

One Hundred Eighth Legislature - First Session - 2023

Introducer's Statement of Intent

LB367

Chairperson: Senator Merv Riepe

Committee: Business and Labor

Date of Hearing: March 13, 2023

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Legislative Bill 367 creates the Fair Chance Hiring Act and requires a prospective employer to evaluate a job applicant's qualifications, without an initial inquiry about the applicant's history of criminal law violations. The purpose of the bill is to remove criminal history from having an automatic disqualifying impact, so long as the applicant is otherwise qualified for the position.

The bill would apply to any private employer having fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year and any state governmental agencies, and political subdivisions, regardless of the number of employees.

LB 367 permits a prospective employer or employment agency to inquire as to an applicant's criminal record, verbally or in writing, after the applicant has received a conditional offer of employment so long as consideration of a criminal history is otherwise required by federal or state law; a federal or state law specifically disqualifies an applicant with a criminal background; and the inquiry or request for disclosure is limited to the types of criminal offenses that the employer or employment agency is required to consider or that disqualify the applicant.

LB 367 further provides that if an employer or employment agency intends to deny an applicant a position of employment solely or in part because of the applicant's criminal record, the employer or employment agency shall send a written pre-adverse action notice to the applicant prior to a final decision. The notice shall provide information regarding the basis for denial or disqualification and related material. The applicant has ten days to respond with mitigation or rehabilitation evidence or any information challenging the accuracy of the conviction or convictions.

The bill requires employers to maintain records for applicants and authorizes the Nebraska Equal Opportunity Commission to enforce provisions of this act by investigating violations and impose sanctions.

Principal Introducer: _____

Senator Danielle Conrad