

<b>The Use of Credit Information in Employment Screening by State<sup>1</sup></b>				
<i>State</i>	<i>Prohibition</i>	<i>Exceptions</i>	<i>Penalties</i>	<i>Status</i>
Alabama	An employer may not use applicant's or employee's credit report or credit history in determining whether to deny employment to applicant, discharge employee, or determine compensation or the terms, conditions or privileges of employment.	The prohibition does not apply if the employer has a <i>bona fide</i> purpose to use a credit report, meaning the request is substantially job-related and disclosed in writing to the employee or applicant. Examples of such jobs include managerial positions, access to personal information not customarily provided in a retail transaction, fiduciary responsibility, provided an expense account or corporate credit card, or access to confidential business information. Certain federally-insured financial institutions are also exempt from coverage.	Up to \$500 for an initial willful or negligent violation; and up to \$2,500 for a repeat violation.	Pending <sup>2</sup>
Alaska	No pending legislation.	N/A	N/A	N/A
Arizona	No pending legislation.	N/A	N/A	N/A
Arkansas	An employer shall not fail or refuse to hire, discharge, or otherwise discriminate against an applicant or employee	The prohibition does not apply to financial institutions, certain insurance or surety companies, state law enforcement, and debt collectors. Any employer may use credit if a satisfactory credit history is a <i>bona fide</i> occupational requirement. Examples of positions where	Injunctive relief, damages, or both, including	Failed <sup>3</sup>

<sup>1</sup> This chart includes recent passed, pending, and failed legislation regarding the use of credit information for employment purposes. As of the date of this publication, only 8 states have passed such legislation, indicated in bold in this chart and listed as "Law" in the status column. Many other states have considered, or rejected, similar legislation, listed as "Pending" or "Failed," respectively, in the status column. Pending legislation is included to illustrate legislation a State may have considered, but until passed by the legislature, these bills may be amended or additional bills may be introduced. This chart provides a brief summary of the prohibitions, exceptions, and penalties in each state's legislation, but does not provide a comprehensive review due to space limitations. Certain terms in this chart, such as "employer," "financial institution," or "managerial position," have specific definitions that may vary state to state. Employers should carefully review these laws before considering the use of credit information in employment screening to ensure compliance. Employers should also review state-specific Fair Credit Report Act statutes, as some states require action in addition to the federal requirements at 15 U.S.C. § 1681 *et seq.*

<sup>2</sup> H.B. 657 (2011).

<sup>3</sup> H.B. 1987 (2011).

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<i>State</i>	<i>Prohibition</i>	<i>Exceptions</i>	<i>Penalties</i>	<i>Status</i>
	because of credit history, inquire about credit history of an employee or applicant, or order or obtain a credit report of an employee or applicant.	satisfactory credit history meets this requirement include positions with state or federal bonding requirements, custody or unsupervised access to cash or marketable assets valued at \$2,500 or more, signatory power over business assets of \$100 or more per transaction, managerial positions, or access to personal or confidential information not customarily provided in a retail transaction.	costs and attorney’s fees to prevailing plaintiff.	
<b>California</b>	An employer or prospective employer shall not use a consumer credit report for employment purposes, unless an exception is present.	The prohibition does not apply if the position is a managerial position, a position for which the information contained in the report is required by law to be disclosed or obtained, certain access to bank or credit card information, social security number, and date of birth of any one person, authority to transfer money or enter into financial contracts, access to confidential or proprietary information, or regular access to cash totaling \$10,000 or more of the employer, a customer, or client. Does not apply to companies subject to the Gramm-Leach-Bliley Act if the company is subject to compliance oversight by a state or federal regulatory agency.	Not specified.	Law <sup>4</sup>
Colorado	An employer shall not use consumer credit information for employment purposes. If	The prohibition does not apply if the credit information is substantially job-related. When job-related, an employer “may” inquire further regarding circumstances where credit score may not reflect money management skills.	Injunctive relief, damages, or both,	Pending <sup>5</sup>

<sup>4</sup> CAL. LAB. CODE § 1024.5.

<sup>5</sup> S.B. 12-003 (2012).

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	an employer relies on consumer credit information, employer must disclose this fact to the applicant or employee.	Substantially job-related means that the position of the person for whom the information sought has access to money or asset-management decisions.	including reasonable costs and attorney's fees to prevailing party.	
<b>Connecticut</b>	An employer may not require an employee or applicant to consent to a request for a credit report as a condition of employment.	The prohibition does not apply to financial institutions, if the report is required by law, if the employer reasonably believes that the employee has engaged in specific activity that constitutes a violation of the law related to the employee's employment, or if the report is substantially related to the job or the employer has a <i>bona fide</i> purpose for requesting or using information in the credit report that is substantially job-related and is disclosed in writing to the employee or applicant. Jobs for which a credit report is substantially related include managerial jobs, jobs with access to personal or financial information not customarily provided in a retail transaction, jobs with fiduciary responsibility, jobs with an expense account or corporate credit card, access to confidential or proprietary information, or access to nonfinancial assets valued at \$2,500 or more.	\$300 penalty for each violation.	Law <sup>6</sup>
Delaware	No pending legislation.	N/A	N/A	N/A

<sup>6</sup> CONN. GEN. STAT. § 31-51tt.

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District of Columbia	An employer may not use a credit report, or cause a credit report to be procured, for employment purposes.	The prohibition does not apply if the position requires national security or FDIC clearance, is a state or local government job which otherwise requires use of a credit report, is a supervisory, managerial, or executive position at a financial institution, or if otherwise required by law.	Not specified.	Pending <sup>7</sup>
Florida	An employer may not use an applicant's credit report or credit history for the purpose of denying employment to the applicant or for determining the compensation, terms, conditions, or privileges of employment.	The prohibition does not apply if the employer has a <i>bona fide</i> purpose for requesting or using the credit information which is substantially job-related and disclosed in writing to the applicant. Examples include positions that are managerial or supervisory, involve access to personal information not customarily provided in a retail transaction, involve a fiduciary responsibility to the employer, involve the use of an expense account or a corporate credit card, involve access to confidential or proprietary information, or involve public safety. It also does not apply if the employer is required to inquire into an applicant's credit history by federal or state law, or to certain financial institutions, credit unions, or financial advisors.	Declaratory and injunctive relief; actual damages plus attorney's fees and court costs.	Failed <sup>8</sup>
Georgia	An employer may not fail or refuse to hire, bar or discharge from employment, or otherwise	The prohibition does not apply if the information in the credit history or credit report directly relates to a <i>bona fide</i> occupational qualification reasonably necessary to the normal operation of the business or enterprise.	Actual damages including reasonable	Pending <sup>9</sup>

<sup>7</sup> B19-38 (2011).

<sup>8</sup> S.B. 1356 (2012).

<sup>9</sup> H.B. 780 (2012).

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	discriminate against an individual because of the individual's credit history or credit report.		attorney's fees.	
<b>Hawaii</b>	It shall be an unlawful discriminatory practice for any employer to refuse to hire or employ or to bar or discharge from employment, or otherwise to discriminate against any individual in compensation, terms, conditions, or privileges of employment because of the individual's credit history or credit report.	Inquiry into and consideration of a prospective employee's credit history or credit report may take place only after the prospective employee has received a conditional offer of employment, which may be withdrawn if information in the credit history or credit report is directly related to a <i>bona fide</i> occupational qualification. This prohibition does not apply if the employer is expressly permitted or required to inquire into an individual's credit history for employment purposes pursuant to federal or state law, or to managerial or supervisory employees, or certain financial institutions.	Affirmative action, including, but not limited to, hiring, reinstatement, or upgrading of employees with or without backpay, and costs, including attorney's fees.	Law <sup>10</sup>
<b>Idaho</b>	No pending legislation.	N/A	N/A	N/A
<b>Illinois</b>	An employer shall not: fail or refuse to hire or recruit, discharge, or otherwise discriminate	The prohibition does not apply if satisfactory credit history is a <i>bona fide</i> occupational requirement of a particular position, which requires that one of the following circumstances is present: state or federal law	Injunctive relief, damages, or both,	Law <sup>11</sup>

<sup>10</sup> HAW. REV. STAT. § 378-2(8), 378-2.7.

<sup>11</sup> 820 ILL. COMP. STAT. § 70/1 *et seq.*

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	against an individual with respect to employment, compensation, or a term, condition, or privilege of employment because of the individual's credit history or credit report; inquire about an applicant's or employee's credit history; or order or obtain an applicant's or employee's credit report from a consumer reporting agency. The law also prohibits retaliation for filing a complaint, supporting an investigation, or opposing a violation under the Act.	requires bonding or other security covering an individual holding the position, the duties of the position include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more, the duties of the position include signatory power over business assets of \$100 or more per transaction, the position is a managerial position which involves setting the direction or control of the business, the position involves access to personal or confidential information, trade secrets, or State or national security information, the position meets criteria established by the U.S. Department of Labor of the Illinois Department of Labor, or the employee's or applicant's credit history is otherwise required by or exempt under federal or State law.	including costs and attorney's fees to prevailing plaintiff.	
Indiana	An employer shall not use a credit report in the process of hiring a prospective employee or in determining whether to continue the employment	The prohibition does not apply if the information contained in the credit report is substantially job related. A credit report is substantially job related if the position has access to money, other assets, or trade secrets or confidential information. A credit report also may be used if the position is a managerial position, a position in	Injunctive relief, damages, or both, including costs and	Pending <sup>12</sup>

<sup>12</sup> S.B. 261 (2012).

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	of an employee.	the office of the attorney general, a sworn law enforcement position, or a position for which the information contained in the report is required to be disclosed by law or to be obtained by the employer.	attorney's fees.	
Iowa	An employer may not discriminate against an applicant or employee based on a person's credit score or home ownership status.	This bill would add credit score and home ownership status to the protected categories in the State's anti-discrimination law. No new exceptions would be created by the bill, but the existing exceptions to the anti-discrimination law would be applicable.	Injunctive relief, damages, or both, including costs and attorney's fees.	Pending <sup>13</sup>
Kansas	No employer shall use an applicant's or employee's consumer report in determining whether to deny employment to the applicant, discharge the employee, or determine compensation or the terms, conditions or privileges of employment. An employer that uses or relies upon an applicant's	The prohibition does not apply if the employer has a <i>bona fide</i> purpose for requesting or using information in the consumer report that is substantially job-related and disclosed in writing to the employee or applicant. These positions may include law enforcement officers, managerial positions, a position that involves access to personal information not customarily provided in a retail transaction, involves a fiduciary responsibility to the employer, or has access to confidential or proprietary information. The prohibition also does not apply to employers that are required by state or federal law to inquire into an applicant's or employee's credit history, a	Not specified.	Failed <sup>14</sup>

<sup>13</sup> H.F. 2281 (2012).

<sup>14</sup> S.B. 286 (2012).

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	or employee's credit information to make an adverse employment decision must comply with specific notification requirements.	financial institution, or an investment advisor.		
Kentucky	It is an unlawful practice for an employer to fail or refuse to hire, to discharge, or otherwise disadvantage any individual with respect to compensation, terms, or conditions of employment based on the individual's credit history or credit score.	The prohibition does not apply if the individual's credit history or credit score is directly, materially, and substantially related to the duties and performance of the employee or the overall operation of the employer's business.	Injunctive relief, damages, or both, including costs and attorney's fees.	Pending <sup>15</sup>
Louisiana	It is an unlawful discriminatory practice for any employer to use a consumer's credit rating, credit score, credit capacity, credit history, or other information from a	The prohibition does not apply if the information directly relates to a <i>bona fide</i> occupational qualification, or to employers who are federally insured banks or credit unions, employers who are required by state or federal law to use individual credit history for employment purposes, public safety officers. Additionally, the prohibition does not apply if the information is	Not specified.	Pending <sup>16</sup>

<sup>15</sup> H.B. 144 (2011).

<sup>16</sup> S.B. 529 (2010).



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	consumer report as a factor in making decisions regarding the person’s employment, including preemployment screening, hiring, tenure, terms, conditions, promotion, retention, privileges of employment, insurance, benefits, pay, or any matter directly or indirectly related to employment.	substantially job-related and the employer’s reasons for use of such information are disclosed to the employee or prospective employee in writing.		
Maine	No pending legislation.	N/A	N/A	N/A
<b>Maryland</b>	An employer may not use an applicant’s or employee’s credit report or credit history in determining whether to deny employment to the applicant, discharge the employee, or determine compensation or the terms, conditions, or privileges of employment.	The prohibition does not apply to an employer that is required under federal or state law to inquire into an applicant’s or employee’s credit report or credit history, certain financial institutions, credit unions, and investment advisors. Additionally, the prohibition does not apply if the employer has a <i>bona fide</i> purpose for requesting or using the information that is substantially job-related and disclosed in writing to the applicant or employee. Examples of this type of position include managerial positions, positions with access to personal information not customarily provided in a retail	Up to \$500 for an initial violation; up to \$2,500 for a repeat violation.	Law <sup>17</sup>

<sup>17</sup> MD. CODE ANN., LAB. & EMPL. § 3-711.

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		transaction, positions with fiduciary responsibility, positions with an expense account or corporate credit card, or positions with access to confidential or proprietary information.		
Massachusetts	It shall be an unlawful practice 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.	The prohibition does not apply if the information directly relates to a <i>bona fide</i> occupational requirement, which requires at least one of the following: state or federal law requires bonding or other security covering an individual holding the position; the duties of the position include custody or unsupervised access to cash or marketable assets valued at \$2,500 or more; the duties of the position include signatory power over business assets of \$100 or more per transaction; the position is a managerial position which involves setting the direction or control of the business; the position involves access to personal or confidential information; the position meets criteria in administrative rules, if any, that the federal Department of Labor or the executive office of labor and workforce development establish; or the employee's or applicant's credit history is otherwise required by or exempt under federal law or any general or special law.	Injunctive relief, damages, or both, including costs and attorney's fees to prevailing complainant, and additional civil penalties.	Pending <sup>18</sup>
Michigan	An employer shall not fail or refuse to hire or to recruit an individual for	The prohibition does not apply if a good credit history is an established <i>bona fide</i> occupational requirement for the position, including an employee of certain financial	Injunctive relief, damages, or	Pending <sup>19</sup>

<sup>18</sup> H.B. 3518 (2011).

<sup>19</sup> H.B. 4363 (2011).

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	employment because of the individual's credit history or inquire about a job applicant's or potential job applicant's credit history. The bill also prohibits retaliation.	institutions, credit unions, casino, or an employee of an insurer if the employee is working in a fiduciary capacity.	both, including costs and attorney's fees for prevailing plaintiff.	
Minnesota	A public or private employer may not inquire into or consider the credit history or score of an applicant for employment until the applicant has been selected for an interview by the employer.	The prohibition does not apply to the Department of Corrections or to employers who have a statutory duty to conduct a criminal history background check or otherwise take into consideration a potential employee's criminal history during the hiring process.	Not specified.	Pending <sup>20</sup>
Mississippi	No pending legislation.	N/A	N/A	N/A
Missouri	It shall be an improper employment practice for any employer to directly or indirectly use a job applicant's personal credit history as hiring criteria.	The prohibition does not apply if the credit history is shown to be directly related to the occupational position sought by the job applicant, but such history shall not be the determinant factor in whether the job applicant is ultimately hired to the position sought.	Not specified.	Pending <sup>21</sup>
Montana	An employer may not use	The prohibition does not apply if the applicant or	Misdemeanor	Failed <sup>22</sup>

<sup>20</sup> S.F. 1122 (2011).

<sup>21</sup> H.B. 1240 (2012).

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	any credit history contained in a consumer report for employment purposes.	employee may be in a position for which credit is used in goods, a line of credit is provided, or a fiduciary responsibility is owed to the employer.	offense, \$250 for first offense and no more than \$500 for second or subsequent offense.	
Nebraska	It shall be an unlawful employment practice for an employer to fail or refuse to hire, to discharge, or to harass any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of the individual's credit history or credit report.	The prohibition does not apply if the information in the individual's credit history or credit report directly relates to a <i>bona fide</i> occupational qualification for employment.	Not specified.	Pending <sup>23</sup>
Nevada	A person shall not request	The prohibition does not apply if the person is required or	Not specified.	Pending <sup>24</sup>

<sup>22</sup> H.B. 601 (2011).

<sup>23</sup> L.B. 113 (2011).

<sup>24</sup> A.B. 331 (2011).

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	or consider a consumer report for the purpose of evaluating any other person for employment, promotion, reassignment or retention as an employee.	authorized by state or federal law to use a consumer report, the person reasonably believes that the consumer has engaged in specific activity which may constitute a violation of state or federal law, or the information contained in the consumer report is reasonably related to the position for which the consumer is being evaluated. The information is reasonably related if the duties of the position include: the care, custody or handling of or responsibility for money, financial accounts, corporate credit cards, or other assets; access to confidential or proprietary information; managerial or supervisory responsibility; the direct exercise of law enforcement authority; the care, custody and handling of or responsibility for personal information of another person; access to the personal financial information of another person; employment with certain financial institutions; or employment with a licensed gaming establishment.		
New Hampshire	No pending legislation.	N/A	N/A	N/A
New Jersey	No employer shall seek to obtain or require a current or prospective employee to provide or consent to the creation of a credit report that contains	The prohibition does not apply if the employer is required by law to obtain a credit report, or the employer reasonably believes that the employee has engaged in specific activity that is financial in nature and constitutes a violation of the law. Additionally, the prohibition does not apply if credit history is a <i>bona fide</i> occupational	Injunctive relief, damages, or both, including costs and	Pending <sup>25</sup>

<sup>25</sup> S.B. 455 (2012).

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	information about the current or prospective employee's credit history, credit score, credit account balances, payment history, savings or checking account balances, or savings or checking account numbers. No employer shall discharge, demote, suspend, retaliation, refuse to hire, or otherwise discriminate against a current or prospective employee with regarding to promotion, compensation, or the terms, conditions or privileges of employment, based on information in a credit report of the employee.	qualification of a position, including a position that: is a managerial position; involves access to financial information not customarily provided in a retail transaction; involves a fiduciary responsibility to the employer; provides an expense account for travel; or is a law enforcement officer.	attorney's fees, and additional civil penalties.	
New Mexico	An employer shall not fail or refuse to hire or recruit,	The prohibition does not apply if good credit information is an established <i>bona fide</i> occupational requirement of a	Not specified.	Pending <sup>26</sup>

<sup>26</sup> S.B. 72 (2011).

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	or discharge or otherwise discriminate against, a person with respect to employment or compensation or with respect to a term, condition, or privilege of employment, based on the person's credit information. An employer shall not inquire about an applicant's or employee's credit information.	particular position. Information is not a <i>bona fide</i> occupational requirement unless the position: requires federal deposit insurance corporation clearance; is at a financial service institution; or requires United States security clearance.		
New York	No employer shall use information in the credit history of a job applicant or employee in connection with or as a criterion for employment decisions related to hiring, termination, promotion, demotion, discipline, compensation, or the terms, conditions or	The prohibition does not apply to the employers of law enforcement officers or if the employer is required by state or federal law to use individual credit history for employment purposes.	Injunctive relief, damages, or both, including costs and attorney's fees, and additional civil penalties.	Pending <sup>27</sup>

<sup>27</sup> A.B. 8070 (2011).

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	privileges of employment. No employer shall request the job applicant's or employee's credit history for such purpose.			
North Carolina	No pending legislation.	N/A	N/A	N/A
North Dakota	No pending legislation.	N/A	N/A	N/A
Ohio	No employer shall discharge, refuse to hire, or otherwise discriminate against any person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment based on a consumer report or investigative consumer report if the report contains information concerning the person's consumer	The prohibition does not apply if the position is a supervisory, managerial, professional, or executive position at a financial institution.	Minor misdemeanor.	Pending <sup>28</sup>

<sup>28</sup> H.B. 131 (2012).



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	creditworthiness, credit standing, or credit capacity.			
Oklahoma	An employer shall not: fail or refuse to hire or recruit, discharge, or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment based on the credit history or credit report of the individual; inquire about the credit history of an employee or applicant; or order or obtain the credit report of an applicant or employee from a consumer reporting agency.	This prohibition does not apply if a satisfactory credit history is an established <i>bona fide</i> occupational requirement of a position, which requires at least one of the following: state or federal law requires bonding or other security covering an individual holding the position; the duties of the position involve custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more; the duties of the position include signatory power over business assets of \$100 or more per transaction; the position is a managerial position which involves setting the direction or control of the business; the position involves access to personal or confidential information, financial information, trade secrets, or state or national security information; the position meets criteria in administrative rules, if any, that the U.S. Department of Labor or the State Department of Labor has established; or the credit history of the employee or applicant is otherwise required by or exempt under federal or state law. Certain financial institutions, insurance businesses, law enforcement units, state or local government agencies, and debt collector entities are excluded from coverage.	Injunctive relief, damages, or both, including costs and attorney's fees to prevailing plaintiff.	Pending <sup>29</sup>

<sup>29</sup> H.B. 2860 (2012).

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<b>Oregon</b>	It is an unlawful employment practice for an employer to obtain or use for employment purposes information contained in the credit history of an applicant for employment or an employee, or to refuse to hire, discharge, demote, suspend, retaliate or otherwise discriminate against an applicant or an employee with regard to promotion, compensation, or the terms, conditions or privileges of employment based on information in the credit history of the applicant or employee.	The prohibition does not apply to: employers that are federally insured banks or credit unions; employers that are required by state or federal law to use individual credit history for employment purposes; public safety officers; or positions for which the information is substantially job-related and the employer's reasons for the use of such information are disclosed to the employee or prospective employee in writing.	Injunctive relief, damages, or both, including costs and attorney's fees to prevailing party.	Law <sup>30</sup>
Pennsylvania	It shall be an unlawful discriminatory practice for any employer to require an employee or	The prohibition does not apply if one of the following circumstances exists: such report is substantially related to the employee's current or potential job; such report is required by law; the position is with the Office of	Not specified.	Pending <sup>31</sup>

<sup>30</sup> OKLA. STAT. tit. 51, § 659A.320.

<sup>31</sup> H.B. 2619 (2012).

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	prospective employee to consent to the creation of a credit report that contains information about the employee’s or prospective employee’s credit score, credit account balances, payment history, savings or checking account balances or savings or checking account numbers as a condition of employment.	Attorney General, Pennsylvania State Police or other law enforcement agency. Credit information is substantially job-related to the position because the position is a managerial position which involves setting the direction or control of the business, involves access to personal or financial information not customarily provided in a retail transaction, involves a fiduciary responsibility to the employer, requires access to confidential or proprietary information, or involves regular access to cash totaling \$10,000 or more during the work day.		
Rhode Island	An employer may not use an applicant’s or employee’s credit report or credit history in determining whether to deny employment to the applicant, discharge the employee, or determine compensation or the terms, conditions, or privileges of employment.	The prohibition does not apply to an employer that is: required by federal or state law to inquire into an applicant’s or employee’s credit report or credit history; certain financial institutions, credit unions, and investment advisors. Additionally, the prohibition does not apply if the employer has a <i>bona fide</i> purpose for requesting the information in the credit report or credit history that is substantially job-related and disclosed in writing to the applicant or employee. Examples of these positions include a position that: is managerial and involves setting the direction or control of a business, or	Up to \$500 for an initial violation; up to \$2,500 for a repeat violation.	Pending <sup>32</sup>

<sup>32</sup> S.B. 2727 (2012).

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<i>State</i>	<i>Prohibition</i>	<i>Exceptions</i>	<i>Penalties</i>	<i>Status</i>
		a department, division, unit, or agency of a business; involves access to personal information not customarily provided in a retail transaction; involves a fiduciary responsibility to the employer; is provided access to an expense account or corporate credit card; or has access to confidential or proprietary information.		
South Carolina	An individual's credit score must not be the basis of any personnel action, including, but not limited to, employment, termination, demotion, or promotion of an employee.	None specified.	Misdemeanor, fine between \$10 and \$50, and imprisonment not less than ten nor more than thirty days.	Pending <sup>33</sup>
South Dakota	No pending legislation.	N/A	N/A	N/A
Tennessee	No pending legislation.	N/A	N/A	N/A
Texas	An agency in any branch of state government may not consider an individual's credit information or credit score in deciding whether to hire the individual.	The prohibition does not apply to the hiring of an individual who is being considered for: a position that involves access to or the direct handling of money or negotiable instruments; a position as a peace officer, law enforcement officer, public security officer, county jailer, or corrections officer; or a position that involves investigating possible violations of law or state agency	Not specified.	Pending <sup>34</sup>

<sup>33</sup> H.B. 4823 (2012).

<sup>34</sup> H.B. 449 (2011).

<b>The Use of Credit Information in Employment Screening by State<sup>1</sup></b>				
<i>State</i>	<i>Prohibition</i>	<i>Exceptions</i>	<i>Penalties</i>	<i>Status</i>
		rule.		
Utah	No pending legislation.	N/A	N/A	N/A
<b>Vermont</b>	An employer shall not: fail or refuse to hire or recruit, discharge, or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment because of the individual's credit report or credit history; or inquire about an applicant or employee's credit report or credit history. The law also protects employees or applicants from retaliation.	The prohibition does not apply if: the information is required by state or federal law or regulation; the position of employment involves access to confidential financial information; the employer is a certain financial institution or credit union; the position is that of law enforcement officer, emergency medical personnel, or firefighter; the position requires a financial fiduciary responsibility; the employer can demonstrate that the information is a valid and reliable predictor of employee performance in the specific position of employment; or the position of employment involves access to an employer's payroll information. Even if the prohibition does not apply, an employer may not use the information as the sole factor in decisions regarding employment, compensation, or a term, condition, or privilege of employment. An employer seeking to obtain or act upon an employee's or applicant's credit report or credit history shall: obtain the employee's or applicant's written consent each time the employer seeks to obtain the employee's or applicant's credit report; disclose in writing to the employee or applicant the employer's reasons for accessing the credit report; ensure that none of the costs associated with obtaining an employee's or applicant's credit report or	Injunctive relief, damages, or both, including costs and attorney's fees.	Law <sup>35</sup>

<sup>35</sup> VT. STAT. ANN. Tit. 21 § 495i.

<b>The Use of Credit Information in Employment Screening by State<sup>1</sup></b>				
<i>State</i>	<i>Prohibition</i>	<i>Exceptions</i>	<i>Penalties</i>	<i>Status</i>
		credit history are passed on to the employee or applicant; and ensure that the information is kept confidential.		
Virginia	No pending legislation.	N/A	N/A	N/A
<b>Washington</b>	A person may not procure a consumer report for employment purposes where any information contained in the report bears on the consumer's creditworthiness, credit standing, or credit capacity.	The prohibition does not apply if the information is either substantially job related and the employer's reasons for the use of such information are disclosed to the consumer in writing, or required by law.	Knowing and willfully obtaining information under false pretenses is subject to a fine of up to \$5,000 or imprisonment for up to one year, or both.	Law <sup>36</sup>
West Virginia	No pending legislation.	N/A	N/A	N/A
Wisconsin	No employer may engage in any act of employment discrimination against any individual on the basis of credit history.	The prohibition does not apply if: the circumstances of an individual's credit history are substantially related to the circumstances of a particular job; employment depends on the bondability of the individual required by state or federal law.	Not specified.	Failed <sup>37</sup>
Wyoming	No pending legislation.	N/A	N/A	N/A

<sup>36</sup> WASH. REV. CODE § 19.182.020.

<sup>37</sup> S.B. 246 (2012).