

---

---

## **OLR Bill Analysis**

### **HB 6380**

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

#### **SUMMARY**

This bill requires employers to provide job applicants and employees with the wage range of the positions for which they are applying or that they currently hold. Under the bill, a “wage range” is the range of wages the employer anticipates relying on when setting wages for a position, such as an applicable pay scale; previously determined wage ranges for the position; actual wage ranges for current employees; or the employer’s budgeted amount for the position.

The bill also broadens the standard used to determine whether an employer is discriminating in the amount of compensation it pays to an employee based on sex (i.e., gender wage discrimination). Generally, it requires employers to provide equal pay for comparable (rather than equal) work.

EFFECTIVE DATE: October 1, 2021

#### **WAGE RANGE DISCLOSURE**

The bill prohibits employers from failing or refusing to provide a job applicant with the wage range of the position for which the applicant is applying. The employer must provide the wage range when the applicant requests it or when the applicant is offered the job, whichever is earlier.

The bill also prohibits employers from failing to provide their employees with their wage ranges when they are hired, at least once annually after being hired, and upon an employee’s request.

The bill allows job applicants and employees to bring a lawsuit to

redress violations within two years. Employers may be found liable for compensatory damages, attorney's fees and costs, punitive damages, and legal and equitable relief as the court deems just and proper.

### **GENDER WAGE DISCRIMINATION**

The law prohibits employers from practicing gender wage discrimination. It requires an employee who alleges gender wage discrimination to demonstrate certain facts in order to show that the discrimination exists.

Under current law, the employee must demonstrate that the employer pays employees of one sex a lower wage rate than it pays to employees of the opposite sex for equal work that requires equal skill, effort, and responsibility and is performed under similar working conditions. Under the bill, the employee must instead demonstrate that an employer pays employees of one sex a lower wage for comparable work when viewed as a composite of skill, effort, and responsibility and performed under similar working conditions.

As under existing law, an employee who alleges gender wage discrimination may file a complaint with the labor commissioner, or the commissioner may investigate on his own motion. If the complaint is not investigated by the commissioner, the employee may bring an action in court (CGS § 31-76).

Existing law, unchanged by the bill, allows an employer accused of gender wage discrimination to defend itself by showing that a difference in pay is based on a (1) seniority system; (2) merit system; (3) system that measures earnings by quantity or quality of production; or (4) differential system based upon a bona fide factor other than sex, such as education; training; or experience.

### **COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable

Yea 9 Nay 4 (02/18/2021)