

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

REREVISED

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

LLS NO. 08-0803.01 Kristen Forrestal

SENATE BILL 08-122

SENATE SPONSORSHIP

Windels,

HOUSE SPONSORSHIP

Carroll T.,

Senate Committees

Business, Labor and Technology

House Committees

Business Affairs and Labor

A BILL FOR AN ACT

101 **CONCERNING THE PROHIBITION OF ACTION AGAINST AN EMPLOYEE**
102 **FOR SHARING WAGE INFORMATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Makes it a discriminatory or unfair labor practice for an employer to discharge, discipline, discriminate against, coerce, intimidate, threaten, or interfere with an employee because the employee inquired about, disclosed, compared, or otherwise discussed wages; to require as a condition of employment nondisclosure by an employee of his or her wages; or to require an employee to sign a waiver denying the employee the right to discuss wages.

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.

HOUSE
3rd Reading Unamended
March 17, 2008

HOUSE
Amended 2nd Reading
March 14, 2008

SENATE
3rd Reading Unamended
February 27, 2008

SENATE
Amended 2nd Reading
February 25, 2008

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

2 **SECTION 1.** 24-34-402 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **24-34-402. Discriminatory or unfair employment practices.**

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

6 (i) UNLESS OTHERWISE PERMITTED BY FEDERAL LAW, FOR AN
7 EMPLOYER TO DISCHARGE, DISCIPLINE, DISCRIMINATE AGAINST, COERCE,
8 INTIMIDATE, THREATEN, OR INTERFERE WITH ANY EMPLOYEE OR OTHER
9 PERSON BECAUSE THE EMPLOYEE INQUIRED ABOUT, DISCLOSED,
10 COMPARED, OR OTHERWISE DISCUSSED THE EMPLOYEE'S WAGES; TO
11 REQUIRE AS A CONDITION OF EMPLOYMENT NONDISCLOSURE BY AN
12 EMPLOYEE OF HIS OR HER WAGES; OR TO REQUIRE AN EMPLOYEE TO SIGN
13 A WAIVER OR OTHER DOCUMENT THAT PURPORTS TO DENY AN EMPLOYEE
14 THE RIGHT TO DISCLOSE HIS OR HER WAGE INFORMATION. THIS
15 PARAGRAPH (i) SHALL NOT APPLY TO EMPLOYERS WHO ARE EXEMPT FROM
16 THE PROVISIONS OF THE "NATIONAL LABOR RELATIONS ACT", 29 U.S.C.
17 SEC. 151 ET SEQ.

18 **SECTION 2. Effective date - applicability.** (1) This act shall
19 take 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 that is
21 allowed for submitting a referendum petition pursuant to article V,
22 section 1 (3) of the state constitution, (August 6, 2008, if adjournment
23 sine die is on May 7, 2008); except that, if a referendum petition is filed
24 against this act or an item, section, or part of this act within such period,
25 then the act, item, section, or part, if approved by the people, shall take
26 effect on the date of the official declaration of the vote thereon by

- 1 proclamation of the governor.
- 2 (2) The provisions of this act shall apply to acts occurring on or
- 3 after the applicable effective date of this act.