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June 19, 2017

The Honorable Timothy Ginter  
Chairman, House Community & Family Advancement Committee  
Ohio House of Representatives  
77 S. High St., 13<sup>th</sup> Floor  
Columbus, Ohio 43215

RE: House Bill 187

Dear Chairman Ginter:

On behalf of the nearly 8,000 members of the Ohio Chamber of Commerce, I write to you in opposition of House Bill 187. The Ohio Chamber believes this legislation is an unnecessary and burdensome overreach into the operations of private businesses.

HB 187 prohibits employers from requesting an applicant's Social Security number, birthdate, or driver's license number ("Protected Information") before making the applicant an offer of employment. The bill then provides several exceptions to this provision including to do a criminal records check, credit check, or driving record verification. However, there are numerous other reasons this information may be needed at the time of application and trying to create an exhaustive list in the Revised Code would be impossible.

HB 187 further prevents employers from providing the Protected Information to any person other than the employer. This fails to recognize that most employers do not conduct background checks, consumer credit reports, or other types of employee checks themselves. Rather, they use outside companies to conduct these checks and searches. As a result, HB 187 would essentially render useless the ability to request the Protected Information for the purposes described above because most employers, especially small employers, do not have the time or ability to perform those services themselves.

Next the bill mandates that employers create a policy regarding the retention, disposition, access, and confidentiality of any information collected about an applicant during the initial selection process and requires them to provide applicants with the ability to review the policy prior to submission of information. This simply creates one more burdensome requirement on employers

The bill also prohibits employers from retaining any information about an applicant collected during the initial selection process for

longer than two years after the date on which the applicant provides the information, whether the applicant is hired or not. This flies in the face of general legal recommendations to businesses on record retention policies. Generally, most attorneys recommend that employers retain applications, resumés, and other related information for six years from the date of hiring decision for non-hires and six years from the date of termination for employees. This is advised due to Ohio's burdensome six-year statute of limitation for employment discrimination claims, the longest of any state. Employers must be able to retain this information to be able assess, and possibly defend, any claims that may be brought.

Lastly, the legislation creates a new cause of action against employers for non-compliance. This would leave employers in the untenable position of either violating the law to be able to defend against other lawsuits or complying and opening themselves up to additional liability elsewhere.

For these reasons, we oppose HB 187. It is unnecessary and places significant burdens on Ohio's businesses when trying to hire new employees. We urge the House Community and Family Advancement Committee not to act on this legislation.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Boyd", written in a cursive style.

Don Boyd  
Director, Labor & Legal Affairs  
Ohio Chamber of Commerce