



# House of Representatives

General Assembly

**File No. 236**

February Session, 2022

Substitute House Bill No. 5443

*House of Representatives, March 31, 2022*

The Committee on Labor and Public Employees reported through REP. PORTER of the 94th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING DISCLOSURE OF SOCIAL SECURITY NUMBERS ON EMPLOYMENT APPLICATIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 46a-60 of the 2022 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective July 1, 2022*):

4 (b) It shall be a discriminatory practice in violation of this section:

5 (1) For an employer, by the employer or the employer's agent, except  
6 in the case of a bona fide occupational qualification or need, to refuse to  
7 hire or employ or to bar or to discharge from employment any  
8 individual or to discriminate against any individual in compensation or  
9 in terms, conditions or privileges of employment because of the  
10 individual's race, color, religious creed, age, sex, gender identity or  
11 expression, marital status, national origin, ancestry, present or past  
12 history of mental disability, intellectual disability, learning disability,

13 physical disability, including, but not limited to, blindness or status as a  
14 veteran;

15 (2) For any employment agency, except in the case of a bona fide  
16 occupational qualification or need, to fail or refuse to classify properly  
17 or refer for employment or otherwise to discriminate against any  
18 individual because of such individual's race, color, religious creed, age,  
19 sex, gender identity or expression, marital status, national origin,  
20 ancestry, present or past history of mental disability, intellectual  
21 disability, learning disability, physical disability, including, but not  
22 limited to, blindness or status as a veteran;

23 (3) For a labor organization, because of the race, color, religious creed,  
24 age, sex, gender identity or expression, marital status, national origin,  
25 ancestry, present or past history of mental disability, intellectual  
26 disability, learning disability, physical disability, including, but not  
27 limited to, blindness or status as a veteran of any individual to exclude  
28 from full membership rights or to expel from its membership such  
29 individual or to discriminate in any way against any of its members or  
30 against any employer or any individual employed by an employer,  
31 unless such action is based on a bona fide occupational qualification;

32 (4) For any person, employer, labor organization or employment  
33 agency to discharge, expel or otherwise discriminate against any person  
34 because such person has opposed any discriminatory employment  
35 practice or because such person has filed a complaint or testified or  
36 assisted in any proceeding under section 46a-82, 46a-83 or 46a-84;

37 (5) For any person, whether an employer or an employee or not, to  
38 aid, abet, incite, compel or coerce the doing of any act declared to be a  
39 discriminatory employment practice or to attempt to do so;

40 (6) For any person, employer, employment agency or labor  
41 organization, except in the case of a bona fide occupational qualification  
42 or need, to advertise employment opportunities in such a manner as to  
43 restrict such employment so as to discriminate against individuals  
44 because of their race, color, religious creed, age, sex, gender identity or

45 expression, marital status, national origin, ancestry, present or past  
46 history of mental disability, intellectual disability, learning disability,  
47 physical disability, including, but not limited to, blindness or status as a  
48 veteran;

49 (7) For an employer, by the employer or the employer's agent: (A) To  
50 terminate a woman's employment because of her pregnancy; (B) to  
51 refuse to grant to that employee a reasonable leave of absence for  
52 disability resulting from her pregnancy; (C) to deny to that employee,  
53 who is disabled as a result of pregnancy, any compensation to which  
54 she is entitled as a result of the accumulation of disability or leave  
55 benefits accrued pursuant to plans maintained by the employer; (D) to  
56 fail or refuse to reinstate the employee to her original job or to an  
57 equivalent position with equivalent pay and accumulated seniority,  
58 retirement, fringe benefits and other service credits upon her signifying  
59 her intent to return unless, in the case of a private employer, the  
60 employer's circumstances have so changed as to make it impossible or  
61 unreasonable to do so; (E) to limit, segregate or classify the employee in  
62 a way that would deprive her of employment opportunities due to her  
63 pregnancy; (F) to discriminate against an employee or person seeking  
64 employment on the basis of her pregnancy in the terms or conditions of  
65 her employment; (G) to fail or refuse to make a reasonable  
66 accommodation for an employee or person seeking employment due to  
67 her pregnancy, unless the employer can demonstrate that such  
68 accommodation would impose an undue hardship on such employer;  
69 (H) to deny employment opportunities to an employee or person  
70 seeking employment if such denial is due to the employee's request for  
71 a reasonable accommodation due to her pregnancy; (I) to force an  
72 employee or person seeking employment affected by pregnancy to  
73 accept a reasonable accommodation if such employee or person seeking  
74 employment (i) does not have a known limitation related to her  
75 pregnancy, or (ii) does not require a reasonable accommodation to  
76 perform the essential duties related to her employment; (J) to require an  
77 employee to take a leave of absence if a reasonable accommodation can  
78 be provided in lieu of such leave; and (K) to retaliate against an  
79 employee in the terms, conditions or privileges of her employment

80 based upon such employee's request for a reasonable accommodation;

81 (8) For an employer, by the employer or the employer's agent, for an  
82 employment agency, by itself or its agent, or for any labor organization,  
83 by itself or its agent, to harass any employee, person seeking  
84 employment or member on the basis of sex or gender identity or  
85 expression. If an employer takes immediate corrective action in  
86 response to an employee's claim of sexual harassment, such corrective  
87 action shall not modify the conditions of employment of the employee  
88 making the claim of sexual harassment unless such employee agrees, in  
89 writing, to any modification in the conditions of employment.  
90 "Corrective action" taken by an employer, includes, but is not limited to,  
91 employee relocation, assigning an employee to a different work  
92 schedule or other substantive changes to an employee's terms and  
93 conditions of employment. Notwithstanding an employer's failure to  
94 obtain a written agreement from an employee concerning a modification  
95 in the conditions of employment, the commission may find that  
96 corrective action taken by an employer was reasonable and not of  
97 detriment to the complainant based on the evidence presented to the  
98 commission by the complainant and respondent. As used in this  
99 subdivision, "sexual harassment" means any unwelcome sexual  
100 advances or requests for sexual favors or any conduct of a sexual nature  
101 when (A) submission to such conduct is made either explicitly or  
102 implicitly a term or condition of an individual's employment, (B)  
103 submission to or rejection of such conduct by an individual is used as  
104 the basis for employment decisions affecting such individual, or (C)  
105 such conduct has the purpose or effect of substantially interfering with  
106 an individual's work performance or creating an intimidating, hostile or  
107 offensive working environment;

108 (9) For an employer, by the employer or the employer's agent, for an  
109 employment agency, by itself or its agent, or for any labor organization,  
110 by itself or its agent, to request or require information from an  
111 employee, person seeking employment or member relating to the  
112 individual's child-bearing age or plans, pregnancy, function of the  
113 individual's reproductive system, use of birth control methods, or the

114 individual's familial responsibilities, unless such information is directly  
115 related to a bona fide occupational qualification or need, provided an  
116 employer, through a physician may request from an employee any such  
117 information which is directly related to workplace exposure to  
118 substances which may cause birth defects or constitute a hazard to an  
119 individual's reproductive system or to a fetus if the employer first  
120 informs the employee of the hazards involved in exposure to such  
121 substances;

122 (10) For an employer, by the employer or the employer's agent, after  
123 informing an employee, pursuant to subdivision (9) of this subsection,  
124 of a workplace exposure to substances which may cause birth defects or  
125 constitute a hazard to an employee's reproductive system or to a fetus,  
126 to fail or refuse, upon the employee's request, to take reasonable  
127 measures to protect the employee from the exposure or hazard  
128 identified, or to fail or refuse to inform the employee that the measures  
129 taken may be the subject of a complaint filed under the provisions of  
130 this chapter. Nothing in this subdivision is intended to prohibit an  
131 employer from taking reasonable measures to protect an employee from  
132 exposure to such substances. For the purpose of this subdivision,  
133 "reasonable measures" shall be those measures which are consistent  
134 with business necessity and are least disruptive of the terms and  
135 conditions of the employee's employment;

136 (11) For an employer, by the employer or the employer's agent, for an  
137 employment agency, by itself or its agent, or for any labor organization,  
138 by itself or its agent: (A) To request or require genetic information from  
139 an employee, person seeking employment or member, or (B) to  
140 discharge, expel or otherwise discriminate against any person on the  
141 basis of genetic information. For the purpose of this subdivision,  
142 "genetic information" means the information about genes, gene  
143 products or inherited characteristics that may derive from an individual  
144 or a family member;

145 (12) For an employer, by the employer or the employer's agent, to  
146 request or require a prospective employee's age, date of birth, dates of

147 attendance at or date of graduation from an educational institution or  
 148 Social Security number on an initial employment application, provided  
 149 the provisions of this subdivision shall not apply to any employer  
 150 requesting or requiring such information (A) based on a bona fide  
 151 occupational qualification or need, or (B) when such information is  
 152 required to comply with any provision of state or federal law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	46a-60(b)

**Statement of Legislative Commissioners:**

In Section 1(b)(12) the comma after "at" and the brackets around "or" were removed for clarity.

**LAB**      *Joint Favorable Subst. -LCO*

*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 makes it a discriminatory employment practice for an employer to require a Social Security number on an initial employment application. This is not anticipated to have a fiscal impact since the Commission on Human Rights and Opportunities has the necessary expertise to handle the bill's provisions.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis**

**sHB 5443**

***AN ACT CONCERNING DISCLOSURE OF SOCIAL SECURITY NUMBERS ON EMPLOYMENT APPLICATIONS.***

**SUMMARY**

This bill makes it a discriminatory employment practice for an employer (or the employer’s agent) to require an applicant for a job to give his or her Social Security number on an initial employment application. It adds the Social Security number to an existing list of items that cannot be required on an initial application including age, date of birth, and dates of attendance at or graduation from an educational institution.

As under existing law for the other items, the prohibition does not apply to any employer requesting or requiring this information (1) based on a bona fide occupational qualification or need or (2) when the information is required to comply with state or federal law. Complaints about discriminatory employment practices are investigated by the Commission on Human Rights and Opportunities.

EFFECTIVE DATE: July 1, 2022

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable

Yea 12 Nay 1 (03/22/2022)