



SB 191
Labor and Employment - Hiring - Higher Education Requirements (Give Me a Chance Act)
Finance Committee
Position: Unfavorable

Maryland AGC, the Maryland Chapter of the Associated General Contractors of America, provides professional education, business development, and advocacy for commercial construction companies and vendors, regardless of labor policy. AGC of America is the nation's largest and oldest trade association for the construction industry. AGC of America represents more than 26,000 firms, including over 6,500 of America's leading general contractors, and over 9,000 specialty-contracting firms through a nationwide network of chapters. Maryland AGC opposes SB 191 and respectfully requests the bill be given an unfavorable report.

SB 191 prohibits an employer's using a requirement for a college or higher-level degree as a factor in hiring or promoting an individual. The bill has an exception for positions where a minimum educational qualification is necessary to perform the duties of the position. The bill allows an employer to inquire about an applicant's degree status after the employer has extended an offer of employment, but in §3-718(B)(2) prohibits the employer from withdrawing the job offer if the applicant does not have the degree required as a "minimal educational qualification." The bill provides for simultaneous civil suits for damages and for a proceeding by the Commissioner of Labor and Industry.

The bill represents an unwarranted and unnecessary intrusion into an employer's right to set whatever qualifications it deems appropriate for a position in its operations. The unstated assumption underlying the bill is the concern that minorities may not have obtained a college degree and therefore are denied employment when they have the capability to perform the requirements of the position sought. However, it is existing law of long standing that if an employment qualification has a disparate impact on a class of workers, the qualification must be related to the essential functions of the position. See *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971), where the Supreme Court ruled that under Title VII of the Civil Rights Act of 1964, if an employment requirement, in that case employment tests, disparately impact ethnic minority groups, businesses must demonstrate that such qualifications are "reasonably related" to the job for which the qualification is required.

In Maryland, under State Government Article, §20-602, every Marylander is guaranteed equal opportunity in receiving employment regardless of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, disability, or genetic information. Thus, applicants and existing employees are already protected as a matter of federal and state law.

Accordingly, Maryland AGC opposes SB 191 and respectfully requests the bill be given an unfavorable report.

Champe C. McCulloch
McCulloch Government Relations, Inc.
Lobbyist for Maryland AGC