



General Assembly

February Session, 2014

Substitute Bill No. 5054



AN ACT CONCERNING UNEMPLOYED JOB SEEKERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) As used in this
2 section:

3 (1) "Employer" means any business owner, person, partnership,
4 corporation, limited liability company or association of persons acting
5 directly as, on behalf of or in the interest of an employer in relation to
6 employees, including the state and any political subdivision thereof
7 and shall include an employment agency or temporary help service;

8 (2) "Employment agency" means (A) an employment agency as
9 defined in section 31-129 of the general statutes, (B) an agent of such
10 employment agency, (C) a person who maintains an Internet web site
11 that publishes advertisements or announcements of job openings, and
12 (D) a temporary help service;

13 (3) "Status as unemployed" means an individual's period of
14 unemployment, both past or present, regardless of duration; and

15 (4) "Temporary help service" means a temporary help service as
16 defined in section 31-129 of the general statutes and shall include any
17 agent of such temporary help service.

18 (b) No employer shall:

19 (1) Publish in print, on the Internet or in any other medium, an
20 advertisement or announcement for any job vacancy in this state that
21 includes any provision: (A) Stating or indicating that an individual's
22 status as unemployed disqualifies the individual for a job, or (B)
23 stating or indicating that an employer will not consider an individual
24 for employment based on that individual's status as unemployed;

25 (2) Disqualify an individual for employment based solely on the
26 individual's status as unemployed; or

27 (3) Request or direct an employment agency or temporary help
28 service not to refer an individual based solely on such individual's
29 status as unemployed.

30 (c) No employment agency or temporary help service shall:

31 (1) Publish in print, on the Internet or in any other medium, an
32 advertisement or announcement for any job vacancy in this state that
33 includes any provision: (A) Stating or indicating that an individual's
34 status as unemployed disqualifies the individual for a job, or (B)
35 stating or indicating that an employer will not consider an individual
36 for employment based on that individual's status as unemployed;

37 (2) Limit, segregate or classify an individual in any manner that may
38 limit such individual's access to information about jobs or referrals for
39 consideration of jobs because of the individual's status as unemployed;
40 or

41 (3) Disqualify or refuse to refer an individual for employment based
42 solely on the individual's status as unemployed.

43 (d) Nothing in this section shall be construed to prohibit an
44 employer, employment agency or temporary help service, or an agent,
45 representative or designee of such employer, employment agency or
46 temporary help service, from:

47 (1) Publishing in print or on the Internet an advertisement for a job

48 vacancy in this state that contains any provision: (A) Setting forth
49 qualifications for a job vacancy, including, but not limited to: (i)
50 Holding a current and valid professional or occupational license,
51 certificate, registration, permit or other credential, or (ii) a minimum
52 level of education or training, or professional, occupational or field
53 experience; or (B) stating that only individuals who are current
54 employees of the employer will be considered for such job vacancy;

55 (2) Setting forth qualifications for a job vacancy, including, but not
56 limited to: (A) Holding a current and valid professional or
57 occupational license, certificate, registration, permit or other credential,
58 or (B) a minimum level of education or training, or professional,
59 occupational or field experience;

60 (3) Stating that only individuals who are current employees of the
61 employer will be considered for such job vacancy;

62 (4) Taking into account the individual's employment history,
63 including recent relevant experience; or

64 (5) Inquiring as to the reasons for an individual's status as
65 unemployed.

66 (e) Any individual aggrieved by a violation of subsection (b) or (c)
67 of this section may file a complaint with the Labor Commissioner. The
68 Labor Commissioner may levy a civil penalty against any employer,
69 employment agency or temporary help service that the commissioner
70 finds to be in violation of subsection (b) or (c) of this section. Any
71 employer, employment agency or temporary help service that violates
72 any provision of this section may be liable to the Labor Department for
73 a civil penalty of five hundred dollars for the first violation of
74 subsection (b) or (c) of this section and for each subsequent violation of
75 said subsections may be liable to the Labor Department for a civil
76 penalty of one thousand dollars.

77 (f) Any party aggrieved by the decision of the commissioner may
78 appeal the decision to the Superior Court in accordance with the

79 provisions of chapter 54 of the general statutes.

80 (g) The commissioner may request the Attorney General to bring an
81 action in the Superior Court to recover the penalties levied pursuant to
82 subsection (e) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	New section

Statement of Legislative Commissioners:

In (a)(2) of section 1, subparagraphs (A) to (D), inclusive, were inserted for clarity.

LAB *Joint Favorable Subst. -LCO*