

### 2011 GENERAL ASSEMBLY SESSION – JOTF LEGISLATIVE WRAP-UP

By Melissa Chalmers Broome

During the 2011 session of the Maryland General Assembly, the Job Opportunities Task Force advocated for legislation to improve the economic opportunities of Maryland's low-skill, low-income workers and their families. Significant progress was made on a variety of JOTF's legislative priorities.

#### Job Applicant Fairness Act

JOTF led a statewide coalition of 60 organizations that successfully advocated for the passage of legislation to prohibit employers from using an applicant's or employee's credit history in the hiring process. Governor O'Malley signed the bill into law on the morning after *Sine Die*, making Maryland the fifth state in the nation to enact credit checks legislation.

The Job Applicant Fairness Act was highlighted in the press throughout the 90-day session in publications such as the *Baltimore Business Journal*, *Baltimore Sun*, *Gazette*, *Huffington Post*, *Maryland Daily Record*, and *Maryland Reporter*. It was also featured nationally on Fox News in a segment entitled, "Should bad credit cost you a job?"

While the bill was supported by a broad spectrum of advocates, it was the everyday citizens who were willing to share their personal experiences with legislators that had the greatest impact on the bill's success.

About 60% of employers use credit history checks as a tool in their pre-employment screening, even if the information has no relation to the job. In these trying economic times, many job-seekers have found themselves caught in a downward spiral where they're behind on their bills because they don't have a job, but they can't get a job because they're behind on their bills. In addition, divorce and unpaid medical expenses are often the culprits of damaged credit. Those most often affected are young people, seniors, minorities and divorced women.

The EEOC has repeatedly expressed concern that the use of credit in the hiring process discriminates against people of color. On December 21, 2010, the EEOC filed a nationwide hiring discrimination lawsuit against Kaplan Higher Education Corporation for rejecting applicants based on their credit history, stating that this practice has an unlawful discriminatory impact because of race and is neither job-related nor justified by business necessity.

JOTF thanks bill sponsors Delegate Kirill Reznik and Senator Catherine Pugh for their leadership on this important issue.



Supporters joined Governor O'Malley on April 12, 2011 as he signed the Job Applicant Fairness Act into law.

#### Unemployment Insurance - Extended Benefits

As a member of the state's Joint Committee on Unemployment Insurance Oversight, JOTF was actively engaged in a successful effort to pass legislation enabling Maryland to take advantage of the federal unemployment insurance extended benefits (EB) program.

The EB program provides 13 weeks of additional benefits to the long-term unemployed and is being funded by the federal government through 2011. In order to activate the program, each state must adopt a high-unemployment indicator to trigger the program "on." Legislation to adopt this trigger was passed by the General Assembly in the final days of the session. Up to 70,000 Marylanders will now become eligible for \$283 million in benefits.

#### Re-Entry - Parole Fees

Under current law, persons on parole in Maryland are charged \$40 per month for their supervision. The fee is largely uncollectible since most parolees are in dire financial situations. When the legislature enacted the fee in 1991, they acknowledged that many parolees would be unable to pay and therefore worked in a series of broad categorical exemptions. Unfortunately, very few parolees are aware that an exemption process exists.

JOTF successfully advocated for legislation to ensure that parolees be adequately informed of and have access to the parole fee exemption process. Under the new law, the Department of Public Safety and Correctional Services, in conjunction with the local detention centers, will ensure that parolees be given information orally and in writing upon their release that explains the exemption criteria and the process by which to apply for an exemption. JOTF thanks Senator Jamie Raskin and Delegate Jeff Waldstreicher for their sponsorship of this legislation.

#### Ex-Offender Employment - Ban the Box

For the second consecutive year, JOTF helped lead a coalition of advocates in supporting legislation to remove the question from state job applications that asks applicants to check a box indicating if they have ever been convicted of a crime. By removing this question, qualified applicants would be able to get a foot in the door and have a chance to explain their conviction, rather than be automatically disqualified at the outset of the process.

*continued on page 2*

continued from page 1

Despite intense support at the bill hearings, the legislation failed after receiving an unfavorable report from the Senate Finance Committee. JOTF thanks bill sponsors Senator Catherine Pugh and Delegate James Proctor.

#### 0.5% Transportation Training Fund

The federal government permits states to use up to 0.5% of their federal transportation dollars for workforce training. JOTF was actively involved in advocating for legislation that would enable Maryland to take advantage of this opportunity to link workforce and economic development. Providing training and linking graduates to jobs on major infrastructure projects would strengthen Maryland's commitment to a healthy workforce by creating pathways to employment for disadvantaged, underemployed Marylanders.

Unfortunately, despite nearly unanimous support in the House, the legislation failed after the Senate refused to take action. JOTF thanks bill sponsors Delegate Michael Vaughn and Senator Verna Jones-Rodwell.

#### Driver's Licensing for Adults

JOTF supported legislation that would have reduced barriers to driver's licensing for working adults. Maryland is the only state in the nation that requires new drivers of all ages to complete identical driver's education and practice requirements. New drivers of all ages must complete 36 hours of classroom education, 60 hours of supervised practice, and fulfill a 9-month waiting period before being eligible for a license.

The proposed legislation would have maintained current licensing laws for young drivers while eliminating the 60-hour rule and reducing the time for holding a provisional license to 45 days for adults ages 21 and older. Despite unanimous support in the Senate, the legislation failed after the House Environmental Matters Committee voted to refer it to interim study. JOTF thanks bill sponsors Senator Jamie Raskin and Delegate Cheryl Glenn.

For more information on JOTF's advocacy work, visit [www.jotf.org](http://www.jotf.org) or contact Melissa Broome at [melissa@jotf.org](mailto:melissa@jotf.org) or (410) 234-8046.

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## THE NEW FACE OF THE UNEMPLOYED

By Caryn York

As the profile of high-demand industries shifts and the labor market demands new skill sets, this has created a discrepancy between the jobs available and persons qualified to fill them. This discrepancy has had a particularly significant effect on adult workers ages 45 and over.

While older workers are less likely to be unemployed compared to younger workers, research indicates that once older workers lose their job their chances of securing employment, especially at the level they were previously performing, are extremely low. According to the Bureau of Labor Statistics, the average job seeker between the ages of 55-64 has been looking for work for 44.6 weeks.

Long periods of unemployment create a perception among some employers that the individual is 'unemployable'. Because of this stigma, employers are often hesitant to hire applicants who have been out of work for more than a year. Many older job seekers must rely on savings, and if they were forced into early retirement, must file for Social Security benefits earlier than expected. Faced with these options, many older workers try to stay in the workforce.

Craig Clive, a 64-year-old Ellicott City resident who has been unemployed since May 2010, faces this frustrating reality every day. Before May 2010, Mr. Clive had a comfortable career for many years as a business consultant, and then was hired as Director of Compensation and Benefits for a local hospital. But after five years on the job, in May 2010, at 63 years of age, he was suddenly laid off.

Initially, Mr. Clive assumed he would easily find new work. However, like many other unemployed jobseekers, Mr. Clive soon experienced the reality of the economy and the labor market. After sending out 252 resumes and receiving 9 call backs but no job offer, one year later he is still seeking work.

Long-term unemployment and slow job growth have impacted many older job seekers across the country. Job skills which in the past might have ensured employment in certain industries no longer meet employer needs. Additionally, according to the AARP, older workers are also more likely to be laid off from industries in structural decline – like manufacturing and newspapers. Older workers are often homeowners or have family considerations that make it more difficult for them to go back to school to acquire more skills or relocate to areas where the job market is better.

Many older jobseekers attempt a career shift, but job openings are scarce, competition is stiff, and prospects for advancement are bleak. Even senior-level jobseekers find themselves having to downgrade to entry-level positions to get a job in some situations. For example, while there is job growth in the healthcare sector, a laid-off manufacturer may not possess the job skills needed for the positions available and may find a career shift extremely difficult.

Jobseekers such as Mr. Clive find that job skills which were once reliable guarantees of job security are now much less marketable in this new, tight labor market. "If I want to eventually get a paycheck, I have to downgrade my options. Because I have no other options," Mr. Clive states matter-of-factly. Rather than begin to plan for retirement, Mr. Clive needs to find ways to become re-employable.

As the economy continues its slow recovery, Mr. Clive and thousands like him across Maryland will continue to apply for jobs in an effort to make ends meet. In order to address the employment barriers older adult jobseekers face, federal and state programs must be crafted and implemented to specifically target the needs of the older jobseeker. Scholars and economists alike all have intriguing ideas on how to make older jobseekers re-employable. Heather Boushey, Senior Economist of the Center for American Progress, suggests expanding our national service programs as an excellent way to create jobs and make use of the skills and expertise of older workers while meeting pressing community needs.

Whether existing programs such as the Senior Community Service Employment Program (SCSEP) are strengthened or new programs are created, we must do much more than we're currently doing and we must do it now.

# LICENSE TO WORK: HOW HIGH BARRIERS TO A DRIVER'S LICENSE STAND IN THE WAY OF WORK

By Rodney Foxworth

Maryland's driver's licensing laws are perhaps the most demanding in the U.S. In fact, Maryland is the only state that requires new drivers of all ages to complete driver's education and practice requirements. In 1998, in an effort to impose stricter requirements upon new teenage drivers, Maryland altered its driver's licensing law to require new drivers to maintain a learner's permit for four months and meet forty hours of supervised instructional driving requirements before they are able to obtain a full driver's license.

In 2005, the law was further amended to require drivers with learner's permits to log 60 hours of instructional driving and increased the amount of time a holder of a learner's permit must wait before applying for a license from four months to six. In 2009 the wait period was increased to nine months.

According to the U.S. Insurance Institute for Highway Safety, young drivers under the age of 18 have the highest rate of auto accidents—not adults 18 and older. The original purpose of the more rigorous licensing requirements was to curtail reckless driving by new drivers—assumed to be teenagers—and make roads safer. However, the requirements have been broadly applied to all new drivers, regardless of age. In fact, Maryland is the only state in the country that requires adults 21 and above to complete driver's education. Maryland even goes a step further, and requires those 21 and above to complete both driver's education and certified practice hours.

Maryland's licensing requirements have led to unintended consequences, particularly for adult workers. Driver's education courses are costly and time-consuming. A typical driver's education course costs nearly \$300, an exorbitant amount for a low-income worker, and most courses are not scheduled for the convenience of working adults with children.

Daniel Johnson, a 34 year-old Baltimore native, received his driver's license last summer. Johnson, a laborer for a Baltimore County-based construction firm, knew that possessing a driver's license was critical to obtaining and retaining employment. However, gaining the license was not an easy process.

"I was lucky to find a way to pay for the classes," explains Johnson. "They're not cheap, and if I didn't find a [workforce] program that would help me pay for them, I probably would still be scraping my dollars to pay for the classes myself, money out of my pocket—money I really don't have." Further

complicating matters for Johnson was meeting the required supervised practice hours. "My driving instructor had to keep postponing my behind-the-wheel instruction," Johnson laments. "It was frustrating, because I wanted to get them done as quickly as possible. Then I had to get friends to take time out of their day to be with me as I practiced my driving [to meet the 60 hour certified practice requirement]. That was tough."

There is growing sentiment that driver's licensing laws unnecessarily add additional burdens on the working poor and low-income. Baltimore City, for example, faces a jobless rate of approximately 20 percent, and nearly 22 percent of its residents live at or below the poverty line. A substantial number of these individuals do not have a driver's license and would see their opportunities for employment increase if they had a license.

Workforce development professionals and social service organizations are limited in what they can do to assist individuals needing licenses under the current regulations. Alicia Schuller, Economic Opportunity Associate with East Baltimore Development, Inc. (EBDI), works with East Baltimore residents who are looking for work. She sees how cumbersome and difficult it is for her clients to obtain a driver's license. A Wyoming native, it wasn't until she began working at EBDI that she understood the licensing barrier that impeded the progress of many of her clients.

"The process is so much different," says Schuller, who obtained her driver's license in Wyoming prior to moving to Maryland. Schuller acknowledges there isn't much that her organization can do to help her clients, except to encourage them to attend driver's education and help them pay for classes as opportunities and funding arise. "A lot of our clients don't have licenses, but there's not much we can do on the front-end to help," she says.

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Schuller agrees that some changes to the licensing laws would help. As it is now, her workforce development staff is very mindful of the transportation limitations that adversely affect where their clients can work.

And that's just it: while Maryland's current driver's licensing laws were intended to make driving safer for teenagers and make the roads safer for everyone, they have unnecessarily made it more difficult for adult workers and jobseekers to maximize their work opportunities.

## Job Opportunities Task Force

111 Water Street

Suite 201

Baltimore, Maryland 21202

*Advocating better skills, jobs, and incomes*

# Share Your Story. Make an Impact.



Each year, thousands of Marylanders apply for housing and employment, and are denied because they have a criminal record. Some are trying to make a successful transition as they return home from prison. Others made mistakes long ago, and continue to face barriers to self-sufficiency.

Through the support of the Open Society Institute, JOTF is collecting the stories of people with criminal records as they strive to succeed. These stories will show the true faces of community members working hard to get ahead, and the barriers they face along the way. We will use these stories to advocate for a system that works better for people with criminal records, and for and their communities.

Do you have a story you'd like to share? Do you work with clients to overcome common barriers? If so, we'd like to hear from you. **Please contact Natisha Willis at 443-692-9423 or [natisha@jotf.org](mailto:natisha@jotf.org).**

JOTF is a 501c(3) non-profit organization. If you would like to support our efforts to help low-income workers and job seekers please contact [jessica@jotf.org](mailto:jessica@jotf.org) or call **410-234-8040**.

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