

New Guidance on EPEWA

The Colorado Department of Labor and Employment (CDLE) issued [Interpretive Notice and Formal Opinion #9](#), offering additional guidance on the Equal Pay for Equal Work Act (EPEWA). The EPEWA requires men and women to be paid the same for substantially similar work, requires employers to list salary ranges and benefits in job postings, and give employees notice of promotional opportunities on the same day. The EPEWA went into effect on January 1, 2021. The EPEWA is discussed further in [Technical Update vol. 25 no 1 – Colorado Equal Pay for Equal Work Act is in Effect](#).

COMPENSATION AND BENEFITS TO DISCLOSE

Opinion #9 went over the benefits employers must include in a job posting per the EPEWA. Postings should list health, retirement, paid time off, and any other tax-reportable benefits. Details of health coverage premiums or coverage specifics such as out-of-pocket deductibles need not be given. Employee perks, such as an on-site gym or employee discounts, need not be listed in the posting. The rate or range of compensation, including salary and hourly, piece or day rate compensation, is required. Any bonuses, commissions, or other compensation must also be included in the posting.

EXCEPTIONS AND LIMITATIONS

Employers may hire without having a job posting; however, they must post promotional opportunities for existing employees. The EPEWA posting requirement only applies if the employer chooses to post the job. For electronic postings (e.g., webpages, emails, etc.), employers may include hyperlinks or URLs to the required compensation and benefit information. All links must clearly indicate that they lead to information about salary and benefits. Also, the employer is responsible for ensuring that the links remain functional and the information up-to-date.

Jobs performed entirely outside of Colorado are excluded from the EPEWA even if the job posting is viewable in Colorado. This includes non-Colorado jobs that include modest travel to the state. Remote jobs by a covered employer, meaning any employer with a Colorado employee, are not considered out of state and are not excluded.

Likewise, job postings entirely outside of Colorado are also excluded. For example, a print posting in another state does not need to list compensation and benefits; however, an online version of the same posting accessible to Colorado residents must follow EPEWA guidelines.



WHAT THIS MEANS FOR COUNTIES

Counties should review their job postings to ensure that they comply with the EPEWA. For more detailed information on the new EPEWA guidance, consult [Opinion #9](#). The EPEWA brings numerous changes to how job postings and promotional opportunities are listed. Counties should consult their county attorneys and HR departments for additional details. For more information, contact CTSI at 303 861 0507.