



General Assembly

January Session, 2021

Raised Bill No. 6380

LCO No. 2746



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 Section 31-40z of the general statutes is repealed and the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

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	October 1, 2021	31-40z
Sec. 2	October 1, 2021	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.]