File #: 160072, **Version:** 0

Amending Chapter 9-1100 of The Philadelphia Code, entitled "Fair Practices Ordinance: Protections Against Unlawful Discrimination," by adding a section prohibiting employers from obtaining or using credit-related information regarding employees and job applicants in certain circumstances, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-1100 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-1100. FAIR PRACTICES ORDINANCE:
PROTECTIONS AGAINST UNLAWFUL DISCRIMINATION.

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§ 9-1102. Definitions.

(1) For purposes of this Chapter the following terms shall have the following meanings:

* * *

(a.1) "Applicant." Any person considered for, or who requests to be considered for, employment by an employer.

* * *

(c.1) "Credit Information." Any written, oral, or other communication of information regarding a person's: debt; credit worthiness, standing, capacity, score or history; payment history; charged-off debts; bank account balances or other information; or bankruptcies, judgments, liens, or items under collection.

* * *

(j.1) "Financial Institution." Any bank, savings and loan association, credit union, trust company, insurance or surety company, bank holding company, financial holding company, investment advisor, broker-dealer, entity registered with the U.S. Securities and Exchange Commission, or any subsidiary or affiliate thereof.

* * *

§9-1130. Unlawful Credit Screening Practices in Employment.

(1) Except as provided in subsection (2), it shall be an unlawful discriminatory practice for an employer to procure, to seek a person's cooperation or consent to procure, or to use credit information regarding an employee or applicant in connection with hiring, discharge, tenure, promotion, discipline or consideration of any other term, condition or privilege of employment with respect to such employee or applicant.

(2) Subsection (1) shall not apply:

(a) to any law enforcement agency or financial institution;

(b) to the City of Philadelphia with respect to efforts to obtain information regarding taxes or other debts owed to the City;

(c) if such information must be obtained pursuant to state or federal law;

(d) if the job requires an employee to be bonded under City, state, or federal law;

(e) if the job is supervisory or managerial in nature and involves setting the direction or policies of a business or a division, unit or similar part of a business;

(f) if the job involves significant financial responsibility to the employer, including the authority to make payments, transfer money, collect debts, or enter into contracts, but not including handling transactions in a retail setting;

(g) if the job requires access to financial information pertaining to customers, other employees, or the employer, other than information customarily provided in a retail transaction; or

(h) if the job requires access to confidential or proprietary information that derives substantial value from secrecy.

(3) If an employer relies, in whole or in part, on credit information to consider adverse employment action with respect to any person, and subsection (2)(d),(e),(f),(g) or (h) applies, the employer:

(a) shall disclose the fact of such reliance to the person in writing and identify and provide the particular information upon which the employer relied; and

(b) give the employee or applicant an opportunity to explain the circumstances surrounding the information at issue before taking any such adverse action.

SECTION 2. This Ordinance shall take effect in 30 days.

Explanation:

Italics indicate new matter added.

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