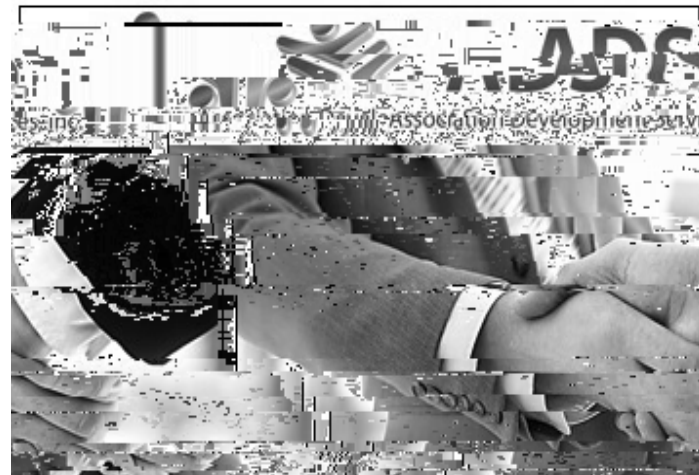
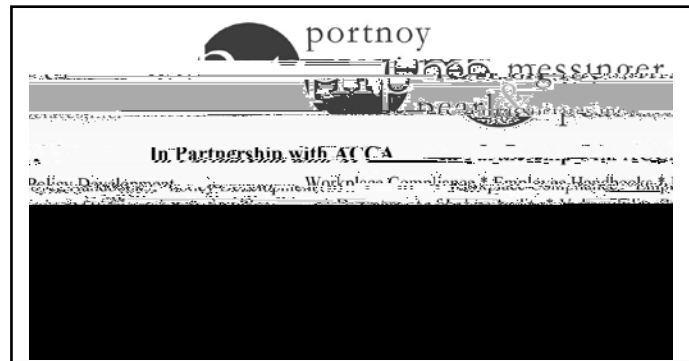








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- the ductwork conditions).
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### Editor's Notes

by Anthony N. Carbone

#### **BIG CHANGES GIVE OUR NEWLY NAMED ORGANIZATION AN OPPORTUNITY TO EXCEL TO NEW HEIGHTS.**

Due to policy changes at the Air Conditioning Contractors of America's national headquarters, we have been provided the opportunity to rename our local chapter.

We in New York have chosen the name Metropolitan Air Conditioning



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# People & The Workplace

By Alan B. Pearl,  
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## Legislative Limitations on Employers Use of Credit Information of Employees and Applicants in New York City

ACCA has a large number of employers who are located in NYC. Unlike the recent sick leave legislation, the credit information use legislation applies only to New York City based employers.

On September 3, 2015, the "Stop Credit Discrimination in Employment Act" went into effect. The law permits employers to only request and consider the consumer credit history information of applicants and employees in certain, limited circumstances, as well as in response to any lawful subpoena, court order or law enforcement investigation.

The purpose of the law is to prevent discrimination against applications or employees with respect to hiring, compensation, or the terms, conditions, or privileges of employment based on their consumer credit history. There are limited circumstances by law, regulation, or self-regulatory purposes to use an individual's consumer credit history for employment purposes.

- Employees or applicants that are required to register with FINRA (Financial Industry Regulatory Authority)
- Non-clerical positions that entail regular access to trade secrets
- Any position with responsibility for funds or assets valued at \$10,000 or more
- Positions with regular duties that allow the employee

to modify digital security systems established to prevent the unauthorized use of networks or databases of the employer or the employer's client

The entity that oversees the enforcement of this legislation is the New York City Commission on Human Rights. They have issued guidance documents, which state that the law does not apply to entire employers or industries, and apply to positions/roles as opposed to the individual employee or application.

The law applies to all employees which include, but are not limited to, cashiers, clerical workers, bank tellers, salespeople, administrative staff, private security employees, and restaurant/bar workers.

Employers should adhere to the following procedure:

- Inform the applicant or employee of the claimed credit information
- The log should include details regarding:

The law applies to all employees which include, but are not limited to, cashiers, clerical workers, bank tellers, salespeople, administrative staff, private security employees, and restaurant/bar workers.

The name and contact information for all applicants

The job duties of the position

A copy of credit history obtained for all applicants

Details on how the credit history was obtained

Details on how the credit history results in the employment action taken.

Failure to adhere to these requirements can cause to the employer to incur severe civil penalties (up to \$250,000 for willful, wanton or malicious violations, and up to \$125,000 for other violations).

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