

NYC Local Law 37 of 2015: Exemption Checklist

Date Completed			
Applicant Name		Applicant Date of Birth	

Employer Instructions: This form is to be completed by the Human Resources Department and sent to Global Backgrounds along with a signed FCRA authorization form from the applicant. Before a background check can be completed on the applicant, Global must receive both forms. If the applicant meets any of the exemption criteria below, then a consumer credit history report as defined below, can be requested on the applicant.

Consumer Credit History: includes an individual's credit worthiness, credit standing, credit capacity, or payment history, as indicated by: (a) a consumer credit report; (b) credit score; or (c) information an employer obtains directly from the individual regarding (1) details about credit accounts, including the individual's number of credit accounts, late or missed payments, charged-off debts, items in collections, credit limit, prior credit report inquiries, or (2) bankruptcies, judgments or liens.

The full language of NYC Local Law 37 of 2015 can be found here:

[http://legistar.council.nyc.gov/ViewReport.ashx?M=R&N=Master&GID=61&ID=1709692&GUID=61CC4810-E9ED-4F16-A765-FD1D190CEE6C&Extra=WithText&Title=Legislation+Details+\(With+Text\)](http://legistar.council.nyc.gov/ViewReport.ashx?M=R&N=Master&GID=61&ID=1709692&GUID=61CC4810-E9ED-4F16-A765-FD1D190CEE6C&Extra=WithText&Title=Legislation+Details+(With+Text))

Is the applicant applying for a position as or employed:	Yes	No
As a police officer or peace officer	<input type="checkbox"/>	<input type="checkbox"/>
In a position that is subject to background investigation by the department of investigation	<input type="checkbox"/>	<input type="checkbox"/>
In a position in which an employee is required to be bonded under City, state or federal law	<input type="checkbox"/>	<input type="checkbox"/>
In a position in which an employee is required to possess security clearance under federal law or the law of any state	<input type="checkbox"/>	<input type="checkbox"/>
In a non-clerical position having regular access to trade secrets, intelligence information or national security information (<i>trade secrets do not include client or customer mailing lists or handbook policies</i>)	<input type="checkbox"/>	<input type="checkbox"/>
In a position: (i) having signatory authority over third party funds or assets valued at \$10,000 or more; or (ii) that involves a fiduciary responsibility to the employer with the authority to enter financial agreements valued at \$10,000 or more on behalf of the employer	<input type="checkbox"/>	<input type="checkbox"/>
In a position with regular duties that allow the employee to modify digital security systems established to prevent the unauthorized use of the employer's or client's networks or databases	<input type="checkbox"/>	<input type="checkbox"/>

If the answer to any of the above questions is "Yes", a consumer credit history report can be requested.