

TESTIMONY IN SUPPORT OF SB 448:

STATE PERSONNEL – APPLICANTS FOR EMPLOYMENT – CRIMINAL HISTORY RECORDS CHECKS

To: Hon. Thomas Middleton, Chair, and member of the Senate Finance Committee
From: Maurice Emsellem, Policy Co-Director, Judith M. Conti, Federal Advocacy
Coordinator
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The National Employment Law Project (NELP) has advocated on behalf of low-wage workers, the unemployed, and others facing barriers to economic success for over 40 years. NELP strongly supports SB 448 because it will promote public safety by reducing barriers to employment of people with criminal records, encouraging rehabilitation and successful reintegration into the community.

Studies have shown that the economic support provided by employment significantly reduces the rate of recidivism. Having a conviction on a worker's record affects his or her employment opportunities, even when the conviction is decades old for minor offenses. The over one in four U.S. adults that have a criminal history record should not be consigned to the ranks of the permanently unemployed, but considered for employment on their merits. Requiring all applicants be considered fairly ensures that Maryland will have the widest applicant pool and will be able to select the most qualified candidates.

Waiting to inquire into an applicant's criminal history until a candidate has been selected for an interview is both personnel- and cost-effective. In fact, the federal government's Office of Personnel Management states, "[b]ecause suitability issues may not arise until late in the application/appointment process, it is generally more practical and cost-effective to first ensure that the applicant is eligible for the position." When required, inquiring into the conviction history only of those applicant's identified as otherwise qualified will conserve scarce resources – both economic and personnel hours – in a time when the State most needs to do so.

In the past year, four states have enacted laws removing questions inquiring into an applicant's criminal history from the initial job application, and delaying inquiry until after a qualified candidate has been identified. These four states – California, Massachusetts, Connecticut and New Mexico – join Minnesota, Hawaii and the over two dozen cities and counties that have already enacted similar fair hiring policies. We encourage Maryland to do the same.

Delaying inquiring into an applicant's conviction history until he or she has been deemed otherwise qualified conserves resources, ensures the greatest applicant pool and encourages rehabilitation and reintegration into our communities. For these reasons, we respectfully urge a favorable report of SB 448.