

Fiscal Estimate Narratives

DPI 4/4/2005

LRB Number	05-2419/1	Introduction Number	SB-151	Estimate Type	Original
Subject					
Employment discrimination based on conviction record; exception for educational agencies					

Assumptions Used in Arriving at Fiscal Estimate

Current law, subject to certain exceptions, prohibits discrimination in employment based on conviction record. Current law specifies, however, that it is not employment discrimination because of conviction record to refuse to employ or to terminate from employment an individual who has been convicted of a felony, misdemeanor, or other offense, the circumstances of which substantially relate to the circumstances of the particular job.

This bill specifies that it is not employment discrimination for an educational institution to refuse to employ or terminate from employment any individual who has been convicted of a felony and who has not been pardoned for that felony. The Equal Rights Division of the Department of Workforce Development (DWD) estimates that it receives less than ten cases per year that allege discrimination based on an employee's or potential employee's conviction record.

Under this bill, it is possible that the number of Equal Rights Division cases brought against educational agencies regarding the discrimination of individuals with felonies would be reduced. Furthermore, it is likely that education agencies' costs associated with these cases would also be reduced. However, it is possible that an individual or individuals affected under this bill could appeal a decision made by the Equal Rights Division to the state court system. This could potentially provide additional legal costs for one or more educational agency.

State Fiscal Effect:

There would be no state fiscal effect to the Department of Public Instruction.

Local Fiscal Effect:

The fiscal effect on educational agencies is indeterminate as the number of discrimination cases that this bill would prevent is unknown. Furthermore, it is unknown whether or not any individual would appeal a decision made, under this bill, to the state court system.

Long-Range Fiscal Implications