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## **OLR Bill Analysis**

**sHB 5386 (as amended by House "A")\***

### ***AN ACT CONCERNING VARIOUS PAY EQUITY AND FAIRNESS MATTERS.***

#### **SUMMARY**

This bill generally prohibits employers, including the state and its political subdivisions, from asking, or directing a third-party to ask, about a prospective employee's wage and salary history. The prohibition does not apply (1) if the prospective employee voluntarily discloses his or her wage and salary history or (2) to any actions taken by an employer, employment agency, or its employees or agents under a federal or state law that specifically authorizes the disclosure or verification of salary history for employment purposes. The bill also allows an employer to ask about the other elements of a prospective employee's compensation structure (e.g., stock options), but the employer may not ask about their value.

The bill allows prospective employees to bring a lawsuit within two years after an alleged violation of the bill's prohibition on asking about salary histories. Employers can be found liable for compensatory damages, attorney's fees and costs, punitive damages, and any legal and equitable relief the court deems just and proper.

\*House Amendment "A" delays the effective date from October 1, 2018 to January 1, 2019 and eliminates provisions that generally would have (1) allowed employers to ask about the value of a prospective employee's stocks or equity, (2) allowed employers to seek a court order to disallow compensatory or punitive damages, and (3) required certain employers to count an employee's time spent on protected family and medical leave towards the employee's seniority.

EFFECTIVE DATE: January 1, 2019

#### **BACKGROUND**

***Related Bill***

sSB 15, reported favorably by the Labor and Public Employees Committee, also generally prohibits employers from asking about a prospective employee's wage and salary history.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 13 Nay 0 (03/20/2018)