

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Jim Graham introduced the following act, which was referred to the Committee on _____.

To prohibit the use of consumer credit checks against prospective and current employees for the purpose of making adverse employment decisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Equal Access to Employment for All Act of 2013”.

Sec. 2. Use of credit checks prohibited for employment purposes.

(a) Except as provided in paragraph (c) of this section, a person, including a prospective employer or current employer, may not use a consumer report or investigative consumer report, or cause a consumer report or investigative consumer report to be procured, with respect to any consumer where any information contained in the report bears on the consumer’s creditworthiness, credit standing, or credit capacity for employment purposes.

(b) The prohibition described in paragraph (a) shall apply even if the consumer consents or otherwise authorizes the procurement or use of a consumer report for employment purposes or in connection with an adverse action with respect to such consumer.

(c) Notwithstanding the prohibitions set forth in this section, an employer may use a consumer report with respect to a consumer in the following situations:

1 (1) When the consumer applies for, or currently holds, employment that requires
2 national security or FDIC clearance;

3 (2) When the consumer applies for, or currently holds, employment with a State
4 or local government agency which otherwise requires use of a consumer report;

5 (3) When the consumer applies for, or currently holds, a supervisory, managerial,
6 professional, or executive position at a financial institution; or

7 (4) When otherwise required by law.

8 Sec. 3. Fiscal impact statement.

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

12 Sec. 4. Effective date.

13 This act shall take effect following approval by the Mayor (or in the event of veto by the
14 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
15 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
16 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
17 Columbia Register.