



General Assembly

Substitute Bill No. 5274

February Session, 2014



**AN ACT CONCERNING UNEMPLOYED INDIVIDUALS AND
DISCRIMINATORY HIRING PRACTICES.**

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 such business owner,
6 person, partnership, corporation, limited liability company or
7 association in relation to employees. Employer includes the state, any
8 political subdivision thereof and any employment agency or
9 temporary help service;

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

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

17 (4) "Temporary help service" means (A) a temporary help service, as

18 defined in section 31-129 of the general statutes, and (B) any agent,
19 representative or designee of such temporary help service.

20 (b) No employer shall:

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

28 (2) Disqualify an individual for employment based solely on such
29 individual's status as unemployed; or

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

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

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

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

44 (3) Disqualify or refuse to refer an individual for employment based
45 solely on such individual's status as unemployed.

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

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

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

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

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

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

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

77 subsection (b) or (c) of this section and one thousand dollars for each
78 subsequent violation of said subsections.

79 (f) Any party aggrieved by a decision of the commissioner pursuant
80 to subsection (e) of this section may appeal the decision to the Superior
81 Court in accordance with the provisions of chapter 54 of the general
82 statutes.

83 (g) The commissioner may request the Attorney General to bring an
84 action in the Superior Court to recover the penalties levied pursuant to
85 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

CE *Joint Favorable Subst.*

JUD *Joint Favorable*