

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 10-1005.01 Christy Chase

HOUSE BILL 10-1417

HOUSE SPONSORSHIP

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House Committees

Business Affairs and Labor

Senate Committees

Business, Labor and Technology

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE PAY EQUITY COMMISSION WITHIN**
102 **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>.)

The bill establishes the pay equity commission (commission) within the Colorado department of labor and employment (department). The governor is to appoint 11 members to the commission by August 1, 2010, with representatives of large and small private, for-profit employers, a women's national association, a labor organization, a

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.

SENATE
3rd Reading Unam ended
May 11, 2010

SENATE
2nd Reading Unam ended
May 10, 2010

HOUSE
3rd Reading Unam ended
May 3, 2010

HOUSE
Am ended 2nd Reading
April 30, 2010

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 (annual reports), detailing the work it 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. The commission is subject to sunset review, with the repeal of the commission set for July 1, 2015.

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

2 **SECTION 1.** Article 5 of title 8, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **8-5-106. Colorado pay equity commission - creation - duties**
5 **- cash fund - report - repeal.** (1) (a) THERE IS HEREBY CREATED IN THE
6 OFFICE OF 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) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE
9 AS FOLLOWS:

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

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

14 (V) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
15 REPRESENTATIVES AS FOLLOWS:

16 (A) ONE MEMBER OF A WOMEN'S NATIONAL ASSOCIATION OR
17 ORGANIZATION; AND

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

21 (VI) ONE MEMBER REPRESENTING A BUSINESS ASSOCIATION,
22 APPOINTED BY THE MINORITY LEADER OF THE SENATE;

23 (VII) ONE MEMBER REPRESENTING A CHAMBER OF COMMERCE OR
24 A CONSORTIUM OF CHAMBERS OF COMMERCE, APPOINTED BY THE
25 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

26 (VIII) ONE MEMBER WHO IS A PRIVATE, FOR-PROFIT EMPLOYER
27 WITH FEWER THAN FIFTEEN EMPLOYEES, APPOINTED JOINTLY BY THE

1 MINORITY LEADERS OF THE SENATE AND HOUSE OF REPRESENTATIVES; AND

2 (IX) ONE MEMBER WHO IS A PRIVATE, FOR-PROFIT EMPLOYER WITH
3 FIFTEEN OR MORE EMPLOYEES, APPOINTED JOINTLY AND WITH THE
4 UNANIMOUS CONSENT OF THE PRESIDENT AND MINORITY LEADER OF THE
5 SENATE AND THE SPEAKER AND MINORITY LEADER OF THE HOUSE OF
6 REPRESENTATIVES.

7 (b) (I) THE INITIAL APPOINTMENTS TO THE COMMISSION SHALL BE
8 MADE WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.
9 IF THE APPOINTING AUTHORITY FOR A PARTICULAR POSITION ON THE
10 COMMISSION FAILS TO APPOINT A PERSON TO FILL THE POSITION BY THE
11 NINETIETH DAY AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
12 COMMISSION, BY A MAJORITY VOTE OF THE MEMBERS APPOINTED BY SUCH
13 DATE, SHALL SELECT A QUALIFIED PERSON TO FILL THE POSITION.
14 MEMBERS OF THE COMMISSION SHALL SERVE TWO-YEAR TERMS OF OFFICE,
15 NOT TO EXCEED TWO CONSECUTIVE TERMS OF OFFICE.

16 (II) UPON THE VACANCY OF A POSITION ON THE COMMISSION, THE
17 APPOINTING AUTHORITY FOR THAT POSITION ON THE COMMISSION SHALL
18 APPOINT A QUALIFIED PERSON TO COMPLETE THE REMAINDER OF THE
19 UNEXPIRED TERM. IF THE APPOINTING AUTHORITY FAILS TO APPOINT A
20 PERSON TO FILL THE VACANCY WITHIN SIXTY DAYS AFTER THE DATE THE
21 VACANCY OCCURS, THE COMMISSION, BY MAJORITY VOTE, SHALL SELECT
22 A QUALIFIED PERSON TO FILL THE VACANCY.

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

25 (d) THE COMMISSION SHALL CONVENE ITS FIRST MEETING NO
26 LATER THAN SEPTEMBER 1, 2010, AND SHALL MEET QUARTERLY
27 THEREAFTER OR MORE FREQUENTLY, AS NECESSARY, BASED ON THE

1 WORKLOAD OF THE COMMISSION.

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

5 (2) THE DEPARTMENT OF LABOR AND EMPLOYMENT MAY ACCEPT
6 GIFTS, GRANTS, AND DONATIONS ON BEHALF OF THE COMMISSION TO FUND
7 THE COMMISSION'S COSTS. ANY GIFTS, GRANTS, OR DONATIONS RECEIVED
8 BY THE DEPARTMENT FOR THE BENEFIT OF THE COMMISSION SHALL BE
9 DEPOSITED IN THE PAY EQUITY COMMISSION CASH FUND, WHICH FUND IS
10 HEREBY CREATED IN THE STATE TREASURY. INTEREST EARNED ON THE
11 DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE DEPOSITED
12 IN THE FUND. MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED
13 TO THE DEPARTMENT TO FUND THE COMMISSION'S COSTS IN COMPLYING
14 WITH THIS SECTION.

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

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

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

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

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

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

1 (f) CONDUCTING OUTREACH AND EDUCATION TO EMPLOYEES AND
2 EMPLOYERS REGARDING PAY EQUITY; AND

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

5 (4) (a) BY JUNE 30, 2012, AND BY EACH JUNE 30 THROUGH JUNE
6 30, 2015, THE COMMISSION SHALL SUBMIT A REPORT TO THE EXECUTIVE
7 DIRECTOR OF THE DEPARTMENT, [REDACTED] [REDACTED] [REDACTED] DETAILING THE WORK OF
8 THE COMMISSION, INCLUDING THE EDUCATION AND OUTREACH THE
9 COMMISSION HAS ENGAGED IN, THE STEPS TAKEN TO ENCOURAGE
10 EMPLOYERS TO IMPLEMENT EQUAL PAY BEST PRACTICES, THE STATUS OF
11 THE INVENTORY OF BEST PRACTICES AND THE RECOGNITION PROGRAM AND
12 WHETHER ANY EMPLOYERS HAVE BEEN RECOGNIZED UNDER THE
13 PROGRAM, ANY FINDINGS THE COMMISSION HAS MADE BASED ON ITS
14 STUDY OF OTHER STATES AND PRACTICES IN THIS STATE, AND ANY OTHER
15 RELEVANT INFORMATION. THE EXECUTIVE DIRECTOR OF THE
16 DEPARTMENT SHALL PRESENT THE WRITTEN REPORT TO THE BUSINESS,
17 LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE AND THE BUSINESS
18 AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR
19 THEIR SUCCESSOR COMMITTEES. FOLLOWING PRESENTATION OF THE
20 REPORT TO THE LEGISLATIVE COMMITTEES, THE DEPARTMENT SHALL POST
21 THE REPORT ON ITS WEB SITE.

22 (b) THE COMMISSION SHALL INCLUDE, IN THE ANNUAL REPORTS
23 REQUIRED UNDER PARAGRAPH (a) OF THIS SUBSECTION (4), ANY
24 RECOMMENDATIONS SUBMITTED SINCE THE DATE OF THE PRIOR ANNUAL
25 REPORT TO THE EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (5) OF
26 THIS SECTION; EXCEPT THAT THE ANNUAL REPORT REQUIRED TO BE
27 SUBMITTED BY JUNE 30, 2012, SHALL INCLUDE ALL SUCH

1 RECOMMENDATIONS MADE PRIOR TO THAT DATE.

2 (5) THE COMMISSION MAY SUBMIT TO THE EXECUTIVE DIRECTOR,
3 AT ANY TIME, RECOMMENDATIONS FOR POLICY OR ADMINISTRATIVE
4 CHANGES THAT THE COMMISSION HAS APPROVED BY AT LEAST A
5 TWO-THIRDS VOTE OF ITS MEMBERSHIP.

6 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015. PRIOR TO
7 SUCH REPEAL, THE COMMISSION SHALL BE REVIEWED IN ACCORDANCE
8 WITH SECTION 2-3-1203, C.R.S.

9 **SECTION 2.** 2-3-1203 (3) (bb), Colorado Revised Statutes, is
10 amended to read:

11 **2-3-1203. Sunset review of advisory committees.** (3) The
12 following dates are the dates for which the statutory authorization for the
13 designated advisory committees is scheduled for repeal:

14 (bb) July 1, 2015:

15 (I) The advisory committee appointed pursuant to section
16 12-8-108 (2), C.R.S., by the director of the division of registrations in the
17 department of regulatory agencies;

18 (II) THE COLORADO PAY EQUITY COMMISSION CREATED
19 PURSUANT TO SECTION 8-5-106, C.R.S.

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