

NOTICE REGARDING CREDIT REPORT PURSUANT TO COLORADO LAW

The “Employment Opportunity Act” (SB13-018) specifies the purposes for which consumer credit information such as consumer credit reports and credit scores can be used by employers or potential employers in making employment-related decisions.

Specifically, the “Employment Opportunity Act”:

- Prohibits an employer’s use of consumer credit information for employment purposes if the information is unrelated to the job;
- Requires an employer to disclose to an employee or applicant for employment (jointly referred to as “employee”) when the employer uses the employee’s consumer credit information to take adverse action against him or her and the particular credit information upon which the employer relied;
- Authorizes an employee aggrieved by a violation of the above provisions to bring suit for an injunction, damages, or both; and
- Requires the department of labor and employment to enforce the laws related to employer use of consumer credit information.

The “Employment Opportunity Act” defines employment purposes broadly to include “evaluating a person for employment, hiring, promotion, demotion, reassignment, adjustment in compensation level, or retention as an employee.” Two types of employers are permitted to use consumer credit information for employment purposes under the law: “banks or financial institutions” and employers “required by law” to conduct credit checks. The remaining employers may only review credit reports if the report is substantially job related as specified in one of the fields below:

- The job for which you are applying is an executive, management, or office position, or qualifies as professional staff to executive and management personnel, and the position involves one or more of the following:
 - Setting the direction or control of a business or a department, division, unit or agency; or
 - A fiduciary responsibility to the employer; or
 - Access to customers’, employees’, or the employer’s personal or financial information other than information customarily provided in a retail transaction; or
 - Authority to issue payments, collect debts, or enter into contracts.
- The job for which you are applying involves contracts with defense, intelligence, national security, or space agencies of the federal government.
- The job for which you are applying is with a bank or financial institution.