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CONNECTICUT WAGE LAW AMENDED TO REQUIRE DISCLOSURE OF WAGE RANGES AND CHANGE PAY EQUITY

Beginning October 1, 2021, Connecticut will join California, Maryland, and Washington in requiring employers with at least one employee to disclose the wage range for vacant positions to applicants and existing employees. The new law, "An Act Concerning the Disclosure of Salary Range for a Vacant Position," also amends existing law to require employers to provide employees with equal pay for "comparable" as opposed to "equal" work.

Connecticut law already prohibits employers from asking prospective employees about their wage history and permits current employees to freely discuss their wages. Under the new Act, Connecticut employers must determine the "wage range," defined as "the range of wages an employer anticipates relying on when setting wages for a position" by reference to pay scales, current or previous actual wage ranges, or budgets.

The Act also imposes specific disclosure requirements for the benefit of applicants and employees:

- **Applicants:** Employers cannot fail or refuse to provide an applicant with the wage range attendant to a position for which the applicant is applying, upon the earliest of: the applicant's request or prior to, or at, the time the applicant receives an offer of compensation;

- **Employees:** Employers cannot fail or refuse to provide an employee the wage range for the employee's position upon hire, a position change, or the employee's first request for a wage range.

The Act sets a two-year limitations period for bringing a civil action to remediate a violation of any of these new requirements. Remedies include compensatory damages, attorneys' fees and costs, punitive damages, and other legal or equitable relief.

Perhaps of greater practical significance, the Act also expands the concept of equal pay. Historically, Connecticut's Equal Pay Act, like its federal counterpart, prohibited employers from paying someone of the opposite sex less for equal work. The amendment alters that calculus to provide that employees of the opposite sex may not be paid less for comparable work. Ascertaining whether work is "comparable" requires a review of various factors including "a composite of skill, effort and responsibility." The Act further states that geographic location, credentials, skills, education, and training may be bona fide factors employers can consider when making compensation decisions.

In light of the new legislation, employers should review employee compensation and wage disclosure practices to ensure compliance with these new provisions by the Act's effective date of October 1, 2021.

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