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New Development Affecting Connecticut Employers

Employers often ask job candidates to provide their wage or salary history as part of the employment application process. Doing so is now illegal in Connecticut. Connecticut law prohibits employers from asking prospective employees about their wage and salary history from any prior or current employment when considering whether to hire them. The law also prohibits employers from directing a third party, such as a recruiter or a staffing agency, to request such information from prospective employees. Employers can no longer ask job candidates to provide, for example, what hourly rate (if any), base salary, bonus, or commission they earned from any prior, or current, job. The law prohibits employers from requesting such information on a job application and/or during any interview with a prospective employee. The law provides prospective employees with the right to sue employers for violating the law, and enables prospective employees to recover compensatory and punitive damages, attorneys' fees and other relief if they can prove that an employer did so.

The law provides two narrow exceptions. First, an employer is not prohibited from discussing a prospective employee's prior wage and salary history if the candidate voluntarily discloses such information in the application process, such as during a job interview. Second, the law does not prohibit employers from inquiring about a prospective employee's wage or salary history if federal or state law authorizes an employer to verify such information for employment purposes.

Employers should review their job application processes to ensure they are compliant with Connecticut law, including by reviewing job application forms, questionnaires and interview questions. Employers should also advise employees involved in the hiring process of the new law so that they do not inadvertently expose the employer to potential liability to prospective employees.

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