

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2014 Legislative Session

Reference No.:	CB-78-2014
Draft No.:	2
Committee:	PUBLIC SAFETY AND FISCAL MANAGEMENT
Date:	10-16-2014
Action:	FAVORABLE AS AMENDED

REPORT: Committee Vote: Favorable as Amended 4-0 (In Favor: Council Members Toles, Davis, Harrison, and Turner)

This bill prohibits an employer from requiring an applicant or potential applicant to disclose on an employment application or otherwise, the existence of details of the applicant's or potential applicant's arrest record or conviction record. An employer shall not at any time before a conditional offer of employment is made require the applicant to disclose whether the applicant has an arrest record or conviction record; conduct a criminal record check on the applicant; or inquire of the applicant or others about whether the applicant has an arrest or conviction record. During the meeting testimony was heard from the following: Mary Lou McDonough, Director, Department of Corrections; Mike Lyles, Esq., Executive Director, Human Relations Commission; Rhonda Weaver, Esq., Deputy Director, Office of Human Resources Management; Ron Wineholt, Apartment and Office Building Association; Kenny Battle, Prince George's Chamber of Commerce; Caryn York Aslan, Job Opportunities Task Force; James Estep, Greater Prince George's Business Roundtable; Bob Zinsmeister, Association of Builders and Construction Trade Council; Bob Ross, NAACP; and Matthew Fogg. Letters were also received from Beth Ross, Ross Management Services and Melvin Thompson, Restaurant Association of Maryland. The Committee discussed the history of "ban the box" legislation and how the laws differ from state to state. The bill was held in order to discuss proposed amendments with the business industry and community stakeholders.

The Committee met again on October 16, 2014 to continue discussion and review amendments to the legislation. Members had concerns about when an employer can inquire about an applicant's criminal record as well as listing criteria for what is considered an adverse action. Staff recommended language to allow employer inquiries at the conclusion of a first interview and to require the Executive Director of HRC to promulgate rules and regulations to implement and administer this law.

During the worksession the bill was amended as follows:

1. To move the language in the bill from Subtitle 16 to Subtitle 2 and replace the word “Division” with “Subdivision” throughout the bill
2. On page 1, line 4, after “record” delete “before making a conditional offer of employment” and insert “until the conclusion of a first interview”
3. On page 2, lines 29-31, after “(4)” delete the language and on page 3, delete lines 1-3; renumber the sections
4. On page 3, line 18 delete “ten (10)” and insert “twenty-five (25)”
5. On page 3, line 30, delete “before a conditional offer of employment is made” and insert “until the conclusion of a first interview”
6. On page 4, line 24 delete “seven (7)” and insert “three (3)”
7. On page 5, line 7 after “prohibitions” insert “and requirements” and after “County” delete “law enforcement” and insert “public safety”; on line 16 insert “(c) The Director shall promulgate rules and regulations, subject to County Council approval by resolution, which shall govern the implementation and administration of this Subdivision within sixty (60) days of the effective date of this Act. Sec. 2-231.08. Reporting. (a) The Human Relations Commission shall maintain data on the number of complaints files pursuant to this Subdivision, demographic information on the complainants, the number of investigations it conducts, and the disposition of every complaint and investigation. (b) The Director shall provide the County Council and County Executive an annual report on the number of complaints and the disposition of every complaint and investigation on or before December 31 beginning fiscal year 2016 and each year thereafter.”

The Office of Law has reviewed this legislation and finds it to be in proper legislative form with no legal impediments to its enactment.

The enactment of CB-78-2014 should not have an adverse fiscal impact on the County.