and to evaluate salaries across positions that perform substantially similar work
- Reviewing Regent Laws and Policies at System level
- Reviewing each campus as separate entity (comparing substantially similar roles within each campus but not across the system)

Project Activities

Activities	Aon	CU
Data Collection & Planning	<ul style="list-style-type: none">▪ Campus orientations▪ Develop data requests	<ul style="list-style-type: none">▪ Provide data and documents
Compensation Review	<ul style="list-style-type: none">▪ Interviews and review policies and practices▪ Review findings and recommendations with CU	<ul style="list-style-type: none">▪ Meetings on compensation policies▪ Feedback on findings and recommendations
Legal Review	<ul style="list-style-type: none">▪ Legal assessment of current practices▪ Provide guidance re state and federal laws	<ul style="list-style-type: none">▪ Feedback on legal findings
Pay Equity Analysis	<ul style="list-style-type: none">▪ Finalize job groups▪ Conduct pay equity analysis▪ Present pay gap analysis findings	<ul style="list-style-type: none">▪ Assist in identifying groups doing similar work▪ Review modeling results and outliers
Presentations & Action Plan	<ul style="list-style-type: none">▪ Present recommendations to leadership and project sponsors	<ul style="list-style-type: none">▪ Review overall recommendations and develop a plan to implement recommended changes

What We Know

- New Requirements:
 - Limits decision making for raises - managers' discretion is not defensible
 - External pay history cannot be a factor for internal pay
 - Transparency in promotions – must be posted
 - Market factors no longer justify pay disparities
 - Job duties are most critical, not titles
- All job descriptions must be up-to-date and use consistent template

What Will Not Change

- We are not anticipating:
 - widespread salary changes
 - reducing or eliminating jobs
 - changes to working titles or job duties

What We Have Done

- HR at front-end of all position and personnel requests
- Developed job families with unique compensation codes
- Created pay ranges for each level within a job family using market data

What We Are Working On

- Reviewing/creating job descriptions for all employees
 - Includes students, temps, and working retirees
- Comparing duties and grouping jobs across all departments
- Slotting positions within compensation structure
- Finalizing job leveling matrix
 - i.e. what are the requirements for a professional vs. senior professional?
- Reviewing current policies and procedures to ensure compliance

What We Recognize

- This is a huge culture shift!
- There are many emotions tied to compensation and classification
- Transparency is key
- EPA Website: <https://www.cu.edu/employee-services/collaborative-hr-services/cu-system-administration/employee-resources/equal-pay>

Thank You!

