



## Interpretive Notice & Formal Opinion (“INFO”) # 9:

### Hiring & Screening: What Employers *Must* Disclose, & Information They *Must Not* Ask or Use

#### Overview

- Job applications and postings have no required form — but employers *must* disclose some information, and *not* ask or use other information, under Posting, Opportunities, Screening, and Transparency (“**POST**”) laws.
- This one-page INFO summarizes only the basics of Colorado’s POST laws. For the details, including coverage and exceptions, review each POST law, and the Division guidance on that law — all linked below.<sup>1</sup>

#### Pay & Job Opportunity Transparency under the [Equal Pay for Equal Work Act \(INFO #9A\)](#)

- All job postings **must** disclose the **pay** (or a range of possible pay), and a general description of the **benefits**, to be offered, as well as how and by what deadline to **apply**.
- Employers **must** disclose all **job opportunities** to all employees — then disclose **who was hired**, and how to express interest in **similar opportunities**, to everyone the hiree will regularly work with, within 30 days.
  - Some jobs and promotions are **exempt** — for example, **regular or automatic** promotions based on **objective metrics** — but employers must disclose to employees **which** promotions and metrics.
- Employers **must not** ask an applicant, or require them to disclose, their **wage history** — and also must not **act against** anyone for disclosing or discussing **their own wage** rate.

#### Asking about Age under the [Job Application Fairness Act, effective July 1, 2024 \(INFO #9B\)](#)

- Employers **must not** ask an applicant’s **age**, or **dates of schooling** (attendance, graduation, etc.).
- Employers **must notify** applicants they **may redact** age information from requested items like transcripts.
- Employers **may** ask applicants to **verify compliance** with certain legal or safety-based age requirements.

#### Screening Applicants Based on Criminal History under the [Chance to Compete Act \(INFO #9C\)](#)

- Employers **must not** ask about, or require disclosing, **criminal history** in an initial job application — or say in an application or posting that those with criminal history **can’t apply** or **won’t be considered**.
- Employers **may** use criminal history **later** in the hiring process — for example, they can do a criminal background check, or require disclosure by the applicant, **after a “conditional” offer**, subject to the employer deciding whether they still want to hire the applicant after receiving that information.

#### Using Credit History in Hiring under the [Employment Opportunity Act \(fact sheet\)](#)

- Employers **must not** request or use **credit information** — credit reports, bankruptcy records, etc. — in hiring or other employment decisions, unless credit information is **substantially related** to the job.

#### Accessing Personal Social Media under the [Social Media and the Workplace Law \(fact sheet\)](#)

- Employers **must not** ask an applicant or employee to give **access** (or the username or password) to, change **privacy** settings of, or add anyone to the **contacts** list of, their **personal social media** accounts.

**For More Information:** Visit the Division [website](#), call 303-318-8441, or email [cdle\\_labor\\_standards@state.co.us](mailto:cdle_labor_standards@state.co.us).

<sup>1</sup> Other laws may apply that this Division doesn’t enforce, like discrimination laws covered by the Colorado Civil Rights Division (“CCRD”) and federal Equal Employment Opportunity Commission (“EEOC”). For example, see the EEOC disability guidance, [Pre-Employment Inquiries and Medical Questions & Examinations](#) (“An employer may not ask a job applicant ... if he or she has a disability,” ask “medical questions,” or ask for “a medical exam before making a job offer.”).