

Connecticut Will Require Employers to Disclose Wage Range to Applicants and Employees, and Broadens Equal Pay Law

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On June 7, 2021, Governor Ned Lamont signed [Public Act 21-30](#), an “Act Concerning the Disclosure of Salary Range for a Vacant Position” (“Act”), which expands upon measures already in place in Connecticut to address pay secrecy, set forth in Conn. Gen. Stat. 31-40z.¹ The Act also broadens the equal pay law. The Act goes into effect on October 1, 2021.

Wage Range Disclosure

The Act first prohibits employers from failing or refusing to provide **job applicants** with the wage range for the position for which the applicant is applying. The “wage range” is defined as the “range of wages an employer anticipates relying on when setting wages for a position, and may include reference 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.” The wage range must be provided to the applicant upon the earliest of (1) the applicant’s request, or (2) prior to or at the time the applicant is made an offer of compensation.

The Act’s scope is not limited to job applicants. The Act also prohibits employers from failing or refusing to provide **current employees** with their wage range. Employers must provide the wage range to a current employee upon (1) hiring, (2) a change in the employee’s position with the employer, or (3) the employee’s first request for a wage range. Existing law defines “employee” broadly as “any individual employed or permitted to work by an employer.”

A private right of action exists for a violation of the Act and may be brought by one or more applicants or current employees. Job applicants or employees must file a lawsuit within two years of an alleged violation. An employer that is found to have

¹ Connecticut has previously passed Public Act 15-196, prohibiting pay secrecy, and Public Act 18-8, barring the use of salary history in the application process. See [here](#) and [here](#) for our prior *Act Now* Advisories on these laws.

violated the Act may be found liable for compensatory and punitive damages, as well as attorney's fees.

Amendment to the Equal Pay Law

The Act also amends Connecticut's equal pay law, set forth in Conn. Gen. Stat. 31-75. Currently, an employee alleging pay discrimination based on sex must prove that the employer pays employees of the opposite sex a lower wage for *equal* work that requires *equal* skill, effort, and responsibility under similar working conditions. Under the Act, employees may prevail if they can prove the employer pays employees of the opposite sex a lower wage for **comparable**, not equal, work when viewed as a "composite of skill, effort and responsibility under similar working conditions."

The existing equal pay law includes a number of defenses available to employers when confronted with an allegation of pay discrimination, including that a differential in pay is made pursuant to (1) a seniority system; (2) a merit system; (3) a system that measures earnings by quantity or quality of production; or (4) a differential system based upon a bona fide factor other than sex, such as education, training, or experience. The Act expands the list of bona fide factors other than sex to include "credential, skill or geographic location."

What Connecticut Employers Should Do Now

Before the Act becomes effective on October 1, 2021, Connecticut employers should do the following:

- Notify hiring personnel and human resources personnel about the Act's requirements.
- Create wage ranges for those positions that you plan to fill after October 1, 2021, and, since such information will be required to be provided to any current employee who requests it after October 1, 2021, consider preparing wage ranges in anticipation of such requests.
- Consider conducting pay equity audits to ensure compliance with the Act's new standards.

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