

Colorado Equal Pay for Equal Work Act (CEPEWA) Review Process for Staff

CEPEWA Staff Equity Review Project History:

- 1) Human Resources (HR) began development of a new staff job family framework in 2018 prior to passage of CEPEWA.
- 2) A *job family* groups the work of similar occupations with related education, experience, knowledge, skill and ability requirements together.
- 3) The purpose of the new job family framework was to develop and implement a staff job categorization system specific to the Boulder campus that aligns CU Boulder staff jobs. This framework is the foundation for categorizing jobs across campus, establishing standard pay ranges and enhancing career progression concepts.
- 4) Job family framework creation, campus discussions and position analyses were conducted and refined with campus subject matter expert feedback (100+) from 2018-2021.
- 5) A matrix of job family classification concepts and requirements was developed to ensure consistent categorization of staff jobs to the new job family categories campus-wide.
- 6) Colorado's Equal Pay for Equal Work Act legislation was signed into law by Governor Polis May 22, 2019, making the job family framework project a priority to appropriately compare pay levels for "substantially similar work" campus-wide and identify any inequities that were correlated with sex or race/ethnicity.
- 7) All 4,500+ classified staff and university staff jobs were reviewed and grouped into substantially similar job families and levels for comparison. This review included position description content, supervisor and HR liaison input, payroll job code, working title, and occupational best practices.
- 8) 300 new job family categories were created to better represent and categorize the work performed across campus, e.g., IT Business Analyst as a new job family within the broader payroll job code of IT Professional.
- 9) Job family decisions aligned with a reference rubric of definitions and concepts to guide decisions and provide campus-wide consistency. This included standard campus-wide definitions for operations, professional, management and executive work and the differences between levels.
- 10) Mixed assignments and unique jobs were reviewed as a team by campus HR classification/compensation specialists with additional information and clarifications provided by the hiring units.
- 11) HR reviewed each staff employee's job history in CU's payroll system (HCM) to update and document their Time in Role and CU Experience metrics to assist with understanding pay differences.
- 12) A new pay equity inquiry process for staff employees was developed in collaboration with University Counsel, System Administration and the Office of Institutional Equity & Compliance (OIEC) and communicated on the campus HR website's [CEPEWA page](#).

Staff Equity Data Collection Overview:

- 1) HR obtained staff salary data from HCM as of 10/31/2021. A data refresh to check for promotions and salary changes was done as of 11/30/2021.
- 2) Salaries were reviewed using the full-time equivalent rate for comparison. Part-time pay rates were annualized to a full-time equivalent rate.
- 3) Pay levels across all staff employees in the same job family and at the same level were reviewed. This included cross-family comparisons where appropriate.
- 4) Equity disparities were identified based on protected class sex or race/ethnicity differences.
- 5) The goal was to ensure that staff pay differences for substantially similar work are not discriminatory based on sex or race/ethnicity.

- 6) Pay differences among employees of the same sex and same race/ethnicity represented a compression/market difference and were not included as an equity issue in this compliance focused phase of the project.

CEPEWA Staff Equity Review Methodology:

Standard metrics used to explain pay differences, all of which are allowable under CEPEWA:

- **Job family**
 - Represents the nature of work/occupational area of the work assignment.
 - Examples: IT Business Analysis, Financial Services, Alumni & Donor Relations.
- **Level of the assigned duties**
 - Represents the scope, independence or complexity of the work assigned to the position such as whether the assignment represents an independent professional, senior professional, manager, etc.
- **Time in the role**
 - Represents the number of months the employee has been classified in the current position number at its current title level in the current department, i.e., how long the employee has been performing the current job.
- **Relevant CU experience**
 - Represents the months of related staff CU experience on any campus beyond just the time in the current job and minus any breaks in service.

Additional metrics applied if applicable for the job family, all of which are allowable under CEPEWA:

- Job required education, licensure or certifications (such as psychologists, behavioral health counselors, nurses and physicians)
- Job related external experience
- Annual performance ratings
- Academic discipline (such as for laboratory instruction and career counseling specialist roles)

Staff CEPEWA Analysis Process:

- 1) HR documented the job family, level and experience metrics for each staff employee.
- 2) Staff data was sorted by job family, level and full-time equivalent salary low to high.
- 3) Pay differences within the same job family and same level were compared to each employee's Time in Role or CU Experience time.
- 4) If Time in Role or CU Experience did not explain the pay difference, HR followed up with the hiring units involved to ensure the positions were categorized appropriately and to determine if other factors justified a pay difference such as performance ratings, required education, external experience, etc.
- 5) Pay differences were then reviewed for a sex or race/ethnicity impact.
- 6) In those cases where salary differences could not be explained by one or more of the criteria listed above and where a sex or race/ethnicity disparity existed, the employee's salary was flagged for an increase to the level of the higher paid employee.
- 7) HR's final list of sex or race/ethnicity pay differences, including a description of the methodology used, was provided to each division, college/school or department at the end of November 2021, for review. Lists were sent to the HR liaison and the division, college/school or department leader. Notifications were emailed to all areas of campus with staff positions and included 100+ campus and HR leaders.
- 8) HR reviewed the division, college/school or department leaders' feedback and made any final updates needed, such as removing employees who had terminated or updating information for employees who had been promoted or transferred since the list was generated.

- 9) Other examples of feedback resulting in a change to the final list included information that a promotion was already planned or in process for an employee on the list that will resolve the pay difference identified.

Example 1: In the example below, all four positions are in the same job family and at the same level. Employee C has the least experience of the group and remains at the current rate. Employees A and B have the same or more CU experience as Employee D and there is a protected class sex component to the pay difference. Employees A and B are recommended for adjustment to match the salary of Employee D and eliminate the sex-based pay differential.

	Job Family	Job Level	Salary	Months Current CU Role	Months Prior CU Exp	Sex	Race / Ethnicity	New Salary
Employee A	Comm Generalist	Prof 2	\$50,419	57	0	F	White	\$52,476
Employee B	Comm Generalist	Prof 2	\$50,563	58	0	F	White	\$52,476
Employee C	Comm Generalist	Prof 2	\$52,000	7	3	F	Hispanic/ Latino	NA
Employee D	Comm Generalist	Prof 2	\$52,476	57	0	M	White	NA

Example 2: In the example below, all five positions are in the same job family and at the same level. There are no protected class sex or race/ethnicity pay differences among this group requiring correction under the CEPEWA requirements.

	Job Family	Job Level	Salary	Months Current CU Role	Months Prior CU Exp	Sex	Race / Ethnicity	New Salary
Employee A	Business Services	Mgt 2	\$60,000	1	23	F	White	NA
Employee B	Business Services	Mgt 2	\$60,000	3	78	F	White	NA
Employee C	Business Services	Mgt 2	\$64,889	46	131	F	White	NA
Employee D	Business Services	Mgt 2	\$68,000	1	82	F	White	NA
Employee E	Business Services	Mgt 2	\$70,000	22	185	F	White	NA

Staff Next Steps:

Salary differences remain across the staff population that are not covered under the mandate for adjustment created by the Equal Pay Act—for example, salary differences attributable to market forces or the effects of salary compression.

It will take time to address these cases using the university’s current processes and procedures, and subject to the longer-term recovery of CU Boulder’s budget from the effects of the pandemic. Campus leaders, Human Resources, Budget & Fiscal Planning, the Provost’s Office and the Office of Data Analytics continue to review salaries and market trends as part of the annual compensation increase exercise to keep employee pay competitive.

Future work in this area will be ongoing including updated compensation policies, practices and guidelines from HR expected to be implemented over the next several months. This includes publishing university staff pay ranges, similar to classified staff pay ranges, along with guidance on how to use pay ranges when setting salaries for new hires and promotions. These efforts are beyond the scope and requirements of CEPEWA but will further support campus pay setting practices for staff.