

New Salary Range Disclosure Law May Create Headaches for Connecticut Employers

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James M. Sconzo



Jonathan Sterling



Brendan N. Gooley

Connecticut has enacted a law that will, starting October 1, 2021, require employers of all sizes to disclose to employees and applicants "wage range" information. In the case of a job applicant, employers will be required to inform that person, when requested, but no later than when a job offer is made, of the anticipated range of wages for the position. The range of wages for a position must similarly be provided to existing employees at their request, when they are hired, or whenever they change positions. When determining the "wage range," the law states that employers may refer to any applicable pay scale, any previously determined range of wages, the actual range of employees holding comparable positions, or the budgeted amount for the position.

The law comes with a powerful hammer - a private cause of action. Thus, employees and applicants can file a lawsuit if the statute is violated and may be entitled to compensatory damages, attorneys' fees, and punitive damages.

Connecticut joins a small handful of other jurisdictions with similar laws, including Colorado, which enacted a law that became effective in early 2021. The perceived burden of Colorado's law has been so great that there are several published accounts of national employers excluding Colorado-based workers from job postings for remote positions to avoid salary range disclosures.

Whether the Connecticut law applies to remote workers is not specifically addressed in the statute, but employers may have to assume for the time being that it does.

Employers will need to quickly develop a process to ensure that any requests for wage range information are not ignored. Employers will also need to develop a process to provide such information in connection with any employee being offered a job, being hired, or changing jobs. Failure to do so risks defending a costly lawsuit.

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