

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

Revised to update a carryover bill

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2018-19		FY 2019-20	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See Below		See Below	

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

This bill prohibits discrimination based on sexual orientation and gender identity. Enforcement would be through the Equal Opportunity Commission (EOC).

The number of additional cases is unknown. The City of Omaha has an ordinance that prohibits discrimination based on sexual orientation. Very few cases have been filed since its passage. For the purposes of this fiscal note, it is assumed the number of cases can be handled within existing resources. However, if the caseload increase is substantial, there would be a backlog approximately equal to the number of additional cases filed, if and until additional resources are provided.

Cases that are dual-filed with the federal government are eligible for federal funds. Any federal funds that may be generated would not be available until FY 20. The federal funding would only be available if state costs increased due to additional filings.

The State Department of Personnel estimates there would be minimal costs responding to cases filed against the State, as few cases are anticipated. The costs could be handled within existing resources.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES			
LB: 173	AM:	AGENCY/POLT. SUB: Department of Administrative Services (65)	
REVIEWED BY: Joe Wilcox	DATE: 12/12/2017	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Department of Administrative Services – estimate of minimal fiscal impact to the agency from LB 173, which could be absorbed within existing Agency resources.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES			
LB: 173	AM:	AGENCY/POLT. SUB: Nebraska Equal Opportunity Commission (067)	
REVIEWED BY: Joe Wilcox	DATE: 12/07/2017	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Nebraska Equal Opportunity Commission estimate of Indeterminate Fiscal Impact to the Agency from LB 173.			

Please complete ALL (5) blanks in the first three lines.

2018

LB⁽¹⁾ 173

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Department of Administrative Services (DAS) – State Personnel, Employee Relations and Central Legal

Prepared by: ⁽³⁾ Margie Bell Date Prepared: ⁽⁴⁾ 11/30/2017 Phone: ⁽⁵⁾ 402-471-2833

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2018-19		FY 2019-20	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Explanation of Estimate:

LB173 as introduced will make it illegal to discriminate against individuals on the basis of sexual orientation or gender identity in employment, public accommodation and housing. If enacted, any discrimination training and several documents would require an update to include the additional language. State Personnel could complete such updates using current resources.

This bill creates new protected classes; thus may result in additional Nebraska Equal Opportunity Commission / Equal Employment Opportunity Commission (“NEOC/EEOC”) claims being filed concerning fair hiring practices. It is unknown if, or how many of such additional claims would be filed. During the past 4 years the number of claims filed has varied from none (0) to four (4).

It is estimated that approximately 4 hours of legal staff time is used to respond to each NEOC/EEOC claim. Fully loaded cost (salary & benefits) for such staff time is estimated as follows:

Paralegal Time:	3 hours	x	\$28.77	=	\$ 86.31
Attorney III Time:	1 hour	x	\$48.98	=	<u>\$ 48.98</u>
Total:	4 hours				<u>\$135.29</u>

Thus, the average cost for each NEOC/EEOC is estimated to be \$135.29 per claim. Such costs could be absorbed and handled with existing staff and resources.

If the number of claims doubled to eight (8) filed in one year the additional number of required hours by the Paralegal and Attorney III to process these claims could be absorbed by the existing staff and resources. However, it is possible that in the future the number of claims filed would require a request by the Agency for additional staff and resources.

It is important to note that all NEOC/EEOC claims must be investigated and responded to regardless of the merit of the claim; thus even baseless claims require the State to expend such resources in response to a claim.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	NUMBER OF POSITIONS		2018-19	2019-20
	<u>18-19</u>	<u>19-20</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....			_____	_____
Operating.....			_____	_____
Travel.....			_____	_____
Capital outlay.....			_____	_____
Aid.....			_____	_____
Capital improvements.....			_____	_____
TOTAL			_____	_____

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2018

LB⁽¹⁾ 173

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebr Equal Opportunity Comm

Prepared by: ⁽³⁾ Kathleen Bogenreif Date Prepared: ⁽⁴⁾ 11-30-17 Phone: ⁽⁵⁾ 402-471-4061

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

The NEOC is unsure what the increase in charge filings will be with the implementation of these new provisions related to gender identity and sexual orientation added to the Fair Employment Practice Act. The NEOC would have the opportunity to dual file these charges with the EEOC at \$700 per charge. However, the EEOC contract is based on case completions from the prior year so the agency would not see any possible increase in funds until FY 20-21.

The amount of the federal EEOC funds received is based on the actual number of dual-filed cases contracted for and completed, and on the amount of funding the EEOC has received for this purpose. Although the NEOC may have the opportunity to contract for additional cases, the number of cases the agency completes may not increase to take advantage of the added funding if there is no increase in the number of investigators available to process cases.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____