



General Assembly

**Amendment**

January Session, 2009

LCO No. 8857

\*SB0008008857HDO\*

Offered by:

REP. RYAN, 139<sup>th</sup> Dist.

REP. REYNOLDS, 42<sup>nd</sup> Dist.

To: Subst. Senate Bill No. 80

File No. 47

Cal. No. 667

**"AN ACT CONCERNING ELECTRONIC UNEMPLOYMENT  
COMPENSATION PAYMENTS."**

1 Strike subsection (a) of section 1 of substitute house bill 5521 of the  
2 current session, as amended by house amendment schedules "A" and  
3 "B", in its entirety and insert the following in lieu thereof:

4 "Section 1. (NEW) (*Effective October 1, 2009*) (a) No employer or an  
5 employer's agent, representative or designee may require an employee  
6 or prospective employee to consent to the creation of a credit report  
7 that contains information about the employee's or prospective  
8 employee's credit score, credit account balances, payment history,  
9 savings or checking account balances or savings or checking account  
10 numbers as a condition of employment unless (1) such report is  
11 substantially related to the employee's current or potential job, (2) such  
12 report is required by law, or (3) the employer reasonably believes that  
13 the employee has engaged in specific activity that constitutes a  
14 violation of the law. For the purposes of this section, "employee"  
15 means any person engaged in service to an employer in a business of

16 his employer, and "employer" means any person engaged in business  
17 who has one or more employees, including the state or any political  
18 subdivision of the state. For the purposes of this section, "substantially  
19 related to the employee's current or potential job" means the  
20 information contained in the credit report is related to the position for  
21 which the employee or prospective employee who is the subject of the  
22 report is being evaluated because the position (A) is a managerial  
23 position which involves setting the direction or control of the business,  
24 (B) involves access to customers', employees' or employer's personal or  
25 financial information other than information customarily provided in a  
26 retail transaction, (C) involves a fiduciary responsibility to the  
27 employer, including, but not limited to, the authority to issue  
28 payments, transfer money or enter into contracts, (D) provides an  
29 expense account, or (E) is a position of public trust."