HOUSE DOCKET, NO. 1595 FILED ON: 2/18/2011

HOUSE . . . . . No. 3518

The Commonwealth of Massachusetts

PRESENTED BY:

***David M. Nangle*, (BY REQUEST)**

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the use of credit reports in the hiring process.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Joanne Burns	*73 Newhall Street* *Lowell, MA 01852*

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HOUSE . . . . . No. 3518

By Mr. Nangle of Lowell (by request), a petition (accompanied by bill, House, No. 3518) of Joanne Burns relative to discrimination in hiring due to credit reports. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to the use of credit reports in the hiring process.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 4 of chapter 151B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following subsection:--

20. For an employer to refuse to hire or employ or to bar or discharge from employment, or otherwise to discriminate against any individual in compensation or in the terms, conditions or privileges of employment of any individual because of the individual's credit history or credit report, unless the information in the individual's credit history or credit report directly relates to a bona fide occupational qualification. A bona fide occupational requirement requires at least 1 of the following:

(i) state or federal law requires bonding or other security covering an individual holding the position;

(ii) the duties of the position include custody of or unsupervised access to cash or marketable assets valued at $2,500 or more;

(iii) the duties of the position include signatory power over business assets of $100 or more per transaction;

(iv) the position is a managerial position which involves setting the direction or control of the business;

(v) the position involves access to personal or confidential information, financial information, trade secrets, or commonwealth or national security information;

(vi) the position meets criteria in administrative rules, if any, that the federal Department of Labor has promulgated to establish the circumstances in which a credit history is a bona fide occupational requirement;

22 (vii) the position meets criteria in regulations promulgated by the executive office of
23 labor and workforce development to establish the circumstances in which a credit history is a
24 bona fide occupational requirement ;

25 (viii) the employee's or applicant's credit history is otherwise required by or exempt under
26 federal law or any general or special law.

27 SECTION 2. The executive office of labor and workforce development shall promulgate
28 regulations pursuant to clause (vii) of subsection 20 of section 4 of chapter 151B of the General
29 Laws on or before January 1, 2013.