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The Honorable Dereck E. Davis
Chairman
House Economic Matters Committee
231 House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: HB 123 - Labor and Employment - Wage History and Wage Range – Opposed

Dear Chairman Davis,

I am writing on behalf of the Building Owners and Managers Association (BOMA), to respectfully request an unfavorable report on House Bill 123, Labor and Employment - Wage History and Wage Range.

BOMA is a professional trade association that represents the best interests of commercial and real estate owners, real estate professionals and our associate members through effective leadership in advocacy, collection and dissemination of industry information, education, community involvement, membership participation, and professional development.

BOMA opposed similar legislation that was introduced during the 2018 Maryland General Assembly and the 2019 Maryland General Assembly.

First, regarding the requirement in HB 123 that an employer may not refuse to interview or employ a person because the person either did not provide wage history or requested a wage range for the position (page 2, lines 27-31), BOMA urges the Committee to consider that wage information is often confidential and proprietary to a business. It is an important competitive tool used by businesses in their business models, and thus of significant value to the employer. This language would add unreasonable hazards to the act of interviewing a job applicant.

Second, the bill does not define the terms “wage range” or “position.” There may or may not be a specific wage range that is available in the job application process. Similarly, there may not be one specific position for a job applicant, as there may be multiple positions available for which an applicant is qualified. The initial requirement in the bill that an employer provide a “wage range” to an applicant (page 2, lines 23-25) is problematic at best. As noted above, there is no definition of that term in the bill. Also as noted above, employers frequently consider applicants for more than one position, or may modify a position to match an applicant’s qualifications. In such cases it is impossible to provide a specific “wage range.”

BOMA has other concerns with the bill as well. There is a list of additional prohibitions on certain employer actions beginning on page 2 in line 3. Each of these prohibitions is subjective in nature. They place the employer in the difficult position of refuting an applicant’s claim when a dispute between them may merely be a difference of opinion. The sanctions for engaging in prohibited conduct under the bill, while lower than penalties in previous versions of the

legislation, remain potentially severe. Because the description of prohibited conduct is imprecise, an employer may not know, with confidence, which communications may be permissible under the bill.

While HB 123 has reduced some of the employer penalties that were present in previous versions of the legislation, it still places an employer in a difficult and hazardous situation when interviewing a prospective employee. Finally, BOMA has observed the legislative process on this issue for the past two years, and respectfully suggests that no material harm has been demonstrated by proponents of the legislation, and therefore no compelling policy reason exists to support its enactment. BOMA therefore respectfully requests an unfavorable report on HB 123.

Very truly yours,

A handwritten signature in black ink that reads "Bryson Popham". The signature is written in a cursive style with a long, sweeping tail on the "m".

Bryson F. Popham

cc: Kevin Bauer
Joan Smith