

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Employee Credit Privacy Act.

6 Section 5. Definitions. As used in this Act:

7 "Employee" means an individual who receives compensation
8 for performing services for an employer under an express or
9 implied contract of hire.

10 "Employer" means an individual or entity that permits one
11 or more individuals to work or that accepts applications for
12 employment or is an agent of an employer. "Employer" does not,
13 however, include:

14 (1) Any bank holding company, financial holding
15 company, bank, savings bank, savings and loan association,
16 credit union, or trust company, or any subsidiary or
17 affiliate thereof, that is authorized to do business under
18 the laws of this State or of the United States.

19 (2) Any State law enforcement or investigative unit,
20 including, without limitation, any such unit within the
21 Office of any Executive Inspector General, the Department
22 of State Police, the Department of Corrections, the
23 Department of Juvenile Justice, or the Department of

1 Natural Resources.

2 (3) Any State or local government agency which
3 otherwise requires use of the employee's or applicant's
4 credit history.

5 Section 10. Employment based on credit history not
6 permitted.

7 (a) Except as provided in this Section, an employer shall
8 not do either of the following:

9 (1) Fail or refuse to hire or recruit, discharge, or
10 otherwise discriminate against an individual with respect
11 to employment, compensation, or a term, condition, or
12 privilege of employment because of the individual's credit
13 history.

14 (2) Inquire about an applicant's or employee's credit
15 history.

16 (b) The prohibition in subsection (a) of this Section does
17 not prevent an inquiry or employment action if a good credit
18 history is an established bona fide occupational requirement of
19 a particular position or a particular group of an employer's
20 employees. Information concerning an individual's credit
21 history is not a bona fide occupational requirement unless at
22 least one of the following circumstances is present:

23 (1) State or federal law requires bonding or other
24 security covering an individual holding the position.

25 (2) The duties of the position include custody of or

1 unsupervised access to cash or marketable assets valued at
2 \$1,000 or more.

3 (3) The duties of the position include signatory power
4 over business assets of \$100 or more per transaction.

5 (4) The position meets criteria in administrative
6 rules that the Department of Labor has promulgated to
7 establish the circumstances in which credit history
8 information is a bona fide occupational requirement.

9 (5) The employee's or applicant's credit history is
10 otherwise required by federal or State law.

11 Section 15. Retaliatory or discriminatory acts. A person
12 shall not retaliate or discriminate against a person because
13 the person has done or was about to do any of the following:

14 (1) File a complaint under this Act.

15 (2) Testify, assist, or participate in an
16 investigation, proceeding, or action concerning a
17 violation of this Act.

18 (3) Oppose a violation of this Act.

19 Section 20. Waiver. An employer shall not require an
20 applicant or employee to waive any right under this Act. An
21 agreement by an applicant or employee to waive any right under
22 this Act is invalid and unenforceable.

23 Section 25. Remedies.

1 (a) A person who is injured by a violation of this Act may
2 bring a civil action in circuit court to obtain injunctive
3 relief or damages, or both.

4 (b) The court shall award costs and reasonable attorney's
5 fees to a person who prevails as a plaintiff in an action
6 authorized under subsection (a) of this Section.