

Eggensperger_FAV_SB0473

Uploaded by: Eggensperger, Diane

Position: FAV

Senate Bill 473 - Discrimination in Employment -
Reasonable Accommodations for Applicants With Disabilities
SUPPORT TESTIMONY

I am testifying in support of this bill because it allows accommodation during a job interview for persons with so called hidden disabilities. Let me give you an example of a problem and how permitting the assistance of a support professional like a job coach can be a solution.

Our daughter is on the autism spectrum. During an interview—or any conversation—she is likely to give specific and only brief answers to questions. Additionally, she may have difficulty providing good and creative answers to open ended and abstract questions. She also has a mild language processing delay affecting both hearing and speech. Thus, she may miss words or phrases in long questions and often hesitates and stumbles in her oral response.

A job coach can be a second set of ears to offer accommodation. He could prompt her to add details and additional examples to a reply. She could rephrase complex questions into more manageable parts. The coach could repeat a long question or a series of questions.

Our daughter began her academic career in Montgomery County Public Schools. She was in self contained classrooms through elementary school, but by high school graduation had completed two Advanced Placement classes! Hood College in Frederick awarded her an academic scholarship. She graduated in 4 years with a 3.6 GPA. In the 8½ years since her college graduation in 2011 she has been employed *for only about 2 years*, despite numerous interviews. Including many interviews with the State of Maryland during which she was denied the active assistance of a job coach.

The State of Maryland needs to expand their support of citizens with all types of disabilities so they can be competitive in the job market. Help them so they can support themselves with skill appropriate employment, instead of being un- or underemployed and receiving Medicaid or other types of relief. Pass this Bill.

And then, I urge you to begin considering how the State of Maryland can take the next logical and reasonable step: facilitate employment for clients of its own Division of Rehabilitation Services. Clients like my daughter. Surely citizens receiving state services should be offered non-competitive interviews for State jobs if they fully qualify. Let the State of Maryland use its resources proactively, yet frugally, to help their citizens with disabilities find appropriate employment

Diane Eggensperger eggmyer@starpower.net

Jackson_FAV_SB0473

Uploaded by: Jackson, Ben

Position: FAV



Empowerment. Integration. Equality.

1500 Union Ave., Suite 2000, Baltimore, MD 21211

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www.DisabilityRightsMD.org

Judicial Proceedings

SB 473: Discrimination in Employment - Reasonable Accommodations for Applicants With Disabilities

February 18, 2020

Position: Support

As the designated Protection and Advocacy organization for Maryland and the grantee of the Protection and Advocacy for Beneficiaries of Social Security (PABSS), Disability Rights Maryland (DRM), formerly Maryland Disability Law Center, is charged with removing barriers to employment for beneficiaries with disabilities. Pursuant to this mandate, DRM seeks to protect beneficiaries' rights regarding conditions of employment and help beneficiaries understand and protect their employment rights, responsibilities and reasonable accommodations under the Americans with Disabilities Act and other applicable laws.

DRM supports HB 312 which would require employers make reasonable accommodations for applicants with disabilities including: 1) allowing for an online application process; 2) accepting an alternate form of a resume, such as video; 3) allowing support personnel or others to provide assistance to an applicant; or 4) provide an accessible interview location.

People with disabilities in Maryland are unemployed and underemployed to a greater extent than the general population. In 2015, the employment rate for working-age people with disabilities in Maryland was 42.4% while Maryland's overall unemployment rate was 4.1%. This law would ensure that people with disabilities have the same opportunities as everyone else. Requiring employers make reasonable accommodations for the application / interview process will help empower Marylanders with disabilities. Access to accommodations and supports are the keys to employment that pays a livable wage. Unlocking the path to full participation in community life. HB 312 would help facilitate employment for people with disabilities. As a result, it is likely to increase access to job opportunities, community access, and increase overall quality of life for disabled Marylanders.

Thank you for your consideration of these comments.

A handwritten signature in cursive script that reads "William B. Jackson" followed by a stylized flourish.

For more information contact:

Ben Jackson, Staff Attorney

(410) 727-6352, ext. 2515

BenJ@DisabilityRightsMD.org

Lozama_FAV_SB0473

Uploaded by: Lozama, Jean

Position: FAV

SUPPORT TESTIMONY
Senate Bill 473 – Discrimination in Employment –
Reasonable Accommodations for Applicants With Disabilities
Support Testimony

Dear Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

My name is Jean Lozama. I receive services from CHI Centers, Inc., in Silver Spring, Maryland. I support this bill.

I work at the University of Maryland. I wash dishes and am a supervisor. I am a good worker. I like my job. My work speaks for itself. I am independent but I need a little support. I cannot read. When I was looking for a job, CHI helped me to apply and interview for the job. It is helpful to have someone there to support me. I probably would not have gotten the job without CHI's help.

CHI has helped me get a tutor so I can learn to read.

That is why I support this bill.

Thank you for your consideration.

Jean Lozama
4213 Landgreen St.
Rockville, MD 20853
JeanLozama74@gmail.com

LAM_FAV_SB0473

Uploaded by: Senator Lam, Senator Lam

Position: FAV

CLARENCE K. LAM, M.D., M.P.H.
Legislative District 12
Baltimore and Howard Counties

Education, Health, and Environmental Affairs
Committee

Executive Nominations Committee

Joint Committee on Ending Homelessness

Chair

Joint Committee on Fair Practices and
State Personnel Oversight

Chair

Howard County Senate Delegation



THE SENATE OF MARYLAND
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Support SB 473: Discrimination in Employment – Reasonable Accommodations for Applicants With Disabilities

The Issue:

- Maryland law provides reasonable accommodation protections for employees with disabilities but does not explicitly protect applicants
- Maryland employers have repeatedly denied application accommodations such as alternative application forms and job coaches in interviews

What SB 473 Does:

- Explicitly includes applicants in reasonable accommodation protections
- Provides examples of some application reasonable accommodations that have been repeatedly denied
- Exempts employers from providing reasonable accommodations that would place an undue hardship on their business

Why is SB 473 Needed?

- 77 percent of people with no disabilities were employed in MD in 2016 compared to 40 percent of those with any disability in the same year
- Employers are passing over qualified applicants because applicants are not provided reasonable application accommodations

MD_DD_COALITION_FAV_SB473

Uploaded by: WALMSLEY, KEITH

Position: FAV



MARYLAND DEVELOPMENTAL DISABILITIES COALITION

Dedicated to the rights and quality of life for people with developmental disabilities in Maryland

Judicial Proceedings Committee

SB 473: Discrimination in Employment - Reasonable Accommodations for Applicants With Disabilities

February 18, 2020

Position: Support



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Suite 140
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The Maryland Developmental Disabilities Coalition (DD Coalition) is comprised of five statewide organizations that are committed to improving the opportunities and outcomes for Marylanders with intellectual and developmental disabilities (IDD). As such, the DD Coalition supports SB 473.



1500 Union Avenue
Suite 2000
Baltimore, MD 21211

WHY is this legislation important?

- A much larger proportion of the population of people with disabilities in unemployed compared to Marylanders as a whole
- People with disabilities should be empowered and supported to access employment that pays livable wages and provides full benefits
- Adequate accommodations and supports are essential to success
- Accommodations and supports that lead to employment will make achieving full participation in community life more possible



8835 Columbia 100 Pky
Suite P
Columbia, MD 21044

WHAT does this legislation do?

- Requires employers to make reasonable accommodations for an applicant with disabilities including:
 - Allowing for an online application process
 - Accepting an alternate form of resume, such as video
 - Allowing support personnel or others to provide assistance to the applicant
 - Providing an accessible interview location



**Maryland Developmental
Disabilities Council**

217 E Redwood Street
Suite 1300
Baltimore, MD 21202

This legislation facilitates employment for people with developmental disabilities, and as a result, increases access to opportunity, the community, and a higher quality of life for all.



7000 Tudsbury Road
Windsor Mill, MD
21244

Contact: Keith Walmsley, Director of Public Policy Initiatives, MD DDC
KWalmsley@md-council.org

spencer_dove_infl_SB473

Uploaded by: Dove, Spencer

Position: INFO

State of Maryland

Commission on Civil Rights

“Our vision is to have a State that is free from any trace of unlawful discrimination.”



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February 18, 2020

Senate Bill 473 – Discrimination in Employment – Reasonable Accommodations for Applicants with Disabilities

Letter of Information

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, and physical and mental disability.

Senate Bill 473 amends Maryland’s employment anti-discrimination law to prohibit an employer from discriminating against a qualified applicant for employment, including the failure or refusal to provide a reasonable accommodation requested by the applicant.

The Maryland Commission on Civil Rights asserts that the provisions of this bill are current law, and believes this bill is duplicative. Title 20 of the State Government Article already protects applicants and employees from unlawful discrimination, and the law already requires the employer to make reasonable accommodations to both applicants and employees. COMAR 14.03.02.05 further reinforces these protections, and even lists examples of reasonable accommodations for employers to consider during the interactive process.

With regard to the examples of reasonable accommodations listed on page 3, lines 7 through 14 of the bill, MCCR is amendable to exploring amending agency regulations to include these in COMAR 14.03.02.05.

Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.

MDChamber_Griffin_INFO_SB473

Uploaded by: Griffin, Andrew

Position: INFO



LEGISLATIVE POSITION:

Letter of Information

Senate Bill 473

Discrimination in Employment – Reasonable Accommodations for Applicants With Disabilities

Senate Judicial Proceedings Committee

Tuesday, February 18, 2020

Dear Chairman Davis and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 4,500 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic growth for Maryland businesses, employees and families. Through our work, we seek to maintain a balance in the relationship between employers and employees within the State through the establishment of policies that promote fairness and ease restrictive burdens.

The Maryland Chamber of Commerce is supportive of the spirit of SB 473, however, there are concerns with the bill text as introduced. The employer community believes that applicants with disabilities are already protected by federal law and note that the implementing regulations for Maryland's reasonable accommodations law already includes applicants. See, e.g. COMAR 14.03.02.05(B)(10), (11) and (12), which specifically refer to "applicants" in the context of accommodations, and COMAR 14.03.02.05(A)(3) states an employer "may not deny an employment opportunity to a qualified individual with a disability," which would include applicants seeking to be employed.

The Maryland Chamber of Commerce is supportive in including a reference to applicants in the law itself, becoming consistent both with federal law and how state law has already been interpreted through regulation. However, the inclusion of the list of reasonable accommodations for applicants in the law itself is inconsistent with how reasonable accommodations for existing employees has been handled previously – which has been to list those items in regulation. SB 473 as written makes the list a legal mandate that is seen as inappropriate for the individualized assessment that is required for each accommodation's situation.

Current regulation provides "examples" of reasonable accommodations "that include" a list of possible accommodations. However, the proposed statutory list of accommodations for applicants does not note that they are in fact "examples," but rather states that reasonable accommodations "include" these items. A primary concern with the bill text is that the list can then be interpreted mandatory item to consider, even if they aren't applicable to the situation. An applicant may then have a right to insist on those outlined accommodations that may not be appropriate for the situation. This is problematic as under both state and federal law an employer is required to provide a reasonable accommodation, but it does not have to be the one preferred by the applicant as long as it is effective in allowing the applicant or employee to perform the

essential job functions. See the EEOC's Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act, Question 9.

Furthermore, it is noted that the proposed statutory list is duplicative of some existing regulatory requirements, such as modification of testing and examinations or making facilities accessible generally, which would include interviews. Our belief is that if specific items need to be set forth as examples of reasonable accommodations, the appropriate outlet is the regulatory framework where existing examples of reasonable accommodations for applicants and employees currently exist – not in statute itself.

For these reasons, the Maryland Chamber of Commerce urges the bill sponsor to work alongside stakeholder employers to reach consensus language in support of the spirit of this legislation.

