

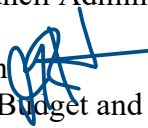


March 19, 2024

FISCAL AND POLICY NOTE

TO: Jennifer A. Jenkins
Council Administrator

Colette R. Gresham, Esq.
Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Malcolm Moody - *mm*
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-006-2024 Reentry Preferred Hiring Program

CB-006-2024 (*Proposed by: Council Members Oriadha, Blegay, Burroughs, and Hawkins*)

Assigned to the Health, Human Services, and Public Safety (HHSPS) Committee

AN ACT CONCERNING RE-ENTRY PREFERRED HIRING PROGRAM for the purpose of establishing the Re-Entry Preferred Hiring Program; establishing the Re-Entry Preferred Hiring Program Fund; providing for the administration of the Re-Entry Preferred Hiring Program and Re-Entry Preferred Hiring Program Fund; requiring a certain appropriation; requiring County agencies, departments and offices to provide a preference for hiring non-violent ex-offenders; providing an exception to the hiring preference requirement; requiring reporting requirements; and generally relating to re-entry hiring.

Fiscal Summary

Direct Impact

Expenditures: No additional expenditures likely unless jobs are created by County

Revenue: None.

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Indirect Impact

Potentially favorable.

Legislative Summary:

CB-006-2024, proposed and sponsored by Council Members Oriadha, Blegay, Burroughs, and Hawkins was presented on February 13, 2024, and was referred to the Health, Human Services, and Public Safety (HHSPS) Committee. The Bill would establish a Re-Entry Preferred Hiring Program (Program) and Re-Entry Preferred Hiring Program Fund (Fund) that will aim to assist non-violent ex-offenders attempting to gain employment with County agencies, departments, and offices.

Current Law/Background:

The County Council had previously discussed CB-037-2013¹, that bill failed to make it out of Committee, which had the goal of promoting employment for County residents that were incarcerated or convicted of a non-violent offense. The bill would have allowed the Purchasing Agent (Agent) for the County to award a bid or proposal preference of ten percent (10%)² to businesses that are involved in programs for the training of hiring of County residents incarcerated or convicted of a non-violent offense.

Under the CB-037-2013 the Agent could make requests for bids or quotes to specify targets for performance, sanctions for non-performance, and criteria for evaluation of bids and quotes. The Agent also had the authority to not award a bid or proposal if the result would be the loss of federal or state funds/grants. The award could also be withheld if there was the potential to compromise public safety and security. The annual hiring goal in the bill applied to each County agency, department, or office which required a minimum of twenty-five percent (25%) of all new hires in classified service positions be County residents who were incarcerated or convicted of a non-violent if the meet the requirements for the available position.

CB-019-2021³ was enacted by the County Council that established an incentive program to encourage the hiring of County residents returning from incarceration. The bill would reimburse qualifying employers who hire individuals for a qualifying position⁴. After a probationary period of ninety (90) days reimbursement will become available to the employer. The qualifying position would then be reimbursed at a rate of five dollars (\$5.00) per hour, up to 40 hours per week, and a

¹ [CB-037-2013](#)

² This is for any contract of procurement that the County secures competitive bids for pursuant to Section 10A-112 or competitive proposals pursuant to Section 10A-113.

³ [CB-019-2021](#)

⁴ Must allow minimum of 21 hours of work per week, pay a minimum of \$15/hour, and be filled as a result of the Qualifying Employer signs a Reentry Employment Reimbursement Program Agreement.

maximum of 1,000 hours for each 12-month period of employment following the date of hire of a qualified employee up to a maximum of 24 months after the date of hire.

The County also has an Emerging Adult Program (EAP) run by the County's State's Attorney's Office (SAO)⁵. The program is aimed at individuals aged 18-26 years old who are currently incarcerated or serving out sentences in the community. The SAO works with various stakeholders⁶ to establish reentry programs for young adults in the County. These programs include mentorship, counseling, job training, and work placement. The EAP starts when the eligible individual is sentenced and continues periods of incarceration, parole, or probation. The program is currently estimated to cost approximately \$10,000 per person.

On the State level, the General Assembly has recently considered legislation that aimed to assist individuals leaving incarceration after completing the terms of their confinement. SB 0499⁷ was a Bill sponsored by Senator Chris West that failed to make it out of Committee, which would have established a Workgroup to Study Reentry. The Workgroup established under the Bill would have examined the current role of State and local agencies in the reentry of formerly incarcerated individuals. The Workgroup would have then reported any findings and recommendations for policy changes for improving reentry to the Governor and General Assembly.

SB 1036⁸ was sponsored this year by Senator Chris West, which has similar provisions to SB 0499 and is currently in the 1st reading in the opposite chamber of the General Assembly. SB 1036 would establish a Task Force on the Creation of a Division of Returning Citizens and Expanded Reentry Services. This Task Force would report any findings and recommendations to the General Assembly on or before December 31, 2025. SB 1036 was cross-filed with HB 1037⁹ which would develop a plan to establish a new division within the Department of Public Safety and Correctional Services. HB 1037 would also develop a plan to expand certain services for individuals after release from incarceration and is currently in the 3rd reading in the original chamber of the General Assembly.

The current Prince George's County Code, under Subtitle 16. Personnel, Division 5. Methods of Filling Positions of the County Code¹⁰, includes how to fill positions through competitive and non-competitive methods, the role of the Director of Human Resources Management in the development and maintenance of programs designed to identify projected vacancies in the classified service, and restrictions on hiring based on if an individual is a family member of the appointing authority.

⁵ [2024 Legislative Priorities - Prince George's County & Baltimore City](#)

⁶ Such as Listening is Key/Ever Forward, the Community Public Awareness Council, a variety of law enforcement agencies, and behavioral health agencies, along with the Building Trades Union and the business community.

⁷ [SB0499 - Workgroup to Study Reentry](#)

⁸ [SB 1036 - Task Force on the Creation of a Division of Returning Citizens and Expanded Reentry Services - Establishment](#)

⁹ [HB 1037 - Task Force on the Creation of a Division of Returning Citizens and Expanded Reentry Services - Establishment](#)

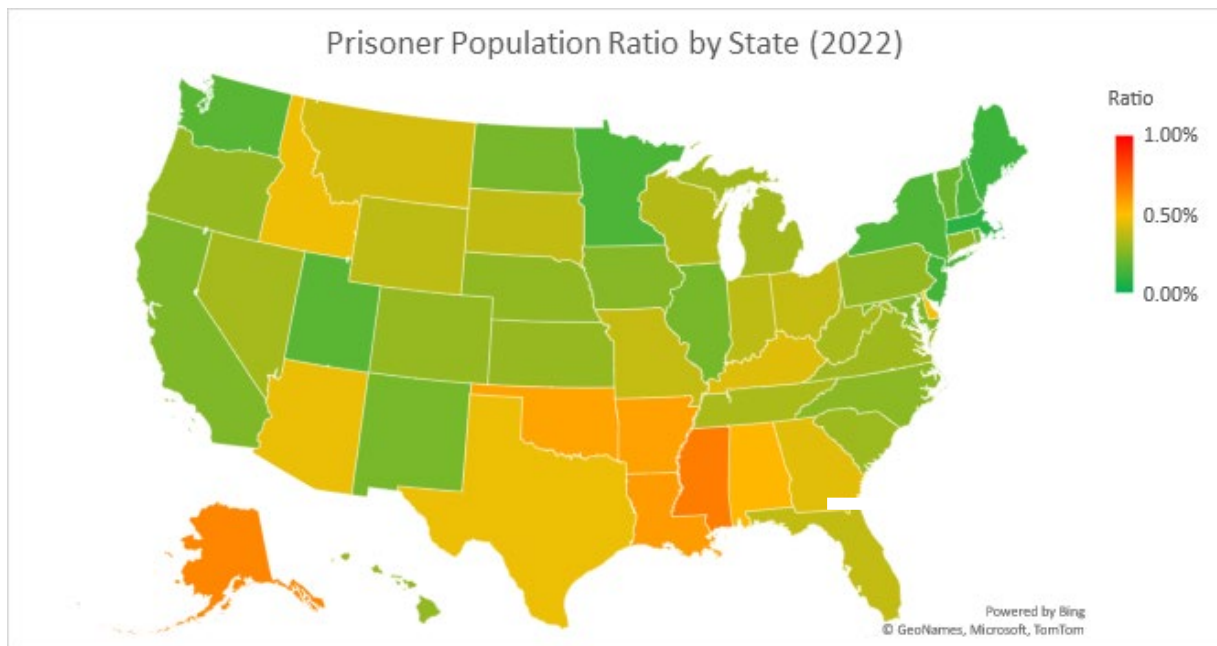
¹⁰ Prince George's County Code - [Division 5. - Methods of Filling Positions.](#)

Resource Personnel:

- Joel Peebles, Policy Director, Council District 7

Discussion/Policy Analysis:

Concerning the goals of the Program and Fund, it is important to look at the challenges faced by individuals reentering the workforce after completing the terms of their incarceration. From a Prison Report¹¹ published in September 2023 by the Bureau of Justice Statistics (BJS) more than 1.2 million people are incarcerated¹² in the United States and over 96% were sentenced to more than one year in prison. Below is a chart showing the prisoner population ratio by state using data from the Prison Report:



The BJS also released a report in December 2021¹³ which examined employment of people released from Federal Prison in 2010. The report found that over the four years post release that 33% of formerly incarcerated people found no employment at all. Below is a chart created from data in the report by the Prison Policy Initiative¹⁴ showing joblessness rates over multiple time periods for individuals post release:

¹¹ [Prisons Report Series: Preliminary Data Release - 2022 Data](#)

¹² Includes individuals under state or federal correctional authorities.

¹³ [Employment of Persons Released from Federal Prison in 2010](#)

¹⁴ [New data on formerly incarcerated people's employment reveal labor market injustices](#)



Provisions of CB-006-2024:

In an effort to address challenges facing individuals reentering society after incarceration the proposed Bill would require, within a year of its effective date, that Sections 16-150.01 through 16-150.05 be added under Subtitle 16, Division 5 of the County Code. These new sections will outline the framework for the Re-Entry Preferred Hiring Program, which includes its purpose, definition of key terms, program implementation, and reporting requirements. The Program would apply to all County agencies, departments, and requires them to use best efforts to hire County residents who were previously convicted or incarcerated of a non-violent offense(s). It allows for waivers to the requirements in instances when hiring non-violent ex-offenders would compromise public safety and security. Under this Bill:

- The Program will be designed to promote the employment of individuals previously incarcerated for or convicted of non-violent offenses and face challenges reentering the workforce. The Program is to be administered by the Director of Human Resources Management with the goal of increasing the success of those trying to reenter into society after leaving incarceration.
- The Bill requires that the County shall appropriate a minimum of \$500,000 for each Fiscal Year for the Re-Entry Preferred Hiring Program Fund. The Fund is to be used for the employment of twenty individuals. After the probation period, each employee's position and funding shall be placed in the corresponding agency, department, or office's budget.
- The Bill also requires annual reporting from the Director of Human Resources Management to the County Executive and County Council that is due on or before

December 31st of each year for the previous Fiscal Year. The report would cover various aspects of the Program and Fund to ensure transparency and accountability.

With this information it may be appropriate for the Council's consideration of CB-006-2024 to consider:

- (1) Are resources allocated to this Fund sufficient to accomplish the intended goals.
- (2) Should any additional County agencies be included to collaborate with.
- (3) Do the reporting requirements ensure that there will be transparency and accountability for the Program and the Fund.
- (4) How does the Program work in tandem with other County and State reentry programs/services.

Fiscal Impact:

- *Direct Impact*

Enactment of CB-006-2024 is likely to have an adverse fiscal impact on the County in the form of additional expenditures related to administrative expenses associated with managing the Program. Council staff does not believe that program management would require an additional position, and has not received any information from the administration indicating that it would do so. Also, the bill does require that \$500,000 per year be appropriated to the Fund. *However*, to the extent the Fund is used to pay for existing positions that would otherwise be paid for as general-funded compensation, it does not represent an additional expenditure. To the extent that new positions are created expressly for the purpose of using the fund, these would represent an adverse fiscal impact in the form of additional expenditures.

- *Indirect Impact*

Enactment of CB-006-2024 could have a potentially favorable impact on the County by assisting those returning from incarceration with integrating into society more easily, and potentially reducing dependence on social services and recidivism.

- *Appropriated in the Current Fiscal Year Budget*

No

Effective Date of Proposed Legislation:

The Act shall take effect forty-five (45) days after it becomes law.

If you require additional information, or have questions about this fiscal impact statement, please reach out to me via phone or email.