



# Credit History Complaint Instructions

(for use with violations of the Colorado Employment Opportunity Act, § 8-2-126, C.R.S.)

Colorado Department of Labor and Employment | Division of Labor Standards and Statistics

[www.colorado.gov/cdle/ea](http://www.colorado.gov/cdle/ea)

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## What is a credit history complaint?

A credit history complaint is a written complaint filed with the Division against your current or prospective employer for violations of the Employment Opportunity Act (EOA). The complaint form may be used when an applicant or employee believes that their employer or potential employer improperly requested, accessed, or used their credit report, or other personal credit history or credit information, in violation of the law.

## What is the Employment Opportunity Act?

The Colorado Employment Opportunity Act (EOA) prevents employers from requesting or using credit information (such as credit reports) in employment decisions for certain employees and job applicants in Colorado (See § 8-2-126, C.R.S.). The law applies to actions taken on or after July 1, 2013.

According to the law, employers may not request a prospective or current employee's credit report, or use consumer credit information for employment purposes, unless: (1) the credit information is "substantially related" to the employee's current or potential job, or (2) the person being evaluated or the employer are exempt as provided by the law.

For more information on when your employer can and cannot request your credit information under this law, please refer to the Division's Employment Opportunity Act Fact Sheet and Frequently Asked Questions at [www.colorado.gov/cdle/ea](http://www.colorado.gov/cdle/ea)

## What are some common scenarios where an employer has potentially violated the law?

If you are an applicant or employee working or applying to work in the State of Colorado, and the employer has 4 or more employees, the following scenarios are considered potential violations under the Employment Opportunity Act, § 8-2-126, C.R.S.:

- 1) The employer or job application required that I give consent to allow the employer to access my credit report, and my credit report is not "substantially related" to the job position.
- 2) My potential/current employer obtained my credit report without my written consent, and/or did not disclose in writing how my credit report was "substantially related" to the job.
- 3) I was denied employment based on my credit history, and my credit history is not "substantially related" to the job position.
- 4) My current employer made an adverse employment decision based upon my credit information (e.g., demotion, decrease in pay, reassignment, termination, etc.) and my credit history is not "substantially related" to the job position.
- 5) My potential employer decided not to hire me based upon my credit information, and they did not disclose to me the particular information in my credit history upon which they relied.
- 6) My current employer made an adverse employment decision based upon my credit information (e.g., demotion, decrease in pay, reassignment, termination, etc.) and they did not disclose to me the particular information in my credit history upon which they relied.

**However, an employer's actions may be lawful (and by submitting the complaint you could be liable for penalties) if:**

- 1) The position is with a bank or financial institution.
- 2) The position is an executive, management, or officer position, or the position is considered professional staff to executive and management personnel, and the job involves: (1) setting the direction or control of the business; (2) a fiduciary responsibility to the employer; (3) access to customers', employees', or the employer's personal or financial information other than information customarily provided in a retail transaction; and/or (4) the authority to issue payments, collect debts, or enter into contracts.
- 3) The employer is a state or local law enforcement agency.
- 4) The employer employs less than four employees.
- 5) The employer employs private domestic servants or farm and ranch labor.
- 6) You are an independent contractor.
- 7) The employer was allowed to view your credit history based on a separate state or federal law.
- 8) The position involves contracts with defense, intelligence, national security, or space agencies of the federal government.

For more information on the coverage of the law and the various exemptions, please contact the Division at (303) 318-3441 or toll free 1-888-390-7936.

### **How do I file a credit history complaint?**

The Division only accepts complaints in writing or electronically. The complaint must be filed by the individual (or the individual's representative) who has been directly affected by the employer's prohibited consumer credit practices. The individual needs to be the specific employee or applicant whose consumer credit information was involved.

If you believe your employer has violated the law, you may file a complaint by filling out the "Credit History Complaint" form. Please complete the form and answer all questions. If your complaint form is not completed, the process may be delayed.

### **May I file a complaint anonymously?**

The Division does not accept anonymous complaints, or complaints from individuals not directly affected by the employer's practices. The individual needs to be the specific employee or applicant whose consumer credit was involved.

### **How do I include supporting documentation?**

You may mail, fax, or email all supporting documents to the Division. Attach copies of supporting documentation that may substantiate your complaint, such as:

- Job description which describes the duties and responsibilities of your position
- Job advertisement
- Job application form
- Consent forms provided by the employer
- Copy of your credit report given to you by the employer
- Disclosures provided by the employer

- Employment contracts, policies, or handbooks related to use of credit information
- Any additional e-mails and/or letters

On all pages of your documents, please include your name and the name of the employer you are filing the complaint against. Do not send the originals; please make copies of all supporting documentation.

### **What is the next step after I've filed a complaint, and how long can an investigation take?**

Once a complaint is received by the Division, it is assigned to an investigator. The investigator will contact you to follow up on the matter. The Division does not provide a specific timeframe for investigating a dispute. In general, the time it takes to resolve or complete an investigation depends on the complexity of each complaint and other factors.

### **What can I do to help expedite the process?**

- Answer all questions on the "Credit History Complaint" form accurately and provide a detailed explanation where necessary.
- Provide all information in detail and supply supporting documentation with your initial written complaint. Failure to supply information may result in delays.
- Attach copies of any supporting documentation. **DO NOT SEND ORIGINALS.**
- Contact the Division immediately if your address or contact information changes.

### **What is the status of my complaint?**

If you would like to inquire about the status of your complaint, please contact the Division to talk to an investigator.

### **What are the possible outcomes?**

The Division investigates complaints, and when applicable, conducts hearings of appeals. The Division may award a penalty of up to \$2,500 to the prevailing party.

### **Do I have to pay a penalty to my employer if my complaint is unsuccessful?**

If you file a complaint, and the employer is ultimately determined to be the prevailing party (for example, they did not violate the law), you may have to pay the employer up to \$2,500 in penalties.

### **How do I know the outcome?**

The Division will notify you of the outcome of your complaint using the contact information you provided.

### **Before submitting the complaint:**

By filling out, signing, and filing the "Credit History Complaint" form, you agree to the following:

- I have been notified and understand that any person providing false information to the Division in order to obtain and/or retain anything of value may be subject to criminal prosecution under the laws of the State of Colorado with possible penalties of fines, imprisonment, or both.
- I hereby certify that this is a true and accurate statement of the alleged violation, and authorize the Division to investigate and assist in this matter.

- I hereby certify that I have reviewed the Employment Opportunity Act (EOA) Fact Sheet and Frequently Asked Questions on the Division’s website [www.colorado.gov/cdle/eoa](http://www.colorado.gov/cdle/eoa)
- I hereby grant the Division permission to access and review my credit history report.
- I understand that any information supplied to the Division may be provided to the employer, the agents of the employer involved in the dispute, and other agencies or individuals as the Division deems appropriate.
- I understand the law provides the possibility of penalties being awarded to the prevailing party; the prevailing party can be the employee, applicant, or employer.
- I understand that this complaint and all associated documentation may be subject to the Colorado Open Records Act, and is potentially reviewable by the public.

**What is the Division’s contact information if I have additional questions?**

Contact the Division using the information listed below. You may also visit our website at [www.colorado.gov/cdle/eoa](http://www.colorado.gov/cdle/eoa)

**Mailing Address:**

Colorado Division of Labor Standards and Statistics  
633 17th Street, Suite 600  
Denver, Colorado 80202-2107

**Phone:** (303) 318-3441

**Toll Free:** 1-888-390-7936

**Fax:** (303) 318-8400

**Email:** [cdle\\_labor\\_standards@state.co.us](mailto:cdle_labor_standards@state.co.us)



**Colorado Division of Labor Standards and Statistics**  
**CREDIT HISTORY COMPLAINT FORM**  
(for use with violations of the Employment Opportunity Act,  
§ 8-2-126, C.R.S.)

633 17<sup>th</sup> Street, Suite 600  
Denver, Colorado 80202-2107  
Telephone (303) 318-8441  
Fax (303) 318-8400  
Toll Free (888) 390-7936  
[www.colorado.gov/cdle/ea](http://www.colorado.gov/cdle/ea)

This form is to be used to report *employers, or potential employers*, who may be in violation of the Employment Opportunity Act § 8-2-126, C.R.S. You must sign and date this form at the bottom.

Effective on and after July 1, 2013, the Employment Opportunity Act, § 8-2-126, C.R.S. prohibits employers from requesting or using credit information (such as credit reports) in employment decisions for certain employees and job applicants in Colorado. For more information on the Colorado Employment Opportunity Act, go to [www.colorado.gov/cdle/ea](http://www.colorado.gov/cdle/ea)

**Section I: Contact Information for Complainant**

*(Your information is required. The Division does not accept anonymous claims.)*

Your First Name	Your Home Phone	
Your Last Name	Your Current Work Phone	
Your Mailing Address	Your Current Cell Phone	
City	State	Zip Code
Your Email Address		

**Section II: Contact Information for Employer, or Potential Employer Allegedly Violating § 8-2-126, C.R.S.**

Employer/Business Name	Employer Phone	
Owner or Supervisor's Name	Employer Alternate Phone	
Employer/Business Mailing Address		
City	State	Zip Code
Employer/Business Email Address		

**Section III: Current or Former Employees**

*(Only complete Section III (for Employees) OR Section IV (for Applicants). Do not complete both.)*

Your job title associated with the employer listed in Section II	Date of Hire
Your job responsibilities/duties	

Your job responsibilities/duties (continued)
Your employment status (i.e. still employed, fired, laid off, resigned)

**Section IV: Applicants Who Applied For a Job**

The job position you applied for associated with the employer listed in Section II	
Your job responsibilities/duties of the job you applied for	
Date Applied	Date of Hire (if applicable)
Was the job position advertised? (Attach a copy of the job advertisement)	
Interview Date (if applicable)	Rejection Date (if applicable)

**Section V: Description of Alleged Violation**

Did the employer request your credit history?	Date of Request (if applicable)
How was the request communicated to you? (e.g., verbally, in a letter, etc. If in writing, attach a copy of the consent form)	



<p>Did employer act adversely? Check all that apply:</p> <p>Did not get the job you applied for ..... <input type="checkbox"/></p> <p>Terminated ..... <input type="checkbox"/></p> <p>Denied a promotion..... <input type="checkbox"/></p> <p>Demoted..... <input type="checkbox"/></p> <p>Reassigned to a lower-ranked position..... <input type="checkbox"/></p> <p>Decrease in compensation Level ..... <input type="checkbox"/></p> <p>Other, please describe:..... <input type="checkbox"/></p> <p>_____</p> <p>_____</p>	<p>Date of Adverse Action (if applicable)</p> <hr/> <p>How was the adverse action communicated to you? (If in writing, attach a copy of the communication)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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Did the employer tell you that the adverse action was based on your credit history? Please explain.

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Did the employer disclose the particular information in your credit history they relied on when acting adversely? Please explain. (Be specific, i.e., late payments on mortgage, amount of medical debt, etc. If disclosed in writing, attach a copy of the disclosure).

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