Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 343								
Bill #: HB 43								
Document ID #: <u>603</u>								
Bill Subject/Title: AN ACT relating to criminal histories of job applicants.								
Sponsor: Representative George Brown, Jr.								
Unit of Government:	X City	X County	X Urban-County Unified Local					
	X Charter County	X Consolidated Local	X Government					
Office(s) Impacted:	human resources							
Requirement: X Mandatory Optional								
Effect on Powers & Duties: X	Modifies Existing	Adds New El	iminates Existing					
			· • •					

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

HB 43 would prohibit a potential employer, including a local government, 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 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.

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, a position where an applicant with a criminal background is disqualified 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 doing so 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.

The fiscal impact of HB 43 on local governments would be none to minimal. For many local governments passage of HB 43 would require them to remove the criminal history question from their on-line or paper job application form. Unless a local ordinance prohibits the local government employing someone with a criminal history, the bill would not require repeal or passage of a local ordinance, so there would be no publication or public hearing costs. Many local governments create and print or post their own application form so removal of the question from the form would entail minimal effort by office staff and little or no cost. Two Kentucky cities, the City of Hopkinsville and Louisville/Jefferson County Metro Government (Louisville Metro), have removed the criminal history question from their job application forms and both report minimal costs to do so.

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

Part II, above, pertains to the bill as introduced.

Data Source(s):	City of Hopkin	nsville, Louisville	Metro Council,	Kentucky Leagu	e of Cities
Preparer: Mary	Stephens	Reviewer:	KHC	Date:	1/13/20