

Legal Update Article

# **Connecticut Amends Pay Equity Law, Requiring Disclosure of Wage Ranges to Applicants, Employees**

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Connecticut's "An Act Concerning the Disclosure of Salary Range for a Vacant Position," which goes into effect on October 1, 2021, imposes new requirements on Connecticut employers to disclose the wage range for vacant positions to both job applicants and existing employees.

The new law also extends the prohibition on sex-based compensation discrimination to *comparable* as opposed to *equal* work.

Connecticut law already prohibits employers from asking prospective employees about past compensation and generally allows employees to discuss wages.

Under the new law, a Connecticut employer cannot:

1. 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.
2. 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.

"Wage range" is defined as the "range of wages an employer anticipates relying on when setting wages for a position." It can include reference to pay scales, previously determined wages for the position, actual ranges for the employees who currently hold a comparable position, or the employer's budgeted amount for the position.

An individual may bring a civil action for violations of these new requirements within two years after a violation. Potential remedies include compensatory damages, attorney's fees and costs, punitive damages, and other legal and equitable relief.

Additionally, the new law modifies the prohibition against sex-based compensation decisions. While the law provided that employers could not pay someone of the opposite sex less for *equal* work, the amendment provides that employees of the opposite sex may not be paid less for *comparable* work. Determining whether work is comparable requires a review of various factors including "a composite of skill, effort and responsibility." The new law makes clear that geographic location, credentials, skills, education, and training may be bona fide factors other than sex upon which employers may make compensation decisions.

Connecticut employers should review their practices regarding disclosure of wage ranges to ensure compliance by October 1, 2021. Please contact a Jackson Lewis attorney with any questions about this new legislation or your company's compensation practices.

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