
Committee Report

REGULAR CALENDAR

March 6, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred HB 293,

AN ACT relative to employee credit privacy. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Michael Cahill

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	HB 293
Title:	relative to employee credit privacy.
Date:	March 6, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The majority believes that a poor credit history should not be an impediment to employment. Ironically, employment is needed in order to repay debts and repair the credit. One's credit history can be negatively impacted by inaccurate reporting, the actions of a spouse, or catastrophic medical bills, none of these should prevent employment.

Vote 12-7.

Rep. Michael Cahill
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

HB 293, relative to employee credit privacy. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Cahill for the **Majority** of Labor, Industrial and Rehabilitative Services. The majority believes that a poor credit history should not be an impediment to employment. Ironically, employment is needed in order to repay debts and repair the credit. One's credit history can be negatively impacted by inaccurate reporting, the actions of a spouse, or catastrophic medical bills, none of these should prevent employment. **Vote 12-7.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Labor

BILL NUMBER: HB 293

TITLE: relative to employee credit privacy

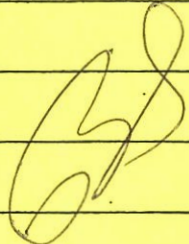
DATE: 3/6/19 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

Should not be an impediment
The majority believes that a poor credit history ~~is an impediment~~ to employment. Ironically, employment is needed in order to repay debts and repair the credit. One's credit history can be negatively impacted by inaccurate reporting, the actions of a spouse or catastrophic medical bills, none of these should prevent employment.

should not be an impediment 

COMMITTEE VOTE: 12/7

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,
Rep. Michael Cahill
For the Committee

REGULAR CALENDAR

March 6, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred HB 293,

AN ACT relative to employee credit privacy. Having considered the same, and being unable to agree with the Majority, report with the following resolution:

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Lino Avellani

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	HB 293
Title:	relative to employee credit privacy.
Date:	March 6, 2019
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

While the minority is supportive of most of this legislation, the sticking point was the broad definition of retail transaction. This could lead to unintended consequences for any size retail or hospitality operations that take credit/debit cards as a method of payment. This would leave certain business segments unable to do their due diligence in hiring suitable candidates, that will handle these types of sensitive transactions. With identity theft and credit card fraud on the rise, we should not take away the employers' ability of checking a prospective employees' credit, to ensure they are reasonably qualified to handle customers credit/debit cards and/or personal financial information.

Rep. Lino Avellani
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

HB 293, relative to employee credit privacy. **INEXPEDIENT TO LEGISLATE.**

Rep. Lino Avellani for the **Minority** of Labor, Industrial and Rehabilitative Services. While the minority is supportive of most of this legislation, the sticking point was the broad definition of retail transaction. This could lead to unintended consequences for any size retail or hospitality operations that take credit/debit cards as a method of payment. This would leave certain business segments unable to do their due diligence in hiring suitable candidates, that will handle these types of sensitive transactions. With identity theft and credit card fraud on the rise, we should not take away the employers' ability of checking a prospective employees' credit, to ensure they are reasonably qualified to handle customers credit/debit cards and/or personal financial information.

Original: House Clerk
Cc: Committee Bill File

MINORITY REPORT

COMMITTEE: LRBOK

BILL NUMBER: MSB. 293

TITLE: Employee Credit Privacy

DATE: 4-6-19 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

see email

EMAIL APPROVED

BS

COMMITTEE VOTE: _____

• Copy to Committee Bill File

RESPECTFULLY SUBMITTED,

Rep. [Signature]
For the Minority

From: Brian Sullivan <brian.sullivan.nh@gmail.com>
Sent: Wednesday, March 06, 2019 12:52 PM
To: Simmons, Miriam
Subject: Fwd: Minority report for HB 293

Approved

Sent from my iPad

Begin forwarded message:

From: lacooks3@aol.com
Date: March 6, 2019 at 12:48:01 PM EST
To: briansullivannh@gmail.com
Cc: jack.flanagan@leg.state.nh.us
Subject: Minority report for HB 293

Rep. Lino M. Avellani for the minority, while the minority is supportive of most of this legislation, the sticking point was the broad definition of retail transaction. This could lead to unintended consequences for any size retail or hospitality operations that take credit/debit cards as a method of payment. This would leave certain business segments unable to do their due diligence in hiring suitable candidates, that will handle these types of sensitive transactions. With identity theft and credit card fraud on the rise, we should not take away the employers ability of checking a prospective employees credit, to ensure they are reasonably qualified to handle customers credit/debit cards and/or personal financial information.

Voting Sheets

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 293

BILL TITLE: relative to employee credit privacy.

DATE: March 6, 2019

LOB ROOM: 307

MOTIONS: OUGHT TO PASS

Moved by Rep. Cahill

Seconded by Rep. Soucy

Vote: 12-7

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep Timothy Soucy, Acting Clerk



2019 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: HB 293 Motion: OTP AM #: _____ Exec Session Date: 3/6/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Sullivan, Brian M. Chairman	12		
Soucy, Timothy A. Vice Chairman	1		
Baroody, Benjamin C.	2		
Cahill, Michael D.	3		
DiSilvestro, Linda A.	4		
Schmidt, Janice E.	5		
Toomey, Dan	6		
Bordy, William E.	7		
Bouchard, Donald J.	8		
Espitia, Manny Clerk	9		
Hall, Brett R.	10		
Kanzler, Harrison	11		
Flanagan, Jack B.		1	
Seaworth, Brian		2	
Avellani, Lino M.		3	
O'Day, John E.		4	
Renzullo, Andrew			
Callum, John M.		5	
Mackie, Jonathan D.		6	
Nunez, Hershel		7	
TOTAL VOTE:	12	7	

Hearing Minutes

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON HB 293

BILL TITLE: relative to employee credit privacy.

DATE: February 20, 2019

LOB ROOM: 307 Time Public Hearing Called to Order: 11:04 a.m.

Time Adjourned: 11:22 a.m.

Committee Members: Reps. Sullivan, Baroody, Cahill, DiSilvestro, J. Schmidt, Toomey, Bordy, Hall, Kanzler, Seaworth, Avellani, O'Day, Renzullo, Callum, Mackie, Nunez, Espitia and Soucy

Bill Sponsors:

Rep. Cushing
Rep. Rogers
Rep. Berch
Sen. Fuller Clark

Rep. King
Rep. O'Brien
Sen. Feltes

Rep. Ley
Rep. Mangipudi
Sen. Cavanaugh

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

*1. Prime Sponsor – Rep. Renny Cushing– Recommends OTP – *written testimony.

This bill would make it so that employers would not be able to see the credit history. I spent a year trying to convince my employer and the creditors that it was not me. This bill is similar legislation passed in 23 other states. It was known as bill HB 457. This bill was worked on in 2013. It worked with many other agencies so that we would have exemptions for it. The bill passed in 2013, passed in the house, senate, but it had an amendment that was a former SB, but it killed the bill. This bill had bipartisan support. Last year it ended up falling 20 votes short.

Question – Rep Cahill- You've mentioned all the things that can get you in trouble, your credit history can sometimes not look good, would you believe this is a barrier to employment? **Ans – Yes**

Question -Rep Seaworth – There is some federal language on the bill, I believe some of it applies now to some of the employers? **Ans-** Yes it would. We had conversations with next era. This has made it so it would no

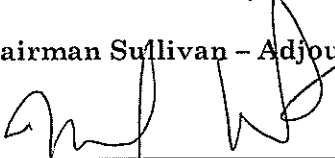
Question -Rep O'Day – If you apply to a federal agency or bank, how would this bill help you as far as your chainsaw? **Ans-** It would not have any impact. The instances with the federal agencies or banks it has to do with the jobs.

Question -Rep Cahill- If you were applying to a place with a carve outs, if you provide them with some fixes would they give you an interview? **Ans-** I wouldn't know

2. Judy Stadtman– Self – Support –

I am testifying for myself. I was responsible for doing research. There have been employee surveys that credit history disproportionately affects women and people of color. Due to loss of jobs and family issues, this credit history can affect the employment of candidates. I also found that even industry insiders recognize that the use of personal credit is not an accurate predictor of the performance of the bill. I was reminded of this, this morning by creditrepair.com. Having a blemished credit history should not be a barrier to getting a job that has a living wage.

Chairman Sullivan – Adjourned the hearing.


Minutes respectfully submitted by,
Rep. Manny Espitia Committee Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL, AND REHABILITATIVE SERVICES

PUBLIC HEARING ON HB 293

DATE: 2-20-2019

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

1. Prime Sponsor – Rep. Renny Cushing– Recommends OTP - This bill would make it so that employers would not be able to see the credit history. I spent a year trying to convince my employer and the creditors that it was not me. This bill is similar legislation passed in 23 other states. It was known as bill HB 457. This bill was worked on in 2013. It worked with many other agencies so that we would have exemptions for it. The bill passed in 2013, passed in the house, senate, but it had an amendment that was a former SB, but it killed the bill. This bill had bipartisan support. Last year it ended up falling 20 votes short.

Q- Cahill- You've mentioned all the things that can get you in trouble, your credit history can sometimes not look good, would you believe this is a barrier to employment?

Ans – Yes

Q- Seaworth – There is some federal language on the bill, I believe some of it applies now to some of the employers?

Ans- Yes it would. We had conversations with next era. This has made it so it would no

Q- O'Day – IF you apply to a federal agency or bank, how would this bill help you as far as your chainsaw?

Ans- It would not have any impact. The instances with the federal agencies or banks it has to do with the jobs.

Q- Cahill- If you were applying to a place with a carve outs, if you provide them with some fixes would they give you an interview?

Ans- I wouldn't know

2. Judy Stadtman– Self – Support – I am testifying on my self. I was responsible for doing research. There have been employee surveys that credit history disproportionately affects women and people of color. Due to loss of jobs and family issues, this credit history can affect the employment of candidates. I also found that even industry insiders recognize that the use of personal credit is not an accurate predictor of the performance of the bill. I was reminded of this this morning by creditrepair.com. Having a blemished credit history should not be a barrier to getting a job that has a living wage.

Respectfully submitted,
Rep. Manny Espitia Committee Clerk

5/05/11

LABOR
H8 2P3

Testimony

Statement of Rep Renny Cushing in support of HB 293, relative to credit privacy

*2/1
Testimony*

My apologies for not being at the public hearing, but it conflicts with an Executive Session of the Criminal Justice and Public Safety Committee.

HB 293 is the same bill as HB 357, which passed the House and Senate in 2013, but died on the table. It was also the same as HB 1405 of 2014, HB 365 of 2015, and HB 130 of 2017.

HB 293 honors our tradition of individual freedom, including the right of privacy. Employers should not be permitted to force an individual employee to disclose personal matters not related to the job.

Please support HB 293.

Bill as Introduced

HB 293 - AS INTRODUCED

2019 SESSION

19-0814
04/01

HOUSE BILL **293**

AN ACT relative to employee credit privacy.

SPONSORS: Rep. Cushing, Rock. 21; Rep. King, Hills. 33; Rep. D. Ley, Ches. 9; Rep. Rogers,
Merr. 28; Rep. O'Brien, Hills. 36; Rep. Mangipudi, Hills. 35; Rep. Berch, Ches. 1;
Sen. Feltes, Dist 15; Sen. Cavanaugh, Dist 16; Sen. Fuller Clark, Dist 21

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill prohibits employers from using credit history in employment decisions.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 293 - AS INTRODUCED

- Page 2 -

1 promotion, demotion, discipline, compensation, or the terms, conditions, or privileges of employment
2 unless the employer is required by state or federal law to use individual credit history for
3 employment purposes, or the employer has a bona fide purpose for requesting or using information
4 in the credit history report that is substantially related to the employee's current or potential job
5 and the employer complies with the notice and consent requirements of the Federal Fair Credit
6 Reporting Act, 15 U.S.C. section 1681 et seq.

7 275:80 Penalty. Any employer violating any provision of this subdivision shall be subject to a
8 civil penalty, to be imposed by the labor commissioner in accordance with the procedures
9 established in RSA 273:11-a. An employer aggrieved by the commissioner's assessment of such
10 penalty may appeal in accordance with RSA 273:11-c.

11 2 Effective Date. This act shall take effect January 1, 2020.