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

9464

I N A S S E M B L Y

March 8, 2016

Introduced by M. of A. SEPULVEDA -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting an employer from discriminating on the basis of credit history

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

Section 1. The general business law is amended by adding a new section 380-BB to read as follows:

S 380-BB. DISCRIMINATION ON THE BASIS OF CREDIT HISTORY. NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW, NO EMPLOYER SHALL USE OR REQUEST INFORMATION IN THE CREDIT HISTORY OF A JOB APPLICANT OR EMPLOYEE IN CONNECTION WITH OR AS A CRITERION FOR EMPLOYMENT DECISIONS RELATED TO HIRING, TERMINATION, PROMOTION, DEMOTION, DISCIPLINE, COMPENSATION, OR THE TERMS, CONDITIONS, OR PRIVILEGES OF EMPLOYMENT UNLESS THE EMPLOYER IS MANDATED BY THIS ARTICLE OR FEDERAL LAW TO USE INDIVIDUAL CREDIT HISTORY FOR EMPLOYMENT PURPOSES, OR THE EMPLOYER HAS A BONA FIDE PURPOSE FOR REQUESTING OR USING INFORMATION IN THE CREDIT HISTORY REPORT THAT IS SUBSTANTIALLY RELATED TO THE EMPLOYEE'S CURRENT OR POTENTIAL JOB AND THE EMPLOYER COMPLIES WITH THE NOTICE AND CONSENT REQUIREMENTS OF THE FEDERAL FAIR CREDIT REPORTING ACT.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

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

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