

# OURERC A LOCAL BUSINESS NEWSLETTER

Powered by Employer's Resources of Colorado

## IN THIS ISSUE

- Retirement Program
- Safety Alert
- Live Webinar Training
- Learn to Lead with Us
- Colorado Paid Sick Leave 2021
- Time Check



**CLOSED: NOVEMBER 26 & 27  
FOR THANKSGIVING**

## LIVE WEBINAR TRAINING

ON NOVEMBER 19TH, BILL CASTREY WILL BE HOSTING A LIVE WEBINAR TRAINING ON BLOODBORNE PATHOGEN: SAFETY & RISKS. FOR MORE INFORMATION EMAIL [WCASTREY@ERCCOLORADO.COM](mailto:WCASTREY@ERCCOLORADO.COM)

## IMPORTANT REMINDER

Almost that time again! **Holiday Savings Account checks will be mailed out November 20.** If an employee has moved and not updated their address with ERC they may not receive their holiday savings checks on time. **Please remind employees to update their addresses.**

If an employee needs to update their address, please have them complete the "Personal Information Change Form" on the ERC Website



## RETIREMENT PROGRAM

Do you have a retirement program for your employees? In not, the auto-IRA program deductions are set to begin mid-year 2021 when the law goes into effect.

In June, the Colorado Secure Savings Program, contained in [Senate Bill 200](#), passed to ensure that workers at businesses with 5 or more employees have access to an Individual Retirement Account (IRA) funded through automatic payroll deductions. Workplaces not currently providing a retirement savings plan will have to offer a new one administered by the Colorado state treasurer under the direction of an advisory board.

Employers with fewer than 5 employees and employers in business for less than 2 years do not have to participate. Employees 18 years and older, who have worked at least 180 days and earn wages that are taxable in Colorado, will be automatically enrolled and will have to opt out if they do not want to participate. The default rate that will be withheld from each paycheck will be 5 percent with an auto escalation each year. Participants will be able to change the percentage withheld after enrolled.

The program will be rolled out in a phased program starting with employers with over 100 employees. However, a company does not have to wait for the program to begin and can start their own IRA program before the law applies to them.

There are many details to the program that the advisory board has yet to develop and/or release, but ERC will continue to monitor the legislation and provide updates when information is available.



## SAFETY ALERT

Safety Alert: Skipping this safety step could cost your serious money.

OSHA is issuing \$175k fine to a company in Indiana for not following proper safety precautions. The Indiana company knowingly bypassed a safety latch on a crane hook and is now in violation of the OSHA rules and regulations. By not properly using this safety latch, it exposes workers to struck-by hazards. The company also failed to; use danger tags to identify threats caused by struck-by hazards from unlabeled controls on a crane, conduct periodic inspections of cranes, conduct crane rope inspections, and get an in-house, fabricated lifting device certified for safe use.

Close to 75% of all stuck-by fatalities involve heavy equipment such as cranes. Be sure to use all safety techniques and stay in compliance. If you have any questions regarding safety, please reach out.

**Your ERC Safety Team is always happy to help and advise.**





## Colorado's New Pay Equity Law 2021

Starting January 1, 2021, Colorado's [Equal Pay for Equal Work Act](#) (SB 19-085) will prohibit all employers from discriminating because of sex (including gender identity) — alone or with another protected status — by paying less for substantially similar work in terms of skill, effort and responsibility. Every employer with any employees in the state will have to comply with the law.

### Highlights of the Act

The law aims to increase pay equity and transparency, imposes new notice and recordkeeping requirements, and encourages companies to regularly self-audit their compensation practices.

### Pay Equity, Transparency Protections

Employees are protected against sex-based pay discrimination for work requiring similar skill, effort and responsibility. However, the law permits pay differences arising from:

- A seniority system
- A merit system
- A system that measures earnings by quantity or quality of production
- The geographic location where the work is performed
- Education, training, or experience reasonably related to the work
- Travel that is a regular and necessary condition of the job

Employers can't prevent employees from discussing their own compensation information with other employees or require employees to sign a waiver preventing them from discussing their compensation. The law also prohibits employers from asking about job candidates' wage history or relying on wage history to determine a wage rate. Employers can't discriminate or retaliate against a prospective employee for failing to disclose wage history.



### Job-Posting Notices and Recordkeeping

New notice requirements will help current and prospective employees learn about job opportunities:

- Employers will have to make reasonable efforts to “announce, post, or make known all opportunities for promotion” to all current employees on the same calendar day.
- Each job-vacancy posting will have to disclose the hourly wage or salary, or the hourly wage or salary range, along with a general description of all benefits and other compensation offered.

Employees can report posting violations to the Colorado Department of Labor and Employment within one year of learning of the violation.

Employers must keep records of job descriptions and wage history for each employee while employed and for two years after termination. Employers could face civil fines of US \$500 to \$10,000 per violation of the job-posting or recordkeeping requirements.

### Enforcement

The Colorado Department of Labor and Employment will enforce the law, investigate complaints and establish a voluntary mediation service. Employees can also pursue private civil actions and recover up to three years of back pay and double damages. Employers can limit liability for damages by showing the act or omission causing the pay violation was made in good faith. In particular, employers that proactively self-evaluate their compensation practices for disparities could use those audits as a partial defense against a pay equity claim.

## TIME CHECK!

Do you have questions about your existing Time Keeping solution with ERC? Would you like to explore how ERC can help with Time Keeping and Compliance? Let our team make your job more time efficient.

Call Darin at 719-448-9009 and schedule an account review, learn about new features and functionality, or even schedule a demo!

