



# Ohio Legislative Service Commission

*Tom Wert*

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## Fiscal Note & Local Impact Statement

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**Bill:** H.B. 56 of the 131st G.A.

**Date:** March 3, 2015

**Status:** As Introduced

**Sponsor:** Reps. Schuring and Slesnick

**Local Impact Statement Procedure Required:** No

**Contents:** Limits the use of criminal background information when selecting candidates for public employment

### State and Local Fiscal Highlights

- State agencies and political subdivisions could incur additional administrative costs to repeat the hiring and selection process if applicants for public employment are disqualified by their criminal history just prior to appointment to a position rather than while applying for a position.
- The state and political subdivisions could also incur additional postage costs to notify disqualified applicants via registered mail.

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## Detailed Fiscal Analysis

### Overview

The bill limits the use of criminal background information in hiring by public employers. Under the bill, public employers are prohibited from inquiring into the criminal history of an applicant until the applicant has been selected for appointment and the public employer is prepared to make an offer of employment. Similarly, the bill prohibits an application for a state civil service examination to include inquiries into the applicant's criminal history and prohibits inquiries into or consideration of the criminal history of an applicant when preparing the eligible list of candidates from the results of state civil service exams.

Under the bill, public employers retain the ability to disqualify a job applicant with a criminal history from employment, but only after having considered specific criteria. These include factors such as the nature and severity of the offense, how the offense relates to the type of work the individual applied for, and the individual's post-incarceration history. If the public employer disqualifies the job candidate, the bill requires the public employer to state the reason for rejecting the applicant in writing, along with the evidence presented, via registered mail.

### Impact on state and local government hiring procedures

As a consequence of these changes in the candidate screening procedure, both state and local government employers could incur some additional cost during the hiring process. Because applicants who would have otherwise been disqualified for employment when applying for a position or for a civil service exam would instead be disqualified just prior to appointment, public employers may have to repeat the recruitment and selection process to fill open positions. Additionally, the bill's requirement to notify disqualified applicants by registered mail could result in some additional postage costs for public employers.

### Number of working-age ex-felons in Ohio

LSC is not aware of any source of information by which a direct estimate of the number of ex-felons living in the state can be made. Using a combination of sources, a 2010 report from the Center for Economic and Policy Research<sup>1</sup> estimated that ex-felons in the United States account for about 12.5% of working-age adults. Assuming the same rate among Ohio's approximately 7.2 million working-age adults, this suggests that about 899,000 ex-felons reside in the state.

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<sup>1</sup> Schmitt, J., & Warner, K. (2010). *Ex-offenders and the Labor Market*. Washington DC: Center for Economic and Policy Research.