

Governor Quinn Signs Law to End Pre-Employment Credit Checks

Written by Laurel White
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New Law Prohibits Employers from Discriminating Based on a Job Seeker or Employee's Credit History

CHICAGO – August 10, 2010. Governor Pat Quinn today signed a bill into law that prohibits Illinois employers from discriminating based on a job seeker or employee's credit history. The new law will remove a significant barrier to employment for the growing segment of the population whose credit history has been affected by the historic national recession.

"A job seeker's ability to earn a decent living should not depend on how well they are weathering the greatest economic recession since the 1930s," said Governor Quinn. "This law will stop employers from denying a job or promotion based on information that is not an indicator of a person's character or ability to do a job well."

House Bill 4658, sponsored by Rep. Jack Franks (D-Woodstock) and Sen. Don Harmon (D-Oak Park), creates the Employee Credit Privacy Act. Under the act, Illinois' employers may not use a person's credit history to determine employment, recruiting, discharge or compensation.

The new law forbids employers from inquiring about an applicant or employee's credit history or obtaining a copy of their credit report. The law does not affect an employer's ability to conduct a thorough background investigation that does not contain a credit history or report.

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Employers who violate the new law can be subject to civil liability for damages or injunctive relief.

Under the new law, employers may access credit checks under limited circumstances, including positions that involve: bonding or security per state or federal law; unsupervised access to more than \$2,500; signatory power over businesses assets of more than \$100; management and control of the business; access to personal, financial or confidential information, trade secrets, or state or national security information.

Pre-employment credit screenings are on the rise throughout the nation. The Society for Human Resources Management recently found that 60 percent of employers run a credit check on at least some applicants. That is an increase from the 42 percent in 2006 and 25 percent in 1998.

The new law takes effect Jan. 1, 2011.

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