

March 9, 2020

Delegate Shane E. Pendergrass, Chair
Delegate Joseline A. Pena-Melnyk, Vice Chair
House Health and Government Operations
Committee, Room 241
House Office Building
Annapolis, Maryland 21401

Senator William C. Smith, Jr., Chair
Senator Jeff Waldstreicher, Vice Chair
Senate Judicial Proceedings Committee
2 East - Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

**Subject: FAVORABLE – HB-1524/SB-858 – Procurement and Correctional Facilities –
Employment Opportunities for Formerly Incarcerated Individuals**

Dear Chair, Vice Chair and Committee:

Nearly 700,000 people are released from prison each year and are locked out of the job market. On average, Maryland releases approximately 1,600 from its correctional facilities. Those who have served their time should not be “re-sentenced” by employers. According to a report by the Society of Human Resource Management, (SHRM), businesses are experiencing a human capital crisis and are in need of good talent. Yet despite the growing need among U.S. employers for workers, applicants with a criminal record often face huge obstacles to achieving gainful employment.

While it is the EEOC’s long standing position that employers are prohibited from using the existence of a criminal record alone as a reason to not hire a person, that policy and the practice of employers do not always mirror. A 2017 report by the National Employment Law Project (NELP) showed that employers did not call back for an interview:

- 40 percent of male applicants with a criminal record, and
- 70 percent of female applicants with a criminal record
- with 93 percent of black women and 61 percent of Hispanic women less likely to be contacted for an interview or offered a job than white women.

According to the SHRM 2019 “Getting Talent Back To Work” initiative report¹, as the nation reaches nearly full employment, business leaders and human resources professionals are considering these previously overlooked populations for the first time as a source for workers. In fact, job applicants with criminal records are proving to be a viable workplace solution for many organizations. While a great deal of uncertainty about hiring workers with criminal records still exists among some senior executives today, a recent study commissioned by the SHRM and the Charles Koch Institute (CKI)² finds that:

- employees generally are open to working side-by-side with the formerly incarcerated; and

¹ <https://www.gettingtalentbacktowork.org/>

² See full data sheet attached.

- 14% of HR professionals and 26% of managers are unwilling to work with or hire someone with a criminal conviction
- 82% of managers and 67 percent of HR professionals believe that the quality of hire for workers with criminal records is about the same or higher than that of workers without records.

While willingness to hire is high, few say their company actively recruits individuals with criminal records. Just 5 percent of managers and 3 percent of HR professionals report this type of recruitment. This is consistent across organizations of different types and sizes. Companies are understandably concerned about the safety of their workers and customers as well as their own assets and public image.

As a result of this reluctance by employers to hire Returned Citizens, HB-1524/SB-858 is needed to incentivize employers to pro-actively hire Returned Citizens. HB-1524 is not a “hire mandate” rather HB-1524 gives employers who have a contract with DPSC or local county corrections incentives to hire Returned Citizens. Through providing a procurement point system, contractors who seek to renew their contract with any corrections facility, can receive preference points toward their contract.

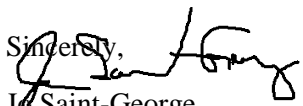
HB-1524 will help the overall employment environment because it requires all contractors to post all their jobs in the Maryland Workforce Exchange which the bill requires to be modified to allow for employers to easily search for returned citizens in a private part of the website that allows returned citizens to disclose the background only to employers seeking to hire under the new law. There are over 1,000 contractors that have contracts with DPSC, and Maryland’s 22 County Correctional facilities.

Best of all this HB-1524 is supported by Maryland’s HBCU’s who will be offering work ready certificates and degrees to inmates so that when they are released they are ready for immediately hire.

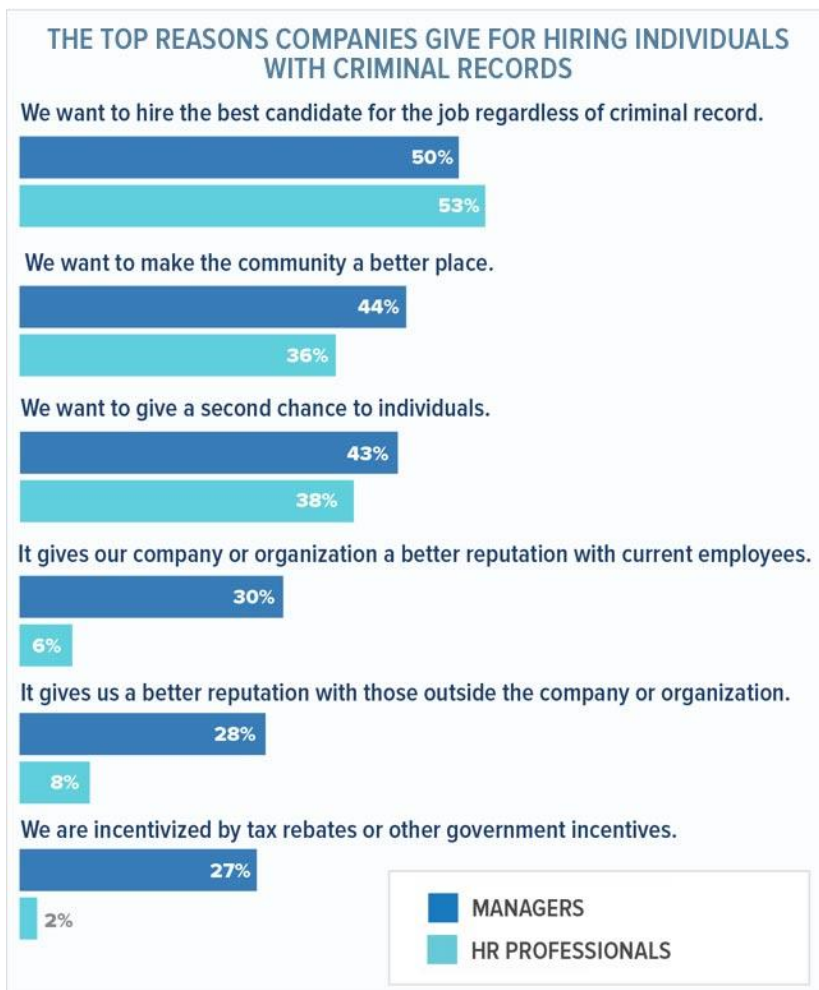
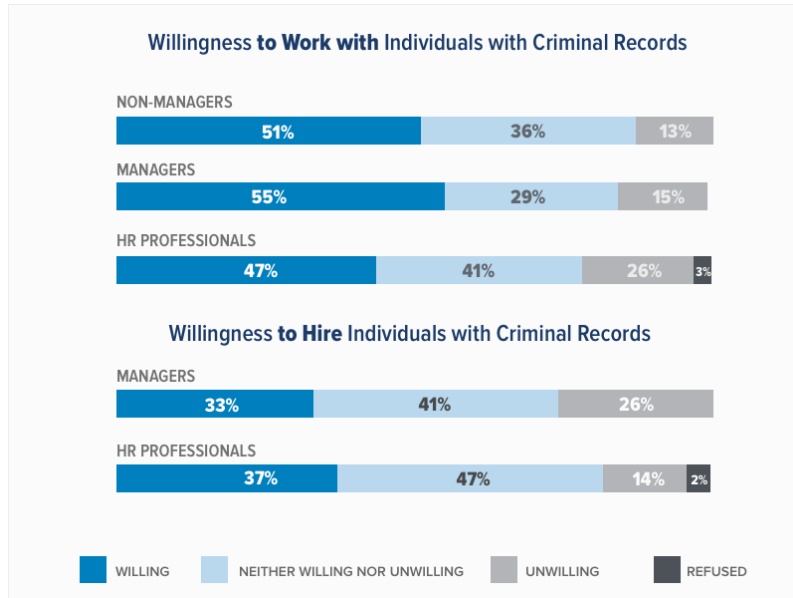
Finally, SHRM has developed the “[Getting Talent Back to Work](#)” toolkit (See Toolkit attached) to provide HR professionals with the information and tools needed to confidently evaluate applicant criminal records, reduce legal liability and increase inclusive hiring from this untapped labor pool. Since its release, over 200 companies have made the “Pledge” to give opportunities to qualified people with a criminal record, deserving of a second chance.

According to SHRM’s GTBW pledge report, many employers have had very positive results from giving people with records a second chance. SHRM reports that Maryland’s own Johns Hopkins Medicine has hired hundreds of people with records, many for critical jobs involving patient care. When it conducted a multiyear audit of accidents and other major negative events involving employees, Johns Hopkins found that not even one had been caused by an employee with a record. According to SHRM, this report is not unusual. Other employers have reported that people with records often are so grateful for a chance that they are the most dedicated employees in the company and among those with the best retention rates.³

Because HB-1524 codifies into a law an incentive program that encourages employers to give opportunities to qualified people with a criminal record, I strongly supports the passage of HB 1524.


 Sincerely,
 J. Saint-George
 Director, Legislative Affairs

³ See Testimony of Employers regarding their experience hiring people with criminal records.



**TESTIMONIES FROM EMPLOYERS WHO HAVE
HIRED RETURNED CITIZENS**

See - <https://www.gettingtalentbacktowork.org/resources/>

“Our formerly incarcerated employees aren't just 'nonproblems.' They're role models in terms of performance, attendance and teamwork. They have an especially strong incentive to deliver value because they've seen the alternative, and in the overwhelming majority of cases, they deliver.”

— **Gretchen Peterson, CHRO, Dave's Killer Bread**

“These are human beings who are finding ways to be resilient—to transform their lives and to reimagine who they'll be when they come home from prison or jail. “

— **Jasmine Heiss, former director of coalitions and outreach with the Coalition for Public Safety (CPS)**

“In my experience, people with criminal records are often model employees. They are frequently the most dedicated and conscientious. A lot of doors are shut to them, so when someone gives them an opportunity, they make the most of it.”

— **a restaurant executive who employs hundreds of workers in Ohio and Florida**

“Of all the groups we targeted, people with criminal records turned out to be the best employees, in part because they usually have a desire to create a better life for themselves ... and are often highly motivated. “

— **Denver-based telecommunications**