



Louisville Metro Government

Action Summary - Tentative Committee on Equity and Inclusion

Chair Paula McCraney (D-7)

Vice Chair Anthony Piagentini (R-19)

Committee Member Barbara Shanklin (D-2)

Committee Member Jecorey Arthur (D-4)

Committee Member Kevin Kramer (R-11)

Committee Member Markus Winkler (D-17)

Committee Member Amy Holton Stewart (D-25)

Thursday, November 4, 2021

4:00 PM

Council Chambers/Virtual

THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE

Call to Order

Chair Person McCraney called the meeting to order at 4:02 p.m.

Roll Call

Chair Person McCraney introduced the committee members and non-committee members present. A quorum was established.

***NOTE:** All committee members and non-committee members present attended virtually, except Committee Member Arthur, Council Member Chambers Armstrong, Council Member Hollander, Committee Member Kramer, Vice Chair Piagentini, and Committee Member Holton Stewart, who attended in Chambers.

Present: 7 - Committee Member Barbara Shanklin (D-2), Committee Member Jecorey Arthur (D-4), Chair Paula McCraney (D-7), Committee Member Kevin Kramer (R-11), Committee Member Markus Winkler (D-17), Vice Chair Anthony Piagentini (R-19), and Committee Member Amy Holton Stewart (D-25)

Non-Committee Member(s)

Council President David James (D-6), Council Member Cassie Chambers Armstrong (D-8), Council Member Bill Hollander (D-9)

Support Staff

Jason Fowler, Jefferson County Attorney's Office

Clerk(s)

Lisa Franklin Gray, Assistant Clerk
Sonya Harward, Clerk

Pending Legislation

1. [O-400-21](#)

AN ORDINANCE AMENDING THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) CHAPTER 92 TO PROHIBIT CREDIT DISCRIMINATION IN EMPLOYMENT (AS AMENDED).

Sponsors: Primary Paula McCraney (D-7), Primary Bill Hollander (D-9) and Additional Jecorey Arthur (D-4)

Attachments: [O-400-21 V.2 CAM 092121 Preventing Credit Worthiness Discrim in Employment.pdf](#)
[O-400-21 PROPOSED CAM 091621 PREVENTING CREDIT WORTHINESS DISCRIMINATION IN EMPLOYMENT.pdf](#)
[O-400-21 V.1 081221 Preventing Credit Worthiness Discrim in Employment.pdf](#)

A motion was made by Committee Member Arthur, seconded by Committee Member Shanklin, that this Ordinance be recommended for approval.

The following spoke to this item:

- Chair Person McCraney
- Jason Fowler, Jefferson County Attorney's Office
- Vice Chair Piagentini
- Committee Member Arthur
- Council Member Hollander
- Committee Member Winkler
- Committee Member Holton Stewart
- Committee Member Kramer

The following was discussed:

- There were several questions regarding the exceptions noted in legislation for peace officers, police officers, positions in law enforcement, investigative functions, etc.
- There were several questions regarding what the rationale is behind the exceptions if using a credit score as a judgment of one's fitness for employment is discriminatory and why there would be any exceptions.
- The exemptions and exceptions mirror the legislation of several peer cities with similar legislation, the exemptions involve particular types of employment and it was the legislators' goal to satisfy a relevant employment requirement.
- This legislation mirrors New York City's legislation as it is one of the top financial employment markets in the country.
- There was a discussion regarding credit ratings and the Equal Credit Opportunity Act because it is illegal to access an individual's credit based on one's race.
- There was a discussion regarding whether credit ratings are reviewed for job performance or as an indicator of other questionable behaviors and trustworthiness.
- There was a discussion regarding whether exceptions should be made in a discriminatory act, such as the use of discriminating against a prospective employee based on one's credit history.

- There were several questions regarding whether this legislation would adversely impact small businesses.
- There was a discussion regarding five reasons to support the legislation: 5) credit reports are historically inaccurate; 4) credit checks by employers violates employees privacy; 3) credit history does not predict job performance; 2) credit checks are discriminatory based on predatory and high cost loans (black and brown people categorically have lower credit scores and credit is normally used to discriminate against women); and 1) the Metro Council has an opportunity to break a cycle.
- There was a discussion that research shows that credit scores are not a predictor for job performance and employability.
- The use of credit scores for employment can be a spiraling down factor for individuals that have lost jobs and have unfavorable credit histories.
- There was a discussion regarding socioeconomic demographics throughout the country.
- There was a discussion regarding whether early credit decisions/mistakes are indicative of the job performance and/or success of an individual.
- There was a discussion regarding "Hobson's Choice" and its significance as it relates to credit reporting and employment.
- There was a discussion regarding the Truth in Lending Act and that employers must have informed consent from prospective employees prior to requesting one's credit history.
- There were several questions regarding whether the Federal Government has conducted any research as it relates to this topic/legislation or discrimination -- one House Committee in Congress has passed a bill regarding this topic a few years ago, although it has not passed through the full Congress.
- There were several questions regarding any recent statistics pertaining to this legislation.
- There was a discussion regarding the challenges that single-parent/women households experience with low credit scores when returning to the workforce.
- There were several questions regarding whether this legislation would have an impact and what the true context is of this legislation.
- There was a discussion regarding the Equal Employment for All Act.

A motion was made by Committee Member Arthur, seconded by Committee Member Shanklin, to call the question.

The motion to call the question failed by the following vote:

Yes: 4 - Shanklin, Arthur, McCraney, and Holton Stewart

No: 3 - Kramer, Winkler, and Piagentini

A motion was made by Committee Member Winkler, seconded by Committee Member Kramer, that this Ordinance be tabled.

The motion to table carried by a voice vote.

Adjournment

Without objection, Chair Person McCraney adjourned the meeting at 5:00 p.m.