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Amendment to Connecticut Law Requires Salary Range Disclosures to Applicants and Employees

On June 7, Connecticut Gov. Ned Lamont signed House Bill No. 6380, titled "An Act Concerning the Disclosure of Salary Range for a Vacant Position" (the act). The act, which goes into effect October 1, amends Conn. Gen. Stat. § 31-40z by requiring Connecticut employers to disclose the wage range for vacant positions to both job applicants and existing employees. The act also expands employee protections against sex-based compensation discrimination.

Under the act, it is now unlawful for Connecticut employers to:

- 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
- 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.

The act defines "wage range" as the "range of wages an employer anticipates relying on when setting wages for a position." The act further specifies that when determining the wage range, employers "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."

Additionally, the act expands the prohibition against sex-based compensation decisions by prohibiting employers from paying workers "at a rate less than the rate at which the employer pays wages to employees of the opposite sex … for *comparable* work on a job, when viewed as a composite of skill, effort and responsibility [emphasis added]." Previously, the prohibition applied only to pay disparities for *equal* work.

Under the act, aggrieved employees may bring civil actions against their employers for violations of these new requirements within two years after a violation. Potential remedies include compensatory damages, attorney fees and costs, punitive damages, and other legal and equitable relief in the court's discretion. Accordingly, Connecticut employers should review existing policies and offer letters, or seek counsel to ensure compliance of their wage disclosure and compensation decision-making policies.

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