



NOTICE OF PUBLIC HEARING CONCERNING PROPOSED RULES

Notice is hereby given of a public hearing to afford all interested persons an opportunity to be heard prior to adoption of these proposed rules outlined below, under authority granted to the Division of Labor Standards and Statistics by the State Administrative Procedure Act, C.R.S. § 24-4-103, and provisions of C.R.S. §§ 8-1-107(2)(p), 8-1-103(3), 8-1-111, 8-2-126, 8-2-127, 8-2-130(5)(e), 8-2-131(5)(f), and 8-5-203.

Posting, Screening, and Transparency (“POST”) Rules, 7 CCR 1103-18:

Last spring, the Job Application Fairness Act (“JAFA,” SB23-058) was enacted to limit age-related inquiries in initial job applications, effective July 1, 2024. That means there are now **five laws** the Division covers on what employers can, can’t, must, or must not include in job postings or applications — collectively, the Posting, Screening, & Transparency Acts (the “**POST Acts**”).

To streamline the rules that enforce and implement the POST Acts, the Division’s newly proposed rules are **one rule set that combines the rules on all five POST Acts** — that is, to provide one rule set, rather than five, for employers and employees. This new rule set, the Posting, Screening, & Transparency Rules (“**POST Rules**”), 7 CCR 1103-18, merges and replaces the rules on the existing four POST Acts (#1-4 below), and adds new JAFA-related rules (#5 below) — specifically:

1. The Equal Pay Transparency (“EPT”) Rules (7 CCR 1103-13);
2. The Colorado Chance to Compete Act (“Ban the Box”) Rules (7 CCR 1103-9);
3. The Social Media and the Workplace Law Rules (7 CCR 1103-5);
4. The Employment Opportunity Act (“Credit History”) Rules (7 CCR 1103-4); and
5. New rules related to the Job Application Fairness Act (“JAFA”).

The POST Rules replace existing rule sets 1-4 above, with no substantive changes intended, other than technical updates — for example, assuring that the previously separate complaint, investigation, and appeal procedures for all five POST Acts are the same, to the maximum extent permitted by the Acts and the Colorado Administrative Procedure Act.

Public Hearing Information:

Date and Time of Hearing: **Tuesday, April 16, 2024, at 3:30 pm**, and continuing as long as anyone wishes to speak, including into the early evening if needed, and potentially continuing to another day if anyone is still waiting to speak. You need not stay the entire meeting.

Written Comment Deadline for the above rules: **Monday, April 22, 2024, at 12:00 pm**.

The Division is administering this public hearing, and all interested persons are free to offer oral testimony and to listen to part or all of the hearing. **Participation will be by remote means only**. A recording of the public hearing will be publicly posted afterward on our [rulemaking page](http://cdle.colorado.gov/LaborRules) (direct URL: cdle.colorado.gov/LaborRules).

While not required, we request and highly recommend that **anyone interested in oral testimony use this [rulemaking comment form](#) to RSVP**. We will call on those who RSVP to speak first, followed by testimony from others. A recording of the public hearing will be publicly posted afterward on our [rulemaking page](#).

Written comments may be submitted by: 1) our online [rulemaking comment form](#) (also available at cdle.colorado.gov/LaborRules); 2) mail to the below address; 3) fax to 303-318-8400; or 4) email to CDLE_LaborStandardsRules@state.co.us. Because **written comments become part of the same record as oral testimony**, and are reviewed by the same officials, **you may submit written comments in lieu of oral testimony**, but are free to participate by both means.

Instructions for Hearing Participation: Either of the below options will work to participate, but for orderly administration of participation, and to avoid possible audio feedback, please do not use both simultaneously. (*You do not need to have a Google account to access any of the below means.*)

- (A) **To Participate by Internet, Including Testifying:**
visit this “Meet” webpage: <https://meet.google.com/nmo-ewkq-nnx>

- (B) **To Participate by Phone, Whether to Listen or to Testify:**
call (US) +1 478-412-6194, and then enter this pin: 208 811 927#

Please contact CDLE_LaborStandardsRules@state.co.us with any questions about how to access either the public hearing or its recording, or **if you need accommodations or translation services** to attend or participate. This public hearing is held in accordance with the State Administrative Procedure Act, C.R.S. § 24-4-101 et seq., and the Colorado Open Meetings Law, C.R.S. § 24-6-401 (2024), to receive any testimony, written, views, or arguments that interested parties wish to submit regarding the proposed rules.

For more on the rulemaking process, for the full text of all proposed rule filings and all existing rules listed above, and for the form to submit comments on these rules, visit the [DLSS Rulemaking page](#) (at cdle.colorado.gov/LaborRules), and select “**Rules & Orders: Proposed & Recently Adopted.**” Or contact the Division by mail at: Division of Labor Standards and Statistics, 633 17th Street, Denver, Colorado 80202.