



Employer Issues

ISSUE BRIEF | House Bill 23-1192, Senate Bills 23-105 and 23-040

Background

Employer issues encompass a wide range of legal principles and regulations that govern the relationship between employers and employees. These laws are designed to protect the rights and interests of all parties involved. This issue brief describes three of the bills CHA tracked in the 2023 Colorado legislative session relating to employer issues.

HB 23-1192: Additional Protections in Consumer Code

[House Bill \(HB\) 23-1192](#) makes several updates to Colorado antitrust law to strengthen consumer protection laws in the state. Hospitals are subject to state anti-trust law, unless specifically exempted (additional information on new rural hospital exemptions found in CHA's [opportunities issue brief](#)). Among other things, the bill:

- Extends the disaster period during which price gouging is a deceptive trade practice to 180 days after the disaster declaration expires;
- Makes facilitating or aiding another person's anti-trust violation a violation of the act;
- Authorizes the Attorney General (AG) to request discovery from any person who the AG believes may in the future engage in, or has information related to, a violation of the act;
- Authorizes the AG to deem investigative or intelligence records related to the act available for public inspection, but allows the AG to issue public statements;
- Allows for additional remedies to fully compensate injured parties;
- Changes maximum criminal penalty from \$1 million to \$5 million;
- Changes the maximum civil penalty from \$250,000 to \$1 million per violation; and
- Clarifies the statute of limitations for violations and excepts the AG from the statute of limitations.

Timeline

- **June 7:** Effective Date

Additional Resources

- [Final Bill Text](#)
- [Fiscal Note](#)

SB 23-105: Ensure Equal Pay for Equal Work

[Senate Bill \(SB\) 23-105](#) makes several updates in the Colorado statute related to workers' rights, many of which were previously established by the legislature in 2019 through the Equal Pay for Equal Work Act (SB 19-085).

What You Need to Know

SB 23-105 requires the Colorado Department of Labor and Employment (CDLE) to investigate and take enforcement action regarding complaints alleging violations of state pay equity laws and makes updates to job posting and employee notification requirements for employers when hiring.

Investigation and Enforcement Action:

- CDLE must investigate and mediate complaints, follow leads regarding such violations, order compliance and relief upon finding a violation, and promulgate rules to enforce these provisions.
 - CDLE must begin investigating complaints by **Jan. 1, 2024**, and begin mediation of complaints by **July 1, 2024**.
- Extends the maximum period for which a person pursuing a wage discrimination complaint may receive back pay from three years to six years.
- Excludes employees of the State of Colorado from the CDLE investigation process.

Employment Opportunities:

- Employers are currently required to provide notice to all employees about opportunities for promotion and include salary and benefit information when posting a job opening. SB 23-105 requires employers to provide notice to employees for all job opportunities.
 - Notices must include information about salary, wages, benefits and other compensation, and the anticipated date when the application window will close.
- Employers must make reasonable efforts to notify the employees with whom the selected candidate will work with regularly. Such notification must include:
 - The name of the selected candidate;
 - The selected candidate's former job title if previously employed with the employer;
 - The selected candidate's new job title;
 - Information on how employees may demonstrate interest in similar job opportunities in the future; and,
 - Requirements for career progression as well as each position's terms of compensation, benefits, full-time or part-time status, duties, and access to further advancement.

Timeline

- **Jan. 1, 2024:** CDLE must begin investigating complaints
- **July 1, 2024:** CDLE must begin mediating complaints

Additional Resources

- [Final Bill Text](#)
- [Fiscal Note](#)
- [CHA Issue Brief for SB 19-085, Equal Pay for Equal Work Act](#)

SB 23-040: Staffing Agency CAPS Checks

[SB 23-040](#) requires staffing agencies to conduct a Colorado Adult Protective Services data system (CAPS) check for any employee provided who will have contact with at-risk adults starting **Jan. 1, 2024** and to share the results with the employer. Under current law, employers, such as hospitals, hiring an employee to provide care to an at-risk adult must conduct the CAPS check.

Additional Resources

- [Final Bill Text](#)
- [Fiscal Note](#)
- [CAPS Check Unit Webpage](#)