

AN ACT

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 these provisions; and to amend the Office of Human Rights Establishment Act of 1999 to require the Office of Human Rights to develop and conduct a public information campaign to educate employees and employers about these new requirements of the Human Rights Act of 1977.

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:

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

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

"(D) To directly or indirectly require, request, suggest, or cause any employee to submit credit information, or use, accept, refer to, or inquire into an employee's credit information."

ENROLLED ORIGINAL

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

(3) New subsections (d) and (e) are added to read as follows:

“(d) Prohibited acts that otherwise would constitute unlawful discriminatory practices based upon the credit information of an individual under section 211(a) or (b) shall not apply:

“(1) Where an employer is otherwise required by District law to require, request, suggest, or cause any employee to submit credit information, or use, accept, refer to, or inquire into an employee’s credit information.

“(2) Where an employee is applying for a position as or is employed as a police officer with the Metropolitan Police Department, as a special police officer or campus police officer appointed pursuant to Section 202 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, effective November 16, 2006 (D.C. Law 16-187; D.C. Official Code § 5-129.02(a)), or in a position with a law enforcement function;

“(3) To the Office of the Chief Financial Officer of the District of Columbia;

“(4) Where an employee is required to possess a security clearance under District law;

“(5) To disclosures by District government employees of their credit information to the Board of Ethics and Government Accountability or the Office of the Inspector General, or to the use of such disclosures by those agencies;

“(6) To financial institutions, where the position involves access to personal financial information; or

“(7) Where an employer requests or receives credit information pursuant to a lawful subpoena, court order, or law enforcement investigation.

“(e) For the purposes of this section, the term:

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

“(2) “Financial institution” shall have the same meaning as provided in section 102(18) of the General Provisions of the 21st Century Financial Modernization Act of 2000, effective June 9, 2001 (D.C. Law 13-308; D.C. Official Code § 26-551.02(18)).

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

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

(1) Paragraph (1) is amended by striking the phrase “If, at the conclusion” and inserting the phrase “Except as provided in paragraph (3) of this subsection, if, at the conclusion” in its place.

(2) A new paragraph (3) is added to read as follows:

ENROLLED ORIGINAL

“(3) If, at the conclusion of the hearing, the Commission determines that a respondent has engaged in an unlawful discriminatory practice based on the credit information of an individual in violation of section 211(a) or (b), the Commission shall issue, and cause to be served upon the respondent, a decision and order, accompanied by findings of fact and conclusions of law, requiring the respondent to cease and desist from the unlawful discriminatory practice, and providing for the payment to the complainant of a fine of \$1,000 for the first violation, \$2,500 for the 2nd violation, and \$5,000 for each subsequent violation.”.

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

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

(b) Paragraph (9) is amended by striking the period at the end and inserting the phrase “; and” in its place.

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

“(10) On or before January 2, 2018, develop and conduct a public information campaign to educate employees and employers about the requirements of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), pertaining to unlawful discriminatory practices based on the credit information of an individual.”.

Sec. 4. Applicability.

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

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

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

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

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia