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A BILL
21-244

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Human Rights Act of 1977 to prohibit employers, employment agencies, and labor organizations from taking discriminatory action against prospective and current employees based on that prospective or current employee’s credit information, from directly or indirectly requiring, requesting, suggesting, or causing any employee to submit credit information, and from using, accepting, referring to, or inquiring into an employee’s credit information, and to provide fines for violations of the Act; and to amend the Office of Human Rights Establishment Act of 1999 to require the Office to develop and conduct a public information campaign to educate employees and employers about the act’s requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fair Credit in Employment Amendment Act of 2016”.

Sec. 2. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), is amended as follows:

(a) Section 211 (D.C. Official Code § 2-1402.11) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) The lead-in language is amended by striking the phrase “matriculation, or political affiliation of any individual” and inserting the phrase “matriculation, political affiliation, or credit information of any individual” in its place.

(B) Paragraph (4) is amended as follows:

ENGROSSED ORIGINAL

31 (i) Subparagraph (B) is amended by striking the phrase “disability,
32 or political affiliation of any individual” and inserting the phrase “disability, political affiliation,
33 or credit information of any individual” in its place.

34 (ii) A new subparagraph (D) is added to read as follows:

35 “(D) To directly or indirectly require, request, suggest, or cause any
36 employee to submit credit information, or use, accept, refer to, or inquire into an employee’s credit
37 information.”.

38 (2) Subsection (b) is amended by striking the phrase “disability, or political
39 affiliation of any individual” and inserting the phrase “disability, political affiliation, or credit
40 information of any individual” in its place.

41 (3) A new subsection (d) is added to read as follows:

42 “(d) Definitions. For the purposes of this section, the term:

43 “(1) “Credit information” means any written, oral, or other communication of
44 information bearing on an employee’s creditworthiness, credit standing, credit capacity, or credit
45 history.

46 “(2) “Inquire” means any direct or indirect conduct intended to gather credit
47 information using any method, including application forms, interviews, and credit history
48 checks.”.

49 (b) Section 313(a) (D.C. Official Code § 2-1403.13) is amended as follows:

ENGROSSED ORIGINAL

50 (1) Subsection (a) is amended by striking the phrase “If, at the conclusion” and
51 inserting the phrase “Except as provided in paragraph (1A) of this subsection, if at the conclusion”
52 in its place.

53 (2) A new paragraph (1A) is added to read as follows:

54 “(a)(1A) If, at the conclusion of the hearing, the Commission determines that a respondent
55 has engaged in an unlawful discriminatory practice in violation of the “Fair Credit in Employment
56 Amendment Act of 2016”, as approved by the Committee on the Judiciary on November 22, 2016
57 (Committee print for Bill 21-244), the Commission shall issue, and cause to be served upon such
58 respondent, a decision and order, accompanied by findings of fact and conclusions of law,
59 requiring such respondent to cease and desist from such unlawful discriminatory practice, and
60 providing for the payment to the complainant of a fine of \$1,000 for the first violation, \$2,500 for
61 the second violation, and \$5,000 for each subsequent violation.”.

62 Sec. 3. Section 204 of the Office of Human Rights Establishment Act of 1999, effective
63 October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1411.03), is amended as follows:

64 (a) Paragraph (8) is amended by striking the phrase “; and” and inserting a semicolon in its
65 place.

66 (b) Paragraph (9) is amended by striking the phrase “Title 2” and inserting the phrase “Title
67 2; and” in its place.

68 (c) A new paragraph (10) is added to read as follows:

69 “(10) Develop and conduct a public information campaign to educate employees
70 and employers about the Act’s requirements on or before January 2, 2018.”.

71 Sec. 4. Applicability.

72 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget
73 and financial plan.

74 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
75 an approved budget and financial plan, and provide notice to the Budget Director of the Council
76 of the certification.

77 (c)(1) The Budget Director shall cause the notice of the certification to be published in the
78 District of Columbia Register.

79 (2) The date of publication of the notice of the certification shall not affect the
80 applicability of this act.

81 Sec. 5. Fiscal impact statement.

82 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
83 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
84 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

85 Sec. 6. Effective date.

86 This act shall take effect following approval by the Mayor (or in the event of veto by the
87 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
88 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
89 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
90 Columbia Register.