



Senate Judiciary
2.20.2019

Thank you, Mister Chair and members of the committee. My name is Dorothy Jones and I'm here on behalf of the Denver Metro Chamber of Commerce and the Colorado Competitive Council.

Our organizations affirm the principle that women should be paid the same as men for doing the same work. Many of us - and our members - have fought for equitable pay in our own careers, and many more of us have daughters who we want to see paid fairly from the beginning. Our members are already doing this, and if not, they absolutely should be.

Nevertheless, despite our support of the concept, we had some concerns about the mechanics of the bill as introduced. We understand that there are a number of amendments today which will address many of our concerns. For that, I would like to offer our sincere thanks to Senator Danielson especially, as well as to Senator Pettersen, Senator Lee and other sponsors for their commitment to listening to stakeholders and to their patient work in understanding and responding to the business realities we presented.

For instance, one of our primary concerns was the narrow list of exceptions on which a pay disparity might be legitimately based. As introduced, the bill gave no consideration to whether the employee was based in Aspen or La Junta; whether they had 20 years of experience in the industry or just one; or whether they held a bachelor's degree or a PhD in their field.

We are currently gathering legal input as to whether the expanded list of exceptions offered by amendment today is adequate to cover common bona fide factors.

Most employers want to do the right thing, and indeed they are, but they don't want to be the subject of unknown and unnecessary litigation. The amendments we understand will be offered today, to add an administrative remedy to aggrieved employees through the CCRD; the change of recovery and record keeping from 6 to 2 years; the addition of a safe harbor provision to protect employers who have proactively evaluated and adjusted employees' pay; as well as the elimination of liquidated damages in a finding of good faith, are all measures that will bring peace of mind to fair-minded business owners.

We have some lingering concerns over the awkwardness of posting a promotion opportunity to all employees, regardless of whether they're qualified. We look forward to continuing our work on this and other matters with the sponsors as the bill moves forward.

Colorado is on the cusp of passing ground-breaking equal pay legislation that could be the most far-reaching in any state to date. Let's make sure it works for BOTH employers AND employees. We urge an Aye vote on the amendments, and again we thank the sponsors for their diligent and hard work on this important bill.

Thank you.