



Senate

General Assembly

File No. 207

February Session, 2018

Substitute Senate Bill No. 15

Senate, April 4, 2018

The Committee on Labor and Public Employees reported through SEN. GOMES of the 23rd Dist. and SEN. MINER of the 30th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING FAIR AND EQUAL PAY FOR EQUAL WORK.

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

1 Section 1. Section 31-40z of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) As used in this section:

4 (1) "Employer" means any individual, corporation, limited liability
5 company, firm, partnership, voluntary association, joint stock
6 association, the state and any political subdivision thereof and any
7 public corporation within the state using the services of one or more
8 employees for pay;

9 (2) "Employee" means any individual employed or permitted to
10 work by an employer; and

11 (3) "Wages" means compensation for labor or services rendered by
12 an employee, whether the amount is determined on a time, task, piece,

13 commission or other basis of calculation.

14 (b) No employer shall:

15 (1) Prohibit an employee from disclosing or discussing the amount
16 of his or her wages or the wages of another employee of such
17 employer that have been disclosed voluntarily by such other
18 employee;

19 (2) Prohibit an employee from inquiring about the wages of another
20 employee of such employer;

21 (3) Require an employee to sign a waiver or other document that
22 denies the employee his or her right to disclose or discuss the amount
23 of his or her wages or the wages of another employee of such
24 employer that have been disclosed voluntarily by such other
25 employee;

26 (4) Require an employee to sign a waiver or other document that
27 denies the employee his or her right to inquire about the wages of
28 another employee of such employer;

29 (5) Inquire about a prospective employee's wage and salary history
30 before an offer of employment that includes wages has been accepted
31 by the prospective employee unless a prospective employee has
32 voluntarily disclosed such information, except that this subdivision
33 shall not apply to any actions taken by an employer, employment
34 agency or employee or agent thereof pursuant to any federal or state
35 law that specifically authorizes the disclosure or verification of salary
36 history for employment purposes;

37 [(5)] (6) Discharge, discipline, discriminate against, retaliate against
38 or otherwise penalize any employee who discloses or discusses the
39 amount of his or her wages or the wages of another employee of such
40 employer that have been disclosed voluntarily by such other
41 employee; or

42 [(6)] (7) Discharge, discipline, discriminate against, retaliate against

43 or otherwise penalize any employee who inquires about the wages of
44 another employee of such employer.

45 (c) Nothing in this section shall be construed to require any
46 employer or employee to disclose the amount of wages paid to any
47 employee.

48 (d) An action to redress a violation of subsection (b) of this section
49 may be maintained in any court of competent jurisdiction by any one
50 or more employees or prospective employees. An employer who
51 violates subsection (b) of this section may be found liable for
52 compensatory damages, attorney's fees and costs, punitive damages
53 and such legal and equitable relief as the court deems just and proper.

54 (e) No action shall be brought for any violation of subsection (b) of
55 this section except within two years after such violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	31-40z

LAB *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill prohibits employers from asking about a prospective employee's wage and salary history under certain circumstances and allows lawsuits over alleged violations. This does not result in any fiscal impact to the state or municipalities.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 15*****AN ACT CONCERNING FAIR AND EQUAL PAY FOR EQUAL WORK.*****SUMMARY**

This bill generally prohibits employers, including the state and its political subdivisions, from asking about a prospective employee's wage and salary history before the prospective employee accepts an employment offer that includes wages. 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 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.

EFFECTIVE DATE: October 1, 2018

BACKGROUND***Related Bill***

sHB 5386, reported favorably by the Labor and Public Employees Committee, generally prohibits employers from asking about a prospective employee's wage and salary history before the prospective employee accepts an employment offer that includes wages. It also contains provisions that (1) allow employers to limit their damages in these lawsuits and (2) limits the defenses available to employers in a gender wage discrimination lawsuit.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 13 Nay 0 (03/20/2018)