

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 21-30—HB 6380

Labor and Public Employees Committee

Judiciary Committee

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

SUMMARY: This act requires employers to provide job applicants and employees with the wage range of their positions. Under the act, 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 act 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 act 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 act also prohibits employers from failing or refusing to provide their employees with their wage ranges when (1) they are hired, (2) their position with the employer changes, or (3) they first request it.

Under the act, job applicants and employees may 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.

Prior law required an employee to show that the employer pays employees of one sex a lower wage than employees of the opposite sex for equal work that requires equal skill, effort, and responsibility and is performed under similar working conditions. Under the act, the employee must instead show that the

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employer pays employees of one sex a lower wage for comparable work, when viewed as a composite of skill, effort, and responsibility, that is performed under similar working conditions.

The 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 on a bona fide factor other than sex, such as education, training, or experience. The act specifies that these other bona fide factors may also include credentials, 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 commissioner does not investigate the complaint, the employee may bring an action in court (CGS § 31-76).