

NFIB

The Voice of Small Business.®

June 21, 2017

The Honorable Tim Ginter
Chairman, Ohio House Community and Family Advancement Committee
77 South High Street, 13th Floor
Columbus, OH 43215

Dear Chairman Ginter,

I am writing on behalf of our 25,000 members to discuss concerns we have with House Bill 187 (HB 187). This legislation imposes strict guidelines on what information employers may request during the employment application process and exposes employers to lawsuits for violating any part of the bill. While we understand the need to protect applicant's identities, we question the need for this legislation, and is yet another state mandate on small businesses.

The bill states employers "shall maintain a policy regarding the retention, disposition, access, and confidentiality of any information." Employers, under the bill, will be required to provide a copy of this policy to prospective employees prior to asking for certain information. An employer could theoretically be liable for damages associated with a stolen identity when the source of the theft is unclear.

Additionally, the bill specifies that any information must not be retained for longer than two years after the date in which the applicant that was not hired supplied the information. This provision contrasts with Ohio's excessively long discrimination statutes which allow an individual six years to file a claim. Under this bill an employer would not be able to provide supporting documentation to defend such a lawsuit.

We believe this legislation is a solution in search of a problem. We are unaware of widespread abuse or misuse of applicant information and believe this legislation is unnecessary.

This bill is another state mandate on employers exposing them to even more potentially frivolous lawsuits. NFIB/Ohio appreciates your consideration of our concerns.

Sincerely,



Christopher J. Ferruso
Legislative Director