



THE VOICE OF MONTGOMERY COUNTY BUSINESS

October 8, 2014

RE: Bill 36-14 – Exemptions

Dear Council Members Leventhal and Andrews,

We write to you in your capacity as chairs of the Health and Human Services and Public Safety Committees as a follow on to the MCCC written testimony for Bill 36-14 submitted on September 9, 2014. We are writing today to further elaborate on one of our points – Exemptions.

We respectfully request that language be inserted to expressly state that an employer hiring for a position requiring a federal government security clearance be exempt from the requirements of Bill 36-14. A significant number of our members are federal government contractors. This is no surprise when you consider that, of the thousands of counties around the country, Montgomery County has the second highest number of small business that do business with the federal government. Employees of government contractors must be able to pass a security clearance prior to working for the client (federal government agency). Industries such as cybersecurity and health IT, as well as the hundreds of companies that provide services to the federal government, are vital for Montgomery County's continued economic success. We need to ensure that they are able to do business: to grow, succeed, and create important jobs right here in Montgomery County.

In Section 27-74 Exemptions, the legislation states "The prohibitions and requirements of this Article do not apply if the inquiries or adverse actions prohibited by this Article are expressly authorized by an applicable federal, State, or County law or regulation." (lines 188-191)

We have consulted with lawyers who specialize in government contracting and contacted the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP) in Baltimore to seek guidance as to whether the current language in Bill 36-14 applies to a government contractor. The OFCCP "does not have policy guidelines specific to criminal record screening" and recommends following the practices of the U.S. Equal Employment Opportunity Commission. Therefore, **we believe it is imperative to insert language that expressly states that an employer who hires for a position requiring a federal government security clearance be exempt from the requirements of Bill 36-14.**

Thank you for consideration of this important clarification.

Sincerely,

A handwritten signature in cursive script, appearing to read 'G. Godwin', is written in black ink.

Georgette "Gigi" Godwin
President and CEO

Gigi Godwin, President and CEO
Montgomery County Chamber of Commerce
51 Monroe Street, Suite 1800 Rockville, MD 20850
301-738-0015
www.montgomerycountychamber.com