



Proposed law retains present law but adds that parishes and municipalities prohibit discrimination on the basis of an applicant's criminal history.

Present law grants a local commission the power to receive, initiate, investigate, hear, and determine charges of violations of ordinances, orders, or resolution forbidding discrimination adopted by the parish or municipality.

Proposed law retains present law but adds that the local commission may also receive, initiate, hear, and determine whether or not fair chance hiring adopted by the parish or municipality has been violated.

Proposed law authorizes an employer to inquire about a prospective employee's criminal record only after the prospective employee has been given a conditional offer of employment.

Proposed law prohibits employers from considering an applicant's criminal arrest and sealed, dismissed or expunged convictions.

Proposed law authorizes employers to make an individualized assessment of whether the applicant's criminal record has a direct and adverse relationship with the specific duties of the job. Proposed law requires the employer to consider all of the following:

- (1) The nature and gravity of the offense or conduct.
- (2) The time that has passed since the offense or conduct and completion of the sentence.
- (3) The nature of the job held or sought.

Proposed law requires an employer who makes a preliminary decision to disqualify an applicant due to the applicant's criminal record notify the applicant of the decision in writing explaining the reason, the disqualifying conviction, and a copy of the conviction history report upon which the decision was based. Proposed law also provides that an applicant shall be given five days to respond.

Proposed law provides that the response period does not apply if the employer hires the applicant. Proposed law requires the employer to consider information submitted by the applicant prior to making a final hiring decision. If the employer denies the application solely or partly because of the criminal record, the employer must notify the applicant in writing of the final denial and the right to file a complaint with the state or local human rights commission. Proposed law provides that in addition to remedies provided in present law, an employer who violates proposed law shall be subject to a penalty of not more than \$5,000 per violation.

Proposed law shall not be construed to supercede the federal Fair Credit Reporting Act.

Proposed law is to be known and may be cited as the "Fair Chance Hiring Act."

Effective August 1, 2020.

(Amends R.S. 23:291(D)(1) and (E)(2) and R.S. 51:2231(A), 2232, 2236(A), and 2238(1); adds R.S. 51:2247.2)