S T A T E O F N E W Y O R K

2837

2009-2010 Regular Sessions

I N S E N A T E

March 4, 2009

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government 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:

Section 1. Section 296 of the executive law is amended by adding a new subdivision 19-a to read as follows:

19-A. (A) EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE OF ANY EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, LICENSING AGENCY, OR ITS EMPLOYEES, AGENTS, OR MEMBERS TO DIRECTLY OR INDIRECTLY USE AN APPLICANT'S PERSONAL CREDIT HISTORY AS HIRING CRITERIA.

(B) AN EMPLOYER MAY REQUEST A CREDIT HISTORY BACKGROUND CHECK AS PART OF THE APPLICATION OR PROMOTION PROCESS WHERE SUCH HISTORY IS SHOWN TO BE DIRECTLY RELATED TO THE OCCUPATIONAL POSITION SOUGHT BY THE APPLICANT OR EMPLOYEE. SUCH HISTORY SHALL NOT BE A DETERMINANT FACTOR IN WHETHER THE APPLICANT OR EMPLOYEE IS ULTIMATELY HIRED OR PROMOTED TO THE POSITION SOUGHT.

(C) IF AN EMPLOYEE CONSENTS TO A CREDIT HISTORY BACKGROUND CHECK AS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, HE OR SHE MUST BE GIVEN AND SIGN AN AUTHORIZATION OF CONSENT FORM WHICH EXPLICITLY STATES THE SPECIFIC PURPOSE, USES AND LIMITATIONS OF THE CREDIT HISTORY BACKGROUND INFORMATION AS IT PERTAINS TO THE EMPLOYMENT POSITION SOUGHT.

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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