

5181

2013-2014 Regular Sessions

I N S E N A T E

May 14, 2013

Introduced by Sen. MARCELLINO -- 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 discrimi-
nation in hiring based on credit scores

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 SHALL 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.

LBD05502-01-3