

Updated for the 2018 Session. Includes any amendments adopted to-date.

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2018-19		FY 2019-20	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB 420 creates the Fair Chance Hiring Act.

The bill prohibits an employer or employment agency, as they are defined in the bill, from requesting an applicant to disclose information regarding the applicant’s criminal record or history, until it has been determined that the applicant meets the minimum employment qualifications. There are exceptions to this prohibition, where the employer may ask about the applicant’s criminal record if the following apply:

- The applicant is applying for a position in which a criminal history record check is required by federal or state law;
- Federal or state law specifically disqualifies an applicant with a criminal background, even if the law allows for a waiver that would allow the applicant to be employed;
- The request is limited to the types of criminal offense that require a background check or that disqualify the applicant.

The bill also provides that if an employer or employment agency does request disclosure of an applicant’s criminal history, and the applicant is still eligible for the position, the applicant must be afforded the opportunity to explain the information and circumstances.

Employer is defined as any person having in their employ 15 or more employees for each working day in 20 or more calendar weeks in the current or preceding year and includes the state of Nebraska, governmental agencies and political subdivisions, regardless of number of employees, any person acting either directly or indirectly for an employer, and any party whose business is financed in whole or in part by the Nebraska Investment Finance Authority. It does not include the United States, a corporation owned by the government of the United States, an Indian tribe, or a law enforcement agency.

The bill does not prevent an employer from conducting a criminal history check after they have determined that that applicant meets minimum employment qualifications.

Both the Department of Labor and the Department of Administrative Services indicate no fiscal impact to the state as result of the provisions of LB 420.

We agree with the Department of Labor’s and the Department of Administrative Services’ estimate of fiscal impact.