



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number:	S. 0025	Introduced on January 10, 2023
Author:	Jackson	
Subject:	Workforce Opportunity Act	
Requestor:	Senate Labor, Commerce, and Industry	
RFA Analyst(s):	Tipton	
Impact Date:	March 15, 2023	

Fiscal Impact Summary

This bill establishes the Workforce Opportunity Act and states that a public hiring authority may not inquire, consider, or require the disclosure of a criminal record or criminal history of an applicant for public employment until the applicant is selected for an interview or a conditional offer is made. The bill also establishes that the prior conviction of a crime may not disqualify an applicant from public employment unless the conviction relates to the position of employment sought. Further, this bill provides a process by which an applicant may show sufficient rehabilitation and the consideration that must be taken by the public hiring authority.

The Revenue and Fiscal Affairs Office (RFA) contacted the Department of Administration (Admin) to determine the potential impact this bill may have for state agencies. The fiscal impact of this bill is pending, contingent upon a response from Admin.

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

This bill establishes the Workforce Opportunity Act and states that a public hiring authority may not inquire, consider, or require the disclosure of the criminal record or criminal history of an applicant for public employment until the applicant is selected for an interview or before a conditional offer of employment is made if interviews are not conducted. This does not apply to the Department of Corrections and other employers with the statutory duty to conduct background checks or consider the criminal history of a potential employee, nor does this prohibit an employer from notifying applicants of specific laws or policies that will disqualify any applicant with a criminal record. The state hiring authority must consider the nature and seriousness of the crimes, the relationship of the crime to the fitness required to perform the duties and responsibilities of employment, and the amount of time since the crime was committed.

The bill further limits the records that may be used, distributed, or disseminated by the state in connection with an application for public employment and requires the hiring authority to provide written notice to an individual denied public employment because of a prior criminal

conviction. The bill also provides a process by which an applicant may show sufficient rehabilitation and the consideration that must be taken by the public hiring authority.

RFA contacted Admin to determine the potential impact this bill may have for state agencies. The fiscal impact of this bill is pending, contingent upon a response from Admin.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director