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Client Alert

Colorado Job Application Fairness Act Goes Into Effect July 1, 2024

WHAT'S NEW: Colorado's Job Application Fairness Act (JAFA), passed in June 2023, prohibits employers from inquiring about a prospective employee's age, date of birth, and dates of attendance at or date of graduation from an educational institution on an initial employment application.

WHY IT MATTERS: Effective **July 1, 2024,** *all* Colorado employers regardless of size are restricted from inquiring about an applicant's age-related information on an initial job application.

While JAFA still permits employers to require applicants to provide copies of transcripts or certifications at the time of the initial employment application, employers must advise prospective employees that they may *redact* any information related to age, date of birth, or dates of attendance or graduation at an educational institution.

Employers can request applicants verify compliance with age requirements, so long as it is required by:

(1) "a bona fide occupational qualification pertaining to public or occupational safety,"

(2) "a federal law or regulation," or

(3) "a state or local law or regulation based on a bona fide occupational qualification."

The penalties for violating this law will increase with each violation; penalties range initially from warnings and orders to comply to civil penalties up to $2,500 for subsequent violations.

WHAT EMPLOYERS SHOULD DO: Colorado employers should review their job postings and applications for employment to ensure they are compliant with JAFA.

Please see our previous Client Alert on this topic, sent in November 2023.

If you have questions about Colorado's age-related job application restrictions, please contact your Engage HR Partner.