

2067

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 15, 2009

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Introduced by M. of A. BENJAMIN, KOLB -- Multi-Sponsored by -- M. of A. HOOPER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to prohibiting discrimination in hiring based on credit scores

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 296 of the executive law is amended by adding a new  
2     subdivision 19-a to read as follows:  
3     19-A. (A) EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, IT  
4     SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE OF ANY EMPLOYER, LABOR  
5     ORGANIZATION, EMPLOYMENT AGENCY, LICENSING AGENCY, OR ITS EMPLOYEES,  
6     AGENTS, OR MEMBERS TO DIRECTLY OR INDIRECTLY USE AN APPLICANT'S PERSONAL  
7     CREDIT HISTORY AS HIRING CRITERIA.  
8     (B) AN EMPLOYER MAY REQUEST A CREDIT HISTORY BACKGROUND CHECK AS PART  
9     OF THE APPLICATION OR PROMOTION PROCESS WHERE SUCH HISTORY IS SHOWN TO  
10    BE DIRECTLY RELATED TO THE OCCUPATIONAL POSITION SOUGHT BY THE APPLICANT  
11    OR EMPLOYEE. SUCH HISTORY SHALL NOT BE A DETERMINANT FACTOR IN WHETHER  
12    THE APPLICANT OR EMPLOYEE IS ULTIMATELY HIRED OR PROMOTED TO THE POSI-  
13    TION SOUGHT.  
14    (C) IF AN EMPLOYEE CONSENTS TO A CREDIT HISTORY BACKGROUND CHECK AS  
15    PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, HE OR SHE MUST BE GIVEN  
16    AND SIGN AN AUTHORIZATION OF CONSENT FORM WHICH EXPLICITLY STATES THE  
17    SPECIFIC PURPOSE, USES AND LIMITATIONS OF THE CREDIT HISTORY BACKGROUND  
18    INFORMATION AS IT PERTAINS TO THE EMPLOYMENT POSITION SOUGHT.  
19    S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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