
OLR Bill Analysis

HB 6380 (as amended by House "A")*

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 their positions. 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.

*House Amendment “A” (1) requires employers to provide employees with their wage range when they change positions and upon their first request, rather than at least annually and upon any request, and (2) expands the list of examples of bona fide factors for wage differences to include credential, skill, and geographic location.

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 before or when offering the applicant the job, or when the applicant requests it during the application process, whichever is earlier.

The bill also prohibits employers from failing or refusing to provide their employees with their wage ranges (1) when they are hired, (2) when their position with the employer changes, or (3) upon the employee's first request for a wage range.

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 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 the 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.

Existing law allows an employer accused of gender wage discrimination to defend itself by showing that a pay difference is based on a (1) seniority system; (2) merit system; (3) system that measures earnings by production quantity or quality; or (4) differential system based upon a bona fide factor other than sex, such as education; training; or experience. The bill specifies that these other bona fide factors may also include credential, skill, and geographic location.

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).

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 9 Nay 4 (02/18/2021)

Judiciary Committee

Joint Favorable

Yea 25 Nay 12 (04/20/2021)