



General Assembly

Amendment

January Session, 2009

LCO No. 8306

HB0552108306SD0

Offered by:
SEN. PRAGUE, 19th Dist.

To: Subst. House Bill No. 5521 File No. 959 Cal. No. 655

(As Amended by House Amendment Schedules "A" and "B")

**"AN ACT ELIMINATING CREDIT REPORTS AS A BASIS FOR
EMPLOYMENT DECISIONS."**

1 Strike subsection (a) of section 1 and insert the following in lieu
2 thereof:

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

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