Local Government Mandate Statement Kentucky Legislative Research Commission 2018 Regular Session

Part I: Measure Information

Bill Request #: 97						
Bill #: HB 28						
Document ID #: 106						
Bill Subject/Title: AN ACT relating to criminal histories of job applicants						
Sponsor: Representative George A. Brown, Jr.						
Unit of Government: X City X County X Urban-County Unified Local Image: Second Secon						
X Charter County X Consolidated Local X Government						
Office(s) Impacted: All offices that hire employees						
Requirement: X Mandatory Optional						
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing						

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 28 removes an obstacle to employment for persons with a criminal history. Current law at KRS 335B.020 already prohibits disqualification of an applicant for employment by the Commonwealth, its agencies, or political subdivisions, i.e., cities and counties based solely on an applicant's prior criminal conviction, with several exceptions. HB 28 would prohibit a potential employer from requiring disclosure of an applicant's criminal history on a job application.

Section 1 of the bill would create a new section of KRS Chapter 344 (Kentucky's Civil Rights Act) to make it an illegal practice for an employer to consider or require disclosure of the criminal record or criminal history of a job applicant until the applicant has been selected for an interview, or where there is no interview, before a conditional offer of employment is made to the applicant. HB 28 would eliminate criminal history as an early "screening tool" to eliminate an applicant as a candidate. The bill would not apply to applicants for a law enforcement position, a position requiring a criminal background check pursuant to federal or state law, or a position where the applicant

would be required to obtain a fidelity bond or equivalent bond but would be disqualified from obtaining the bond because of a criminal conviction. An employer would not be prohibited from notifying applicants that law or employer policy disqualifies an individual with a particular criminal history from employment in particular positions. An employer would be allowed to ask an applicant for information about criminal history at the first interview, in accordance with applicable state and federal laws.

Any fiscal impact of HB 28 on local governments would arise in their capacity as employers. The fiscal impact of HB 28 on local governments would be none to minimal.

Some local governments currently require disclosure of criminal history on their job application form and include a disclaimer that a criminal history will not automatically disqualify the applicant from employment. The only cost to local governments that do currently require disclosure of criminal history would be to change their application form to eliminate the question(s) calling for such disclosure. The cost of such change would be minimal.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The Part II section above pertains to the bill as introduced and there are not any prior introduced versions of the bill to complete the Part III section.

Data Source(s):	s): <u>Lexington-Fayette Urban County Government Human Resources; City of</u>				
Pikeville Human Resources; Kentucky Department for Local Government					
Preparer: Mar	y Stephens	Reviewer:	KHC	Date:	1/9/18