

**ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017**  
**COMMITTEE STATEMENT**  
**LB420**

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**Hearing Date:** Monday March 13, 2017  
**Committee On:** Business and Labor  
**Introducer:** McCollister  
**One Liner:** Adopt the Fair Chance Hiring Act

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	4	Senators Chambers, Crawford, Hansen, Howard
<b>Nay:</b>	3	Senators Albrecht, Halloran, Lowe
<b>Absent:</b>		
<b>Present Not Voting:</b>		

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**Verbal Testimony:**

**Proponents:**

John McCollister  
Kenneth Ackerman  
Jasmine Harris  
William Hamilton  
Douglas Shockley  
Taliesha Goodwin  
Julia Tse  
Fran Kaye  
Omaid Zabih  
  
John Gibbs  
Steven Howard  
Joe Nigro  
  
Amy Miller  
Joanna Lindberg  
Marge Schlitt

**Representing:**

Introducer  
Self  
Self  
Black Men United  
Fearless Group; self  
Be'ton Rose Living, Inc.; self  
Voices for Children in Nebraska  
Re-Entry Alliance of Nebraska  
Staff Attorney, Immigrants & Communities Program,  
Nebraska Appleseed  
Self  
Nebraska AFL-CIO  
Nebraska Criminal Defense Attorneys Association;  
Lancaster County Public Defender  
Legal Director, ACLU of Nebraska  
League of Women Voters of Greater Omaha  
Nebraskans for Peace

**Opponents:**

Robert Hallstrom

**Representing:**

National Federation of Independent Business (NFIB);  
Nebraska Bankers Association (NBA)

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

In 2014, the Nebraska Legislature passed a criminal justice omnibus bill, which included "ban the box" provisions (LB 932). The law prohibits public employers, the State of Nebraska or its political or governmental subdivisions, from requesting criminal background or histories from employment applicants until it has determined that the applicant meets the minimum qualifications.

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## Bill Summary

Sec. 1. creates the Fair Chance Hiring Act.

Sec. 2. definition section. Defines applicant, employee, employer, employment agency, law enforcement agency, and person. Employer means any person employing fifteen or more employees for each working day in each of twenty or more calendar weeks, and includes the State of Nebraska, governmental agencies, and political subdivisions, regardless of the number of employees. Employer does not include the United States, a corporation wholly owned by the U.S. government, an Indian tribe, or a law enforcement agency.

Sec. 3. extends the prohibition of asking an applicant to disclose information regarding his or her criminal history to employers and employment agencies as opposed to only public employers. Prior to determining whether an applicant meets the minimum qualifications, an employer or employment agency may ask about the applicant's criminal record if federal or state law requires a criminal history check, federal or state law disqualifies an applicant with a criminal background, and the request for disclosure is limited to the types of criminal offenses the employer is required to conduct a check for or that disqualifies the applicant.

If an employer or employment agency requests disclosure and the applicant is still eligible for the position, the employer must afford the applicant an opportunity to explain the information and circumstances regarding any convictions, including rehabilitation.

Amendment (AM 553)

The committee amendment includes private, denominational, or parochial schools to the list of entities not prevented from requiring an applicant to disclose his/her criminal record or history related to sexual or physical abuse.

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### **Explanation of amendments:**

The committee amendment includes private, denominational, or parochial schools to the list of entities not prevented from requiring an applicant to disclose his/her criminal record or history related to sexual or physical abuse.

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Joni Albrecht, Chairperson