



LEGISLATIVE POSITION:

OPPOSE

Labor and Employment-Hiring-Higher Education Requirements

(Give Me a Chance Act)

Senate Finance Committee

Thursday, February 4, 2021

Dear Chairwoman Kelley and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 5,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

Senate Bill 191 seeks to prohibit employers from implementing application and hiring processes which use college or other higher education degrees as a limitation on who can apply for a position. The bill recognizes that such actions should not be prohibited "if a minimal educational qualification is necessary to perform the duties of the position..."

The Chamber understands that the bill's intent is to preclude the discriminatory use of irrelevant educational requirements to wrongfully disqualify individuals from consideration. This issue, however, is already addressed in both federal and state anti-discrimination statutes. For decades, these statutes have provided individuals with the opportunity to pursue discrimination claims when the evidence confirms that a particular educational requirement was, in fact, not necessary to perform the essential duties of a position and use of the educational requirement has had a disproportionately adverse impact on a protected group.

Given existing federal and state laws, the Chamber submits that SB 0191 is unnecessary; the statutory remedy already exists. SB 191 could create confusion with respect to the standards applied under these federal and state anti-discrimination statutes.

In addition, the bill could improperly scare employers away from considering a candidate's higher credentials. Discrimination law has never been designed to prevent fair competition; rather, it has sought to prevent unfair competition through consideration of irrelevant, discriminatory factors. Employers must be permitted to select the most qualified applicant, and they must retain the right to decide who is most qualified. A particular candidate's additional educational credentials—beyond those needed to satisfy minimum qualifications-- might convince an employer that she is the best candidate.

In an environment where there is an ever-increasing litany of claims, charges, and lawsuits being directed at Maryland's employers, SB 0191's threats of yet more litigation and Government-imposed penalties might scare some business owners into not doing what they have every right to do: consider relevant information when making a hiring decision. This will not serve the legitimate interests of anyone.

For these reasons, the Chamber respectfully requests an **unfavorable report** on **SB 191**.

