



**Colorado
Legislative
Council
Staff**

HB16-1166

**REVISED
FISCAL NOTE**

(replaces fiscal note dated February 8, 2016)

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0161 **Date:** March 29, 2016
Prime Sponsor(s): Rep. Pettersen; Winter **Bill Status:** Senate SVMA
 Sen. Donovan **Fiscal Analyst:** Kori Donaldson (303-866-4976)

BILL TOPIC: PROHIBIT SEEKING SALARY HISTORY FOR JOB APPLICANTS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	Potential increase.	
Appropriation Required: None		
Future Year Impacts: Ongoing potential expenditure increase.		

Summary of Legislation

This bill, *as amended by the House Business Affairs and Labor Committee*, makes it a discriminatory or unfair employment practice for an employer to seek salary history information, including information about prior compensation and benefits, from an applicant for employment unless an employer has provided a salary range for the open position.

State Expenditures

The bill may increase workload for several state agencies beginning in FY 2016-17. Overall these increases are assumed to be minimal and will not require an adjustment in appropriations. Additionally, the bill may affect the salaries paid by state agencies to employees hired after the bill is adopted. To the extent that an employer would have determined a new employee's salary based on the salary history he or she provided in a job application, and this salary would have been less than the amount the employer chooses to award without salary information history, there may be an increase in employment costs. This amount is not estimated.

Department of Regulatory Agencies. Employment discrimination cases investigated by the Civil Rights Division within the Department of Regulatory Agencies (division) are routinely filed under multiple bases of complaint. The division does not anticipate investigating any cases based solely on a complaint related to a potential employer seeking salary history information from an applicant for employment. Additionally, adding another basis of complaint to a case, such as a potential employer seeking salary information from an applicant, is not anticipated to create any meaningful case activity for the division.

Judicial Department. To the extent that an individual asserts violations under HB 16-1166, workload for trial courts will increase.

Colorado Department of Labor and Employment (CDLE). The CDLE may experience an increase in unfair employment practice complaints and questions from employers about their responsibilities under the bill.

Department of Personnel and Administration (DPA). The DPA may experience an increase in workload associated with assisting state agencies in modifying existing employment application forms.

Local Impact

Similar to the state, locals may experience an increase in workload associated with modifying existing employment application forms and training employers about the new addition to the list of unfair employment practices in the state. Additionally, the bill may affect the salaries paid by locals to employees hired after the bill is adopted.

Effective Date

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Judicial Civil

Labors