



General Assembly

February Session, 2020

**Raised Bill No. 5383**

LCO No. 2070



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

**AN ACT CONCERNING THE DISCLOSURE OF SALARY RANGE FOR  
A VACANT POSITION.**

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 Section 31-40z of the general statutes is repealed and the  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, 2020*):

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 work  
10 by an employer; [and]

11 (3) "Wages" means compensation for labor or services rendered by an  
12 employee, whether the amount is determined on a time, task, piece,  
13 commission or other basis of calculation; [.] and

14       (4) "Wage range" means the range of wages an employer anticipates  
15 relying on when setting wages for a position, and may include reference  
16 to any applicable pay scale, previously determined range of wages for  
17 the position, actual range of wages for those employees currently  
18 holding comparable positions or the employer's budgeted amount for  
19 the position.

20       (b) No employer shall:

21       (1) Prohibit an employee from disclosing or discussing the amount of  
22 his or her wages or the wages of another employee of such employer  
23 that have been disclosed voluntarily by such other employee;

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

26       (3) Require an employee to sign a waiver or other document that  
27 denies the employee his or her right to disclose or discuss the amount  
28 of his or her wages or the wages of another employee of such employer  
29 that have been disclosed voluntarily by such other employee;

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

33       (5) Inquire or direct a third party to inquire about a prospective  
34 employee's wage and salary history unless a prospective employee has  
35 voluntarily disclosed such information, except that this subdivision  
36 shall not apply to any actions taken by an employer, employment  
37 agency or employee or agent thereof pursuant to any federal or state law  
38 that specifically authorizes the disclosure or verification of salary  
39 history for employment purposes. Nothing in this section shall prohibit  
40 an employer from inquiring about other elements of a prospective  
41 employee's compensation structure, as long as such employer does not  
42 inquire about the value of the elements of such compensation structure;

43       (6) Discharge, discipline, discriminate against, retaliate against or

44 otherwise penalize any employee who discloses or discusses the  
45 amount of his or her wages or the wages of another employee of such  
46 employer that have been disclosed voluntarily by such other employee;  
47 [or]

48 (7) Discharge, discipline, discriminate against, retaliate against or  
49 otherwise penalize any employee who inquires about the wages of  
50 another employee of such employer; [.]

51 (8) Fail or refuse to provide an applicant for employment the wage  
52 range for a position for which the applicant is applying, upon the  
53 earliest of (A) the applicant's request, or (B) prior to or at the time the  
54 applicant is made an offer of compensation; or

55 (9) Fail or refuse to provide an employee the wage range for the  
56 employee's position upon the hiring of the employee and not less than  
57 annually thereafter and upon the employee's request.

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

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

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

68 Sec. 2. Section 31-75 of the general statutes is repealed and the  
69 following is substituted in lieu thereof (*Effective October 1, 2020*):

70 (a) No employer shall discriminate in the amount of compensation  
71 paid to any employee on the basis of sex. Any difference in pay based  
72 on sex shall be deemed a discrimination within the meaning of this  
73 section.

74 (b) If an employee can demonstrate that his or her employer  
75 discriminates on the basis of sex by paying wages to employees at the  
76 employer's business at a rate less than the rate at which the employer  
77 pays wages to employees of the opposite sex at such business for [equal]  
78 comparable work on a job, [the performance of which requires equal]  
79 when viewed as a composite of skill, effort and responsibility [,] and  
80 [which are] performed under similar working conditions, such  
81 employer must demonstrate that such differential in pay is made  
82 pursuant to (1) a seniority system; (2) a merit system; (3) a system which  
83 measures earnings by quantity or quality of production; or (4) a  
84 differential system based upon a bona fide factor other than sex, such as  
85 education, training or experience. Said bona fide factor defense shall  
86 apply only if the employer demonstrates that such factor (A) is not  
87 based upon or derived from a sex-based differential in compensation,  
88 and (B) is job-related and consistent with business necessity. Such  
89 defense shall not exist where the employee demonstrates that an  
90 alternative employment practice exists that would serve the same  
91 business purpose without producing such differential and that the  
92 employer has refused to adopt such alternative practice.

93 (c) No employer shall discharge, expel or otherwise discriminate  
94 against any person because such person has opposed any  
95 discriminatory compensation practice or because such person has filed  
96 a complaint or testified or assisted in any proceeding pursuant to section  
97 31-76.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	31-40z
Sec. 2	<i>October 1, 2020</i>	31-75

**Statement of Purpose:**

To require employers to disclose salary ranges for vacant positions and to provide comparable pay for comparable work.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*