



House Bill No. 6380

Public Act No. 21-30

***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:

Section 1. Section 31-40z of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) As used in this section:

(1) "Employer" means any individual, corporation, limited liability company, firm, partnership, voluntary association, joint stock association, the state and any political subdivision thereof and any public corporation within the state using the services of one or more employees for pay;

(2) "Employee" means any individual employed or permitted to work by an employer; [and]

(3) "Wages" means compensation for labor or services rendered by an employee, whether the amount is determined on a time, task, piece, commission or other basis of calculation; [.] and

(4) "Wage range" means the range of wages an employer anticipates relying on when setting wages for a position, and may include reference

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to any applicable pay scale, previously determined range of wages for the position, actual range of wages for those employees currently holding comparable positions or the employer's budgeted amount for the position.

(b) No employer shall:

(1) Prohibit an employee from disclosing or discussing the amount of his or her wages or the wages of another employee of such employer that have been disclosed voluntarily by such other employee;

(2) Prohibit an employee from inquiring about the wages of another employee of such employer;

(3) Require an employee to sign a waiver or other document that denies the employee his or her right to disclose or discuss the amount of his or her wages or the wages of another employee of such employer that have been disclosed voluntarily by such other employee;

(4) Require an employee to sign a waiver or other document that denies the employee his or her right to inquire about the wages of another employee of such employer;

(5) Inquire or direct a third party to inquire about a prospective employee's wage and salary history unless a prospective employee has voluntarily disclosed such information, except that this subdivision shall not apply to any actions taken by an employer, employment agency or employee or agent thereof pursuant to any federal or state law that specifically authorizes the disclosure or verification of salary history for employment purposes. Nothing in this section shall prohibit an employer from inquiring about other elements of a prospective employee's compensation structure, as long as such employer does not inquire about the value of the elements of such compensation structure;

(6) Discharge, discipline, discriminate against, retaliate against or

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otherwise penalize any employee who discloses or discusses the amount of his or her wages or the wages of another employee of such employer that have been disclosed voluntarily by such other employee; [or]

(7) Discharge, discipline, discriminate against, retaliate against or otherwise penalize any employee who inquires about the wages of another employee of such employer; [.]

(8) Fail or refuse to provide an applicant for employment the wage range for a position for which the applicant is applying, upon the earliest of (A) the applicant's request, or (B) prior to or at the time the applicant is made an offer of compensation; or

(9) Fail or refuse to provide an employee the wage range for the employee's position upon (A) the hiring of the employee, (B) a change in the employee's position with the employer, or (C) the employee's first request for a wage range.

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

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

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

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

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

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

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