



To Lead, Advocate, and Connect as the Voice of Business

Bill 35-20 - Human Rights and Civil Liberties - Fair Criminal Record Screening Standards – Amendments

OPPOSE

In 2014, the Council enacted “Ban the Box” legislation, Bill 36-14, which prohibited employers of 15 or more FTEs in the County from conducting a criminal background check of a job applicant, or otherwise inquiring about the criminal or arrest history of an applicant, prior to the completion of a first interview. Bill 35-20 would expand the scope of the original legislation by prohibiting background checks until after a conditional job offer has been extended. The bill also would prevent inquiries about certain crimes altogether. In addition, it would redefine “employer” to include any employer with one or more FTEs in the County.

The Montgomery County Chamber of Commerce (MCCC) agrees with the change regarding the prohibition of any inquiries by employers when an applicant has been arrested for a matter that did not result in a conviction. However, MCCC has two remaining concerns with the proposed legislation:

- Interview Timing – MCCC has concerns with the change of when a disclosure must happen from following an initial interview to when an employer makes a condition offer. The recruitment process can be very expensive, and this change does not serve either party when there are specific jobs, like those with security clearances, that an individual may not be eligible for from the beginning of the process.
- Employer Size - Hiring practices vary widely by industry, size and nature of the business. Some employers have large Human Resources Departments and automated application processes to manage the large volume of applications for any number of positions open at any time. Many small businesses, especially those with less than 15 FTEs, do not have a dedicated human resource FTE or department. Vacancies have a huge impact on our smaller employers and adding additional burdens to hiring can further hurt their business.

Montgomery County needs knowledge-based, technology-driven jobs in targeted industries such as cyber security, health information technology and the biosciences. This legislation runs counter to the realities businesses face in attracting talent in a competitive global marketplace.

The Montgomery County Chamber of Commerce (MCCC) accelerates the success of our members by advocating for increased business opportunities, strategic investment in infrastructure, and balanced tax reform to advance Metro Maryland as a regional, national, and global location for business success. Established in 1959, MCCC is an independent non-profit membership organization and is proud to be a Montgomery County Green Certified Business.