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

4483--A

Cal. No. 428

2015-2016 Regular Sessions

I N S E N A T E

March 24, 2015

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the labor law, in relation to prohibiting student loan payment history checks in making employment decisions

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

Section 1. The labor law is amended by adding a new section 219-d to read as follows:

S 219-D. STUDENT LOAN PAYMENT HISTORY; EMPLOYMENT. 1. EXCEPT AS PROVIDED IN THIS SECTION AND IN THOSE CASES OTHERWISE MANDATED BY LAW, IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN EMPLOYER TO REQUEST OR TO USE FOR EMPLOYMENT PURPOSES INFORMATION CONTAINED IN THE CONSUMER CREDIT HISTORY INDICATING THE PAYMENT STATUS OF A STUDENT LOAN, AS DEFINED IN SUBDIVISION FOURTEEN OF SECTION SIXTEEN HUNDRED SEVENTY-SIX OF THE PUBLIC AUTHORITIES LAW, OF AN APPLICANT FOR EMPLOYMENT OR OTHERWISE DISCRIMINATE AGAINST SUCH APPLICANT WITH REGARD TO HIRING DECISIONS.

2. FOR THE PURPOSES OF THIS SECTION, THE TERM "CONSUMER CREDIT HISTORY" SHALL MEAN ANY INFORMATION BEARING ON AN INDIVIDUAL'S CREDIT WORTHINESS, CREDIT STANDING, OR CREDIT CAPACITY, INCLUDING, BUT NOT LIMITED TO, AN INDIVIDUAL'S CREDIT SCORE, CREDIT ACCOUNT AND OTHER CONSUMER ACCOUNT BALANCES, AND PAYMENT HISTORY.

3. THIS SECTION SHALL NOT APPLY TO AN EMPLOYER, OR AGENT THEREOF, THAT IS REQUIRED BY STATE OF FEDERAL LAW OR REGULATIONS OR BY A SELF-REGULATORY ORGANIZATION, AS DEFINED IN PARAGRAPH TWENTY-SIX OF SUBDIVISION (A) OF SECTION THREE OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, TO USE AN INDIVIDUAL'S CONSUMER CREDIT HISTORY FOR EMPLOYMENT PURPOSES.

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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