

SENATE BILL 858

Date: February 26, 2020
Committee: Judicial Proceedings
Bill Title: Procurement and Correctional Facilities - Employment Opportunities for Formerly Incarcerated Individuals
RE: **Letter of Opposition**

Senate Bill 858 requires certain contractors to hire “formerly incarcerated” applicants not less than 45 days after posting a job on the Maryland Workforce Exchange (MWE) unless: (1) 65% or more of the essential functions of the job would cause a “formerly incarcerated” individual to violate a condition of parole, probation, or other release requirement; or (2) it would not be possible to train the “formerly incarcerated” individual within 90 days of start of employment.

One of the Department of Labor’s (Department) highest priorities is preparing all Marylanders for success in Maryland’s diverse workforce. To that end, the MWE provides comprehensive employment tools for all Marylanders to utilize during the process of obtaining employment.

Job postings on the MWE are currently open to all Marylanders. By limiting MWE job advertisements for 45 days, Senate Bill 858 significantly impedes the Department’s efforts to ensure that all Marylanders have access to employment opportunities. Please note that “formerly incarcerated” individuals, as defined in Senate Bill 858, enjoy full access to MWE, job postings, and the Department’s workforce development programs.

The MWE is often used by unemployed Marylanders to obtain sustainable employment that supports them and their families. Senate Bill 858 excludes individuals that are not “formerly incarcerated” from being able to apply to covered contractors and obtain employment for certain jobs for 45 days. **This exclusionary practice will negatively impact thousands of Marylanders and their families.**

Senate Bill 858 provides no guidance regarding the Department’s oversight of “formerly incarcerated” applicants. Specifically, the bill provides no mechanism for the Department to ensure that applicants that post a profile and resume in a “secure area” of the MWE were, in fact, formerly incarcerated at a correctional facility. The Department is concerned that oversight of this provision would require applicants to *check a box*.

The published fiscal and policy note does not include all of the Department’s costs associated with implementing Senate Bill 858, including staffing costs. The Department does not believe it can absorb the costs associated with staffing the new MWE portal for ex-offenders because it is outside of the scope of current job duties, which are federally funded. The Department estimates that the MWE IT costs (\$30,000) and staffing costs together would create a net effect of -\$125,294 in Fiscal Year 2021 for the Department.

Senate Bill 858 excludes Marylanders from employment opportunities for 45 days, inhibits the Department’s efforts to ensure that all Marylanders are connected to employment opportunities, and will negatively impact many Maryland families. **For the above reasons, the Department respectfully requests an unfavorable report from the Committee on Senate Bill 858.**