

Connecticut Will Bar Salary History Questions

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OVERVIEW

Connecticut has joined California, Delaware, Massachusetts, Oregon, and Vermont (along with New York City, San Francisco, New York's Albany and Westchester Counties, and Puerto Rico) in enacting legislation prohibiting employers from asking candidates about their salary history during the job interview process.¹ The Connecticut legislation, titled "[An Act Concerning Pay Equity](#)" ("Act"), was signed into law by Governor Dannel Malloy on May 22, 2018, and will take effect on January 1, 2019.

THE DETAILS

The Act expands upon Conn. Gen. Stat. 31-40z, which currently makes it unlawful for an employer to:

- Prohibit employees from voluntarily discussing their wages with other employees
- Prohibit employees from inquiring about the wages of another employee
- Require employees to sign a waiver (or other document) that denies them the right to voluntarily disclose the amount of their wages or the wages of another employee
- Require employees to sign a waiver (or other document) that denies them the right to inquire about the wages of another employee
- Discharge, discipline, discriminate, retaliate, or penalize employees who inquire about the wages of another employee

With the passage of the Act, Conn. Gen. Stat. 31-40z is amended and expanded to prohibit employers, including the state and political subdivisions, **from inquiring, or**

¹ Philadelphia also enacted a ban on salary history inquiries, but a federal court recently enjoined the city from enforcing the ban, although the court allowed the city to enforce another part of the law that prohibits employers from relying on salary history in making employment decisions. For more information, see the Epstein Becker Green Act Now Advisory titled "[Federal Court Partially Enjoins Philadelphia's Ban on Salary History Inquiries](#)."

directing a third party to inquire, about a prospective employee’s wage and salary history. An employer is still permitted to ask a prospective employee about other elements of his or her compensation structure, as long as the employer does not ask the candidate about the value of the specific elements. Note that the prohibitions set forth in the Act are not applicable if the prospective employee *voluntarily* discloses such information.

The Act does not apply to actions taken by an employer, employment agency, or its employees or agents pursuant to any federal or state law that specifically authorizes the disclosure or verification of salary history for employment purposes.

An employee, or a prospective employee, may bring an action in court to redress a violation of the Act. An employer found to have violated the Act may be liable for compensatory damages, attorney’s fees and costs, punitive damages, and any legal and equitable relief as the court deems just and proper.

The Act is intended to remedy the pay gap between men and women. Before signing the Act into law, Governor Malloy [stated](#), “Even as they work harder and harder, the pay gap between men and women who are doing the same job continues to grow – particularly among women of color, and that is completely unacceptable.”

What Connecticut Employers Should Do Now

Before the Act becomes effective on January 1, 2019, Connecticut employers should do the following:

- Notify hiring personnel about the Act’s restrictions to ensure that candidates are not asked about their prior compensation during the hiring process. Hiring personnel may still ask about other elements of an employee’s compensation structure, such as stock options, as long as the candidate is not asked about the value of such elements of compensation.
- Notify third parties involved in the hiring process, such as recruiters and headhunters, about these restrictions.
- When negotiating (or renegotiating) contracts with such third parties, seek indemnification in case of the third party’s violation of the Act.
- Review employment applications to ensure that salary history is not sought.

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