



February 27, 2012

The Honorable Katherine Klausmeier
Rules Committee
Senate Meeting Room H-124, State House
Annapolis, MD 21401

Re: SB 966 - Civil Rights – Employment Discrimination – Employment Status - **Oppose**

Dear Senator Klausmeier:

SB 966 would amend Maryland's civil rights law to make "unemployed" a protected category, with the same protections as race, sex, national origin, etc.

Research into this subject does not confirm that such discrimination is either widespread, or indeed, an issue at all. In February of 2011, the EEOC held hearings after receiving letters from some members of Congress who were reacting to a report by the National Employment Law Project that cited some anecdotal reports of employers stating in job postings they would not consider the unemployed. They cited finding 150 job postings that implied that. This would be 150 out of the millions of online job ads running at any one time.

SHRM testified at this EEOC hearing, stating it had no evidence that this was a wide-spread practice, citing its semi-annual survey of employers. Fernan R. Cepero, PHR, who serves as the Society for Human Resource Management's (SHRM) New York state director, was among those offering commentary during the three-hour hearing in Washington, D.C. He stated that although "screening out the unemployed is counterproductive" and poor business practice...., that SHRM is unaware of widespread recruiting practices that involve blanket exclusions," but he added that long-term unemployment might mean the job seeker's skills might be outdated or obsolete.

A WSJ article in September of 2011 stated in part:

"Missing from advocates' vague discussions of "numerous instances" and "emerging trends" was hard evidence to support the claim that the unemployed are being discriminated against. The closest thing to a data point came in a report released this summer by NELP, which identified 150 "exclusionary" ads during a one-month review of major job-search websites.

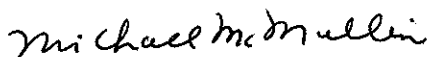
One of them, Indeed.com, releases estimates of the total number of job postings online. Last year, in the same month that NELP used for its data this year, there were three million job posts available online. NELP's sample, in other words, represents 0.005% of one month's job postings.

Monster.com found a similar result, announcing this summer that "less than one one-hundredth of one percent of the postings on Monster had any language excluding the unemployed."

The lack of evidence for a nationwide epidemic is compounded by the fact that the NELP report took words out of context. For example, national recruiter Kelly Services placed the following ad in the St. Louis area: "Currently employed but lacking growth in terms of responsibilities and technical proficiencies? If so, Kelly IT Resources-St. Louis wants to talk to you!". NELP zeroed in on "currently employed," counted it as discriminatory, and ignored the rest of the posting. Common sense dictates that marketing to the currently employed looking to advance does not signal a rejection of the unemployed."

Given the lack of data to support that such discrimination is actually occurring, and the unreliable data upon which the claim is based, it is unnecessary to add another protected category to Maryland's existing civil rights law. The Legislative Committee of the Carroll County Chamber asks that your committee give this bill an unfavorable report.

Sincerely,



Michael McMullin
President
Carroll County Chamber of Commerce

CC: Senator Joseph M. Getty
Delegate Susan W. Krebs