

HOUSE BILL No. 4528

March 10, 2009, Introduced by Reps. Switalski, Miller, Gonzales, Polidori, Leland, Gregory, Haugh, Segal, Liss, Tlaib and Roberts and referred to the Committee on Labor.

A bill to prohibit employers from making certain recruiting or hiring decisions based upon an individual's credit history; to prohibit employers from making certain inquiries; to prohibit certain waivers; to prohibit retaliation; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "job
2 applicant credit privacy act".

3 Sec. 3. As used in this act:

4 (a) "Credit history" means information that is generally used
5 in evaluating an individual's creditworthiness, credit standing, or
6 credit capacity, such as a debt payment record or a credit score
7 compiled by a consumer credit agency.

8 (b) "Employer" means an individual or entity, or the agent of
9 an individual or entity, that permits 1 or more individuals to work

1 or accepts applications for employment.

2 Sec. 5. (1) Except as provided in this section, an employer
3 shall not do either of the following:

4 (a) Fail or refuse to hire or to recruit an individual for
5 employment because of the individual's credit history.

6 (b) Inquire about a job applicant's or potential job
7 applicant's credit history.

8 (2) The prohibition in subsection (1) does not apply to
9 prevent an inquiry or employment action if a good credit history is
10 an established bona fide occupational requirement of a particular
11 position or employment classification. Good credit history shall be
12 considered a bona fide job qualification for any employee of any of
13 the following:

14 (a) A state or nationally chartered bank, bank holding
15 company, or its affiliate or subsidiary.

16 (b) A state or federally chartered savings and loan, savings
17 bank, or credit union or credit union affiliate or subsidiary.

18 (c) An individual or firm licensed or registered under article
19 7 of the occupational code, 1980 PA 299, MCL 339.720 to 399.736.

20 (d) A casino.

21 Sec. 7. A person shall not retaliate or discriminate against
22 an individual because the individual has done or was about to do
23 any of the following:

24 (a) File a complaint under this act.

25 (b) Testify, assist, or participate in an investigation,
26 proceeding, or action concerning a violation of this act.

27 (c) Oppose a violation of this act.

1 Sec. 9. An employer shall not require an individual to waive
2 or limit any protection granted under this act as a condition of
3 applying for or receiving an offer of employment. An agreement to
4 waive any right or protection under this act is contrary to public
5 policy and is void and unenforceable.

6 Sec. 11. (1) An individual who is injured by a violation of
7 this act may bring a civil suit to obtain damages or injunctive
8 relief, or both.

9 (2) The court shall award costs and reasonable attorney fees
10 to an individual who prevails as a plaintiff in a suit authorized
11 under this section.