



# Ohio Legislative Service Commission

*Maggie Wolniewicz*

---

## Fiscal Note & Local Impact Statement

---

**Bill:** [S.B. 45 of the 130th G.A.](#)

**Date:** March 5, 2013

**Status:** As Introduced

**Sponsor:** Sen. Tavares

**Local Impact Statement Procedure Required:** No

**Contents:** Employer access to private electronic accounts

### State Fiscal Highlights

- The Civil Rights Commission may experience a slight annual increase in charges filed and subsequently mediated or investigated, the costs of which will be absorbed within existing staffing and funding levels.
- The Civil Rights Commission General Reimbursement Fund (Fund 2170) may gain a minimal at most amount of revenue annually from the civil penalty assessed for violations of the bill's prohibitions.

### Local Fiscal Highlights

- There will be little or no discernible ongoing increase in the annual operating costs of courts of common pleas to adjudicate civil actions brought for relief for violations of the bill's prohibitions. Employers and labor organizations are expected to be generally compliant with the bill's prohibitions, and violations relatively infrequent.

---

## Detailed Fiscal Analysis

The bill prohibits employers, employment agencies, personnel placement services, and labor organizations from requiring an applicant or employee to provide access to the individual's private electronic accounts. Jurisdiction over violations of these prohibitions is assigned to the Ohio Civil Rights Commission; individuals are also permitted to seek appropriate relief by bringing a civil action in a court of common pleas.

A key assumption guiding the fiscal effects noted herein is that, subsequent to the bill's enactment, employers and labor organizations will adjust their human resources policies as necessary so as to comply with its prohibitions. Assuming generally widespread compliance, violations will be relatively infrequent. Thus, there will be little or no discernible costs for the Civil Rights Commission or courts of common pleas to adjudicate compliance.

As under current Ohio Civil Rights Law, a person is permitted to file a complaint with the Civil Rights Commission. The general sequence following the filing of a complaint involves mediation, investigation, conciliation, and, following a finding of probable cause, an administrative hearing if necessary. With relatively few charges anticipated, the Commission expects to absorb the additional work within existing staffing and funding levels.

As under current Ohio Civil Rights Law, a person is also permitted to seek damages, injunctive relief, or any other appropriate relief by bringing a civil action in a court of common pleas. There is expected to be little, if any, discernible cost for a court of common pleas to adjudicate a few additional civil actions in any given year.

The bill requires the Commission or the court of common pleas to assess against whoever violates the bill's prohibitions a civil penalty of \$1,000 for the first violation and \$2,000 for each subsequent violation. With relatively few violations expected, the amount of money collected in any given year will be minimal at most. The bill directs the money for deposit in the state treasury to the credit of the Civil Rights Commission General Reimbursement Fund (Fund 2170). The fund is statutorily restricted to paying operating costs of the Commission.