

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0161.01 Kristen Forrester x4217

HOUSE BILL 16-1166

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A BILL FOR AN ACT

101 CONCERNING MAKING IT AN UNFAIR EMPLOYMENT PRACTICE FOR AN
102 EMPLOYER TO SEEK SALARY HISTORY ABOUT AN APPLICANT FOR
103 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 makes it an unfair employment practice for an employer to seek salary history information, including compensation and benefits, about an applicant for employment.

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.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) In 1944, the first equal pay bill was introduced in Congress,
5 but it wasn't until 1963 that the Equal Pay Act, outlawing pay
6 discrimination based on gender, became federal law;

7 (b) Despite policies outlawing pay discrimination and creating
8 avenues for women to sue for lost wages, women still take home only
9 about 79 cents for every dollar a man earns;

10 (c) Over the last 10 years, reductions in the wage gaps have
11 slowed and the gender wage gap is not projected to close until 2059;

12 (d) Nationally, on average, a woman who holds a full-time,
13 year-round job is paid \$39,621 per year while a man who holds a
14 full-time, year-round job is paid \$50,383 per year;

15 (e) This means that overall there is a yearly wage gap of \$10,762
16 between full-time working men and women;

17 (f) For women of color, the numbers are even worse, with African
18 American women earning only 60 cents for every dollar a white male
19 earns, and for Latinas that number drops to 55 cents;

20 (g) The disparity has compound effects over a woman's lifetime:
21 Women lose somewhere between \$500,000 and \$1.2 million over the
22 course of a lifetime due to the wage gap;

23 (h) If the wage gap were eliminated, on average, a working
24 woman in the United States would have enough money for approximately
25 83 more weeks of food for her family, more than 7 months of mortgage
26 and utilities payments, or more than 11 months of rent;

27 (i) Equal pay would mean that the poverty rate for working

1 women would be cut in half, lifting almost 3 million women out of
2 poverty, and increased wages would mean \$447.6 billion in additional
3 income circulating in the U.S. economy, a figure that is approximately
4 2.9% of the gross national product.

5 (2) Therefore, it is the intent of the general assembly to pass
6 legislation that helps to prevent pay discrimination at the outset by
7 prohibiting employers from seeking the salary history of, and related
8 information about, any applicant for employment.

9 **SECTION 2.** In Colorado Revised Statutes, 24-34-402, **add** (1)
10 (j) as follows:

11 **24-34-402. Discriminatory or unfair employment practices.**

12 (1) It shall be a discriminatory or unfair employment practice:

13 (j) FOR AN EMPLOYER TO, ORALLY OR IN WRITING, SEEK SALARY
14 HISTORY INFORMATION ABOUT AN APPLICANT FOR EMPLOYMENT. THIS
15 PARAGRAPH (j) DOES NOT APPLY IF THE APPLICANT FOR EMPLOYMENT,
16 WITHOUT SOLICITATION FROM THE EMPLOYER, VOLUNTARILY SUPPLIES
17 SALARY HISTORY INFORMATION TO THE EMPLOYER.

18 **SECTION 3. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2016 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.