

HB78_Employee Applicant Accomodation_Support_SENAT

Uploaded by: Emily Arneson

Position: FAV



DATE: March 22, 2022 **COMMITTEE:** Senate Judicial Proceedings
BILL NO: House Bill 78
BILL TITLE: Discrimination in Employment – Reasonable Accommodations for Applicants With Disabilities
POSITION: Support

Kennedy Krieger Institute supports Houser Bill 78– Discrimination in Employment – Reasonable Accommodations for Applicants With Disabilities

Bill Summary:

HB78 prohibits an employer from failing or refusing to make a reasonable accommodation for the known disability of an otherwise qualified applicant for employment. The employer is not required to reasonably accommodate the disability of a qualified applicant if the accommodation would cause undue hardship on the conduct of an employer’s business.

Background:

Kennedy Krieger's Neurodiversity at Work program takes a multi-faceted approach to hiring and retaining individuals of all abilities as part of the workforce. Neurodiversity at Work is a collective impact initiative designed to create and support gainful employment for individuals with disabilities, providing economic benefit for businesses and the larger community. The Neurodiversity at Work program fosters integrated workplace settings where all individuals can experience success and independence. Currently the program includes several specialty initiatives Project SEARCH, CORE Foundations a Developmental Disabilities Administration Licensed Agency, HR pathways hiring program, training and education services, legislative efforts, research, transition consultation services, and planning for a national conference and on-going events.

Education and Training: Kennedy Krieger provides workforce training and development through customized, in-person Workforce Awareness and Inclusion training for Institute employees and local businesses. We provide to support to each individual and business for successful, sustainable, and integrated employment for all abilities.

Rationale:

People with disabilities want the opportunity to join the workforce. As a provider of employment services, we choose hiring practices that support growth and retention based on their qualifications. Accommodations that support success at work include, but not limited too; checklists, peer mentorship, dimmed lighting, extended training job, job coaching from external agency, and visual prompts. Accommodations are specific to each individual to support success in the workplace. This legislation will support statewide efforts for more disability awareness and more inclusive hiring practices.

Kennedy Krieger Institute is an inclusive employer that believes that individuals with disabilities have the skills, talents, and drive to contribute significantly to the workforce and to the broader community. A neurodiverse workforce benefits all.

Kennedy Krieger Institute requests a favorable report on House Bill 78

Cross Over - HB 78 - Discrimination in Employment

Uploaded by: Michelle Siri

Position: FAV

BILL NO: House Bill 78 – Cross Over Hearing
TITLE: Discrimination in Employment - Reasonable Accommodations for Applicants with Disabilities
COMMITTEE: Senate Judicial Proceedings Committee
HEARING DATE: March 22, 2022
POSITION: **SUPPORT**

House Bill 78 seeks to ensure that applicants for employment positions are provided the same rights and protections regarding accommodations for disabilities under Maryland law as they are under federal law. Because the WLC strongly supports equal employment opportunities, and values a diverse workforce with full economic opportunity, the WLC supports HB 78.

Women in general, and women with disabilities in particular, continue to face many barriers in the labor market. Disability prevalence is slightly higher among women than men, and women with disabilities are more likely to be low-income wage earners or to live in poverty compared to men with disabilities and both men and women without disabilities¹. The on-going pandemic has compounded these issues, and the effects on women with disabilities have been especially severe. They were more likely to be unable to report to work because their employer closed or lost business, and more likely to work in an occupation where there was higher likelihood of Covid-19 exposure, such as service industries.

The Americans with Disabilities Act makes it unlawful for an employer to discriminate against a qualified applicant or employee with a disability. Furthermore, an employer is required to provide a reasonable accommodation to a qualified applicant or employee with a disability unless the employer can show that the accommodation would be an undue hardship. Maryland's Fair Employment Practices Act tracks closely to federal law, typically using the federal statutes as a floor, not a ceiling. As such, under current Maryland law, an employer may not fail or refuse to make a reasonable accommodation for the known disability of an otherwise qualified employee. However, an employee is not explicitly defined to include applicants. HB 78 would unambiguously clarify that applicants are to be provided the same consideration and accommodations as a current employee, just as they are guaranteed that at the federal level.

Applicants with disabilities should be entitled the same rights to accommodations as current employees. This is a matter of fundamental fairness; without such accommodations, individuals with disabilities would be disparately excluded from the workforce. For these reasons, the WLC urges a favorable report on HB78.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.

¹ US Dept. of Labor, Office of Disability Employment Policy, Spotlight on Women with Disabilities, March 2021, <https://www.dol.gov/sites/dolgov/files/ODEP/pdf/Spotlight-on-Women-with-Disabilities-March-2021.pdf>

HB0078_Rogers_FAV.pdf

Uploaded by: Mike Rogers

Position: FAV

MIKE ROGERS
Legislative District 32
Anne Arundel County

Economic Matters Committee

Subcommittees

Banking, Consumer Protection, and
Commercial Law

Unemployment Insurance



The Maryland House of Delegates
6 Bladen Street, Room 162
Annapolis, Maryland 21401
410-841-3372 · 301-858-3372
800-492-7122 Ext. 3372
Fax 410-841-3437 · 301-858-3437
Mike.Rogers@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

March 22nd, 2022

Testimony in Favor of HB0078
Discrimination in Employment - Reasonable Accommodations for Applicants With Disabilities

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

I respectfully request a favorable report of HB0078. This bill will ensure that job applicants with disabilities have reasonable accommodations during the interview process, allowing these applicants to fully demonstrate their qualifications. While the Americans with Disabilities Act technically requires these accommodations in the hiring process, too many Marylanders find that they are not provided with these accommodations during hiring. Codifying this right in Maryland law will ensure that all Marylanders have a chance to demonstrate their qualifications.

HB0078 requires employers to make reasonable accommodations for applicants with disabilities, including allowing alternatives to an online applications process, such as hard copy applications; accepting video resumes or other alternative formats; allowing a third party or a direct support professional to provide assistance during an interview; and providing an interview location that is accessible for individuals with mobility impairments.

While HB0078 explicitly lists reasonable accommodations for disabled applicants during the interview process, it does not limit, the employer to the list or require all of those accommodations to be met. The bill does not require employers to adapt the accommodations listed in the bill if doing so will cause the employer undue hardship.

As a nation and in Maryland, we have an untapped segment of working adults with disabilities who are neither in the workforce nor looking for work. Enabling and supporting people with disabilities to enter and stay in the labor force is important, and I would argue imperative to growing and sustaining our GDP and strengthening our economy.

This proposed bill will strengthen the current laws and create reasonable accommodations during the application process.

I respectfully request a favorable report on HB0078.

Sincerely,

A handwritten signature in black ink that reads "Mike Rogers".

Mike Rogers
Maryland Delegate, 32nd District

MCCR HB78 SenateTestimony 03.22.22.pdf

Uploaded by: Glendora Hughes

Position: FWA

State of Maryland

Commission on Civil Rights

“Our vision is to have a State that is free from any trace of unlawful discrimination.”



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March 22, 2022

House Bill 0078 - Discrimination in Employment - Reasonable Accommodations for Applicants with Disabilities POSITION: Support with Amendments

Dear Chairperson Smith, Vice Chairperson Waldsteicher, and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, state contracts and health services based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, and physical and mental disability.

House Bill 78 amends Maryland’s employment anti-discrimination law to prohibit an employer from discriminating against a qualified applicant for employment, including the failure or refusal to provide a reasonable accommodation requested by the applicant.

The Maryland Commission on Civil Rights have included applicants in its interpretation of its statute but agrees the addition of the specific language regarding applicants with disabilities in HB 78 provides clarity to State Government Article, Section 20-603, and Section 20-606(a). MCCR, however, offered some friendly amendments to remove the words “a qualified” on page 2, line 10; add “an” in front of “applicant” and add the word “an” after the “or” on page 2 line 36. These amendments were adopted by the House Economic Matters Committee.

Requiring an applicant with a disability to establish being “a qualified applicant” prior to receiving a reasonable accommodation to even apply for a job creates an additional barrier. The application and the interview process are tools by which an employer first determines an applicant’s qualification. An applicant without a disability is not required to establish being qualified before applying for a job because there is no need for that person to request a reasonable accommodation.

For these reasons, the Maryland Commission on Civil Rights urges a favorable vote with amendments on HB 78. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.