

**FINAL
FISCAL NOTE**

Drafting Number: LLS 12-0109
Prime Sponsor(s): Rep. Pabon

Date: June 4, 2012
Bill Status: Postponed Indefinitely
Fiscal Analyst: Clare Pramuk (303-866-2677)

TITLE: CONCERNING A PROHIBITION AGAINST ADVERTISING A JOB VACANCY THAT REQUIRES AN APPLICANT TO BE CURRENTLY EMPLOYED.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue		
Cash Funds		
Judicial Stabilization Cash Fund	<\$10,000	<\$10,000
State Expenditures	See State Expenditures section.	
FTE Position Change		
Effective Date: The bill was postponed indefinitely by the House Economic and Business Development Committee on February 21, 2012.		
Appropriation Summary for FY 2012-2013: None required.		
Local Government Impact: None.		

Summary of Legislation

This bill prohibits employers or their agents from advertising for any job vacancy that includes a requirement for applicants to be currently employed. Employers who violate the provisions of the bill are subject to a penalty of up to \$1,000 for the first violation, \$5,000 for the second violation, and \$10,000 for each subsequent violation. It does not create a private right of action by an aggrieved person against an employer.

State Revenue

This bill may result in increased revenue to the Judicial Stabilization Cash Fund from fines for violations. This amount cannot be determined but is estimated to be less than \$10,000 per year.

State Expenditures

The Department of Labor and Employment (DLE) will have an increase in workload to implement this bill. Rulemaking is expected to require approximately 80 hours of DLE staff time and 40 hours of legal services from the Department of Law. DLE staff will investigate complaints and levy fines against employers when appropriate. These activities are expected to be addressed within existing resources.

Departments Contacted

Labor and Employment

Judicial

Regulatory Agencies