

Colorado Significantly Expands Job Posting and Onboarding Notice Requirements

Effective January 1, 2024, Colorado [Senate Bill 23-105](#) (SB 23-105) will amend the state's pay transparency law to significantly expand employers' requirements regarding job postings, promotion notices and other recruitment and onboarding obligations.

Employers Impacted: All provisions cover employers with 15 or more employees performing work in Colorado except for providing notice of remote job opportunities as detailed below.

Effective Date: January 1, 2024.

Suggested Actions:

- Look out for the Colorado Department of Labor and Employment (the "Department") to issue additional rules to clarify some of the law's uncertainties such as which roles the post-hire notifications apply to.
- If you are a multi-state employer, determine whether your company will fulfill the notice requirements for all positions, or (in the event the Department limits the scope) only positions required under the law.
 - Keep in mind that only providing notice for certain roles may provide certain worksite employees with better advancement opportunities and could lead to disparate impact across your organization.
- Consult with legal counsel to determine which positions meet the threshold for "career progression" notification, and which traits within your organization may constitute "career development" for the exception.
- We recommend developing language that can be used consistently to fulfill the notice requirements. Share the language with HR contacts, people leaders and others within your organization who will be responsible for sharing the new hire announcements.

Summary:

Notification to Existing Employees of Job Opportunities

Existing law requires employers to make "reasonable efforts" to announce all promotion opportunities (except those performed and posted entirely outside of Colorado) to all current employees (except those who live and work outside of Colorado) on the same calendar day and prior to making a promotion decision.

- Under SB 23-105, notice to existing employees must be made for **all** job opportunities; not just those considered promotions.
- For employers physically located outside of Colorado with fewer than 15 employees in Colorado, all of whom work remotely, the employer must only provide notice of **remote** job opportunities until **July 1, 2029**.
- The notification must currently include certain compensation and benefits information. SB 23-105 also requires employers to note "the date the application window is anticipated to close."

"Job opportunities" do not include "career development¹" or "career progression²" opportunities.

Notification to Existing Employees When a Candidate is Hired

Within 30 calendar days of a candidate's employment start date, employers must notify the employees the candidate will "regularly" work with of the following:

- The candidate's name and new job title;
- For internal hires, the candidate's former job title;
- How employees can show interest in similar, future job opportunities, including individuals or departments they can contact; and
- For positions with career progression², the:
 - Requirements for career progression; and
 - Information about each position's compensation, benefits, full- or part-time status, duties and access to advancement opportunities.

The law is silent on whether the notice requirement only applies to roles that will be performed in full or in part within Colorado. Employers are not required to identify candidate information that would violate the candidate's right to privacy under applicable laws or risk their health or safety.

As a reminder, the [Regulatory Resources site](#) provides current and past compliance communications on the Federal and State HR Compliance Updates subpage.

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¹ "Career development" means changes to an employee's terms of compensation, benefits, full- or part-time status, duties or access to advancement in order to amend the job title or compensation to reflect work performance or contributions already being performed.

² "Career progression" means a regular or automatic movement from one position to another based on time in a specific role or other objective metrics.

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