A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Kenyan R. McDuffie introduced the following bill, which was referred to the Committee on ____________________.

To assist unemployed and job seeking persons by removing barriers to gainful employment, to prohibit the consideration of a job applicant’s credit history during the hiring process, to restrict an employer’s inquiry into a job applicant’s credit history until after a conditional offer of employment, to establish penalties, and to give authority for enforcement to the Office of Human Rights.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fair Credit History Screening Act of 2015”.

Sec. 2. Definitions. For the purposes of this act, the term

(1) “Applicant” shall have the same meaning as provided in section 2(1) of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-152; D.C. Official Code § 32-1341)

(2) “Conditional offer” shall have the same meaning as provided in section 2(3)
of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014

(D.C. Law 20-152; D.C. Official Code § 32-1341)

(3) "Credit history" means consumer report or investigative consumer report with respect to any consumer where any information contained in the report bears on the consumer’s creditworthiness, credit standing, or credit capacity

(4) "Employer" shall have the same meaning as provided in section 2(6) of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014

(D.C. Law 20-152; D.C. Official Code § 32-1341)

(5) "Employment" shall have the same meaning as provided in section 2(7) of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014

(D.C. Law 20-152; D.C. Official Code § 32-1341)

(6) "Inquiry" shall have the same meaning as provided in section 2(8) of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014

(D.C. Law 20-152; D.C. Official Code § 32-1341)

(7) "Interview" shall have the same meaning as provided in section 2(9) of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014

(D.C. Law 20-152; D.C. Official Code § 32-1341)

Sec. 3. Inquiries into credit history.

(a) An employer may not make an inquiry about or require an applicant to disclose or reveal his or her credit history

(b) The prohibitions of this act shall not apply where a federal or District law or regulation requires the consideration of an applicant’s credit history for the purposes of employment
(c) Following the extension of a conditional offer of employment, an employer may only withdraw the conditional offer to an applicant or take adverse action against an applicant for a legitimate business reason. The employer’s determination of a legitimate business reason must be reasonable in light of the factors as provided in section 3(d) of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-152; D.C. Official Code § 32-1342).

(d) If an applicant believes that a conditional offer was terminated or an adverse action was taken against the applicant on basis of credit history, the applicant may request, within 30 days after termination or adverse action, that the employer provide the applicant within 30 days after the receipt of request

(1) A copy of any and all records produced by the employer in consideration of the applicant, including credit history records, and

(2) A notice that advises the applicant of his or her opportunity to file an administrative complaint with the Office of Human Rights

Sec. 4. Filing a complaint with the Office of Human Rights, exclusive remedy

A person claiming to be aggrieved by violation of this act may utilize the exclusive remedy as provided in section 4 of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-152; D.C. Official Code § 32-1343).

Sec. 5. Penalties.

If the Commission on Human Rights finds that a violation of this act has occurred, the penalties shall be the same as provided in section 5 of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-152; D.C. Official Code § 32-1344).
Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. 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 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.