



General Assembly

**Substitute Bill No. 6789**

January Session, 2015



**AN ACT CONCERNING EMPLOYER INQUIRIES ABOUT AN  
EMPLOYEE'S OR PROSPECTIVE EMPLOYEE'S CREDIT HISTORY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-51tt of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) As used in this section:

4 (1) "Employee" means any person engaged in service to an employer  
5 in a business of his employer;

6 (2) "Employer" means any person engaged in business who has one  
7 or more employees, including the state or any political subdivision of  
8 the state;

9 (3) "Financial institution" means (A) any entity or affiliate of a state  
10 bank and trust company, national banking association, state or  
11 federally chartered savings bank, state or federally chartered savings  
12 and loan association, state or federally chartered credit union,  
13 insurance company, investment advisor, broker-dealer, (B) an entity  
14 registered with the Securities and Exchange Commission, or (C) any  
15 mortgage broker, mortgage correspondent lender or mortgage lender  
16 licensed pursuant to chapter 668 or any mortgage servicing company,  
17 as defined in section 36a-715; and

18 (4) "Substantially related to the employee's current or potential job"  
19 means the information contained in the credit report is related to the  
20 position for which the employee or prospective employee who is the  
21 subject of the report is being evaluated because the position:

22 (A) Is a managerial position [which] that involves setting the  
23 direction or control of a business, division, unit or an agency of a  
24 business;

25 (B) Involves access to customers', employees' or the employer's  
26 personal or financial information other than information customarily  
27 provided in a retail transaction;

28 (C) Involves a fiduciary responsibility to the employer, including,  
29 but not limited to, the authority to issue payments, collect debts,  
30 transfer money or enter into contracts;

31 (D) Provides an expense account or corporate debit or credit card;

32 (E) Provides access to (i) confidential or proprietary business  
33 information, or (ii) information, including a formula, pattern,  
34 compilation, program, device, method, technique, process or trade  
35 secret that: (I) Derives independent economic value, actual or  
36 potential, from not being generally known to, and not being readily  
37 ascertainable by proper means by, other persons who can obtain  
38 economic value from the disclosure or use of the information; and (II)  
39 is the subject of efforts that are reasonable under the circumstances to  
40 maintain its secrecy; or

41 (F) Involves access to [the employer's nonfinancial assets valued at  
42 two thousand five dollars or more, including, but not limited to,]  
43 museum and library collections [and] or to prescription drugs and  
44 other pharmaceuticals.

45 (b) No employer or employer's agent, representative or designee  
46 may require an employee or prospective employee to consent to a  
47 request for a credit report that contains information about the

48 employee's or prospective employee's credit score, credit account  
49 balances, payment history, savings or checking account balances or  
50 savings or checking account numbers as a condition of employment  
51 unless (1) such employer is a financial institution, (2) such report is  
52 required by law, (3) the employer reasonably believes that the  
53 employee has engaged in specific activity that constitutes a violation of  
54 the law related to the employee's employment, or (4) such report is  
55 substantially related to the employee's current or potential job or the  
56 employer has a bona fide purpose for requesting or using information  
57 in the credit report that is substantially job-related and is disclosed in  
58 writing to the employee or applicant.

59 (c) Any employee or prospective employee may file a complaint  
60 with the Labor Commissioner alleging a violation of the provisions of  
61 subsection (b) of this section. Within thirty days after the filing of such  
62 complaint, the commissioner shall conduct an investigation and shall  
63 render his findings. Should such findings warrant, the commissioner  
64 shall hold a hearing, in accordance with the provisions of chapter 54.  
65 An employer shall be liable to the Labor Department for a civil penalty  
66 of three hundred dollars for each inquiry made in violation of  
67 subsection (b) of this section.

68 (d) The Attorney General, upon complaint of the Labor  
69 Commissioner, shall institute civil actions to recover the penalties  
70 provided for under subsection (c) of this section. Any amount  
71 recovered shall be deposited in the General Fund.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	31-51tt

**LAB**      *Joint Favorable Subst.*