



# House of Representatives

**File No. 684**

General Assembly

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January Session, 2021 **(Reprint of File No. 26)**

House Bill No. 6380  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 13, 2021

**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 Section 31-40z of the general statutes is repealed and the  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, 2021*):

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 (A) the hiring of the employee, (B) a change  
57 in the employee's position with the employer, or (C) the employee's first  
58 request for a wage range.

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

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

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

69 Sec. 2. Section 31-75 of the general statutes is repealed and the  
70 following is substituted in lieu thereof (*Effective October 1, 2021*):

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

74 section.

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

95 (c) No employer shall discharge, expel or otherwise discriminate  
 96 against any person because such person has opposed any  
 97 discriminatory compensation practice or because such person has filed  
 98 a complaint or testified or assisted in any proceeding pursuant to section  
 99 31-76.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	31-40z
Sec. 2	October 1, 2021	31-75

*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.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill, which establishes requirements for employers to provide wage ranges for certain positions and adjusts the standard for determining gender wage discrimination, does not result in any fiscal impact to the state or municipalities.

House "A" specifies when employers must provide employees a wage range and expands the list of examples of bona fide factors for wage differences, which does not result in any fiscal impact to the state or municipalities.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**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)