

Acts Limiting What an Employer May Ask of a Prospective Employee, 2015-2024

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Issue

This report summarizes the Connecticut laws enacted over the past 10 years that limit what an employer may ask of a prospective employee.

Summary

Since 2015, the General Assembly has enacted four laws that limit what an employer may ask or require of a prospective employee (or job applicant). Together, these laws generally prohibit employers from asking prospective employees for (1) access to their personal online accounts (such as e-mail and social media accounts); (2) their criminal or salary history; and (3) their age, birth date, or school attendance or graduation dates. However, all of these laws have exceptions (such as when a different federal or state law allows or requires an employer to request the information), and some limit the circumstances in which they apply (for example, some apply to requests on initial job applications, but not subsequent interviews). Brief summaries of the acts are below.

PA 15-6: An Act Concerning Employee Online Privacy

This act generally prohibits employers from asking or requiring a job applicant to (1) give the employer a user name, password, or other way to access the applicant's personal online account; (2) authenticate or access the account in front of the employer; or (3) invite, or accept an invitation from, the employer to join a group affiliated with the account. It also bars employers from refusing to hire an applicant because the applicant would not provide access to his or her personal online

account. Under the act, a “personal online account” is an online account the applicant uses exclusively for personal purposes unrelated to any of the employer’s business purposes, including e-mail, social media, and retail-based Internet web sites. It does not include any account created, maintained, used, or accessed by an applicant for the employer’s business purposes.

Employer-provided accounts and devices and certain types of investigations (such as to ensure compliance with applicable laws or prohibitions against work-related employee misconduct) are not covered by the act.

Job applicants may file complaints about violations with the labor commissioner and if she finds that an employer violated the ban on requesting access to an applicant’s account, or refused to hire an applicant for refusing to provide access, she may impose a civil penalty of up to \$25 for an initial violation and \$500 for each subsequent violation (see [CGS § 31-40x](#)).

[PA 16-83: An Act Concerning Fair Chance Employment](#)

This act generally prohibits employers from asking prospective employees about their prior arrests, criminal charges, or convictions on an initial employment application unless the (1) employer must do so under a state or federal law or (2) prospective employee is applying for a position that requires the employer to obtain a security or fidelity bond, or an equivalent bond.

It allows a prospective employee to file a complaint with the labor commissioner alleging a violation of the prohibition, and subjects violators to a \$300 per violation civil penalty imposed by the Labor Department (see [CGS § 31-51i\(b\) & \(j\)](#)).

[PA 18-8: An Act Concerning Pay Equity](#)

This act generally prohibits employers from asking about a prospective employee’s wage and salary history. The prohibition does not apply (1) if the prospective employee voluntarily discloses his or her wage and salary history or (2) to actions taken under a federal or state law that specifically authorizes disclosure or verification of salary history for employment purposes. The act also explicitly allows an employer to ask about other elements of a prospective employee’s past compensation structure (such as stock options), as long as the employer does not ask about their value.

The act allows prospective employees to bring a lawsuit within two years after an alleged violation of the prohibition. Employers may be found liable for compensatory damages, attorney’s fees and costs, punitive damages, and any legal and equitable relief the court deems just and proper (see [CGS § 31-40z](#)).

[PA 21-69: An Act Deterring Age Discrimination in Employment Applications](#)

This act makes it a discriminatory employment practice for an employer to request or require a prospective employee's age, birth date, or school attendance or graduation dates on an initial employment application unless it is (1) for a bona fide occupational qualification or need or (2) required by state or federal law. The discriminatory employment practices law covers employers with at least one employee and individuals aggrieved by a discriminatory practice may file a complaint with the Commission on Human Rights and Opportunities (see [CGS §§ 46a-51\(10\), 46a-60\(b\)\(12\) & 46a-82](#)).

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