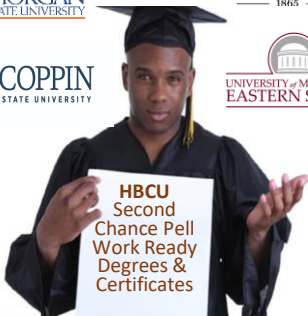


Returning Citizens Job Opportunity Bill Employer Incentive Program/Not a Mandate HB -1524/SB-858



In summer 2019, the NAACP, MSC & the Maryland Chamber of Commerce hosted aN HBCU informational seminar on the re-authorized U.S. Dept. of Education Second Chance Pell Grant program that allows universities to enter prisons to offer degree & “work-ready” certificate programs.

As a result, all four HBCU’s will be offering degree & certificate programs in Maryland prisons - some as early as Fall 2020 – to ensure returning citizens are work ready.

The Problem

Formerly incarcerated are unemployed at a rate of over 37% — higher than the total U.S. unemployment rate.

The Solution

The 2020 Maryland Returning Citizen Job Opportunity Bill SB-858\HB-1524 sponsored by Del. Davis, Del. Grammar & Senator Sydnor requires all businesses who contract with any state or local correctional facility to:

- post all jobs in the Maryland Workforce Exchange job board & within 45 days of posting - review the applications of formerly incarcerated with the goal to hire, unless an exemption applies. No mandate to hire – no exclusion of review of resumes of others
- contractor receives preference points when they re-apply to renew their contract. Goal is to match employers financially benefiting from the prison system with returned citizen candidates in order to reduce unemployment & recidivism.
- provide annual reports on the number of formerly incarcerated applications received, by age, gender, ethnicity, zip code and the number hired with hire date, title and salary.



First Step to Second Chances

Bill Supporters



Life After Release

Bill Benefits

Below are benefits state contractors can receive for hiring a returned citizen. There are over **500 Business Contractors** with state and local correctional facilities that have contracts worth collectively almost \$2 billion.

- **Hire Prince George’s County** Reimbursement of up to **90%** of returning citizen trainee wages during training up to 90 days.
- **The Maryland Apprenticeship Tax Credit** provides a State income tax credit to Registered Apprenticeship Sponsors or participating employers (Employer) which hire an eligible Registered Apprentice(s). The Employer may qualify for a **\$1,000** tax credit for each eligible returning citizen.
- **The Work Opportunity Tax Credit (WOTC)** is a Federal tax credit available to employers for hiring individuals from certain target groups who have consistently faced significant barriers to employment. The maximum tax credit ranges from **\$1,200 to \$9,600**, depending on the employee hired
- **Disabled Access Tax Incentives** - The maximum amount of the credit is **\$5,000**. The credit can be used to cover a variety of expenditures related to hiring a disabled returning citizen.

Maryland Workforce Exchange



Federal Bonding Program - sponsored by the U.S. Department of Labor, serves as a tool to secure the job placement of ex-offenders and other high-risk applicants by issuing Fidelity bonds to businesses who offer jobs to workers in "at risk" groups. The initial total of \$5,000 bond coverage is usually issued, with no deductible amount of liability for the employer.

SENATE BILL 858

P2, E4

0lr2850
CF 0lr1414

By: **Senator Sydnor**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings and Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement and Correctional Facilities – Employment Opportunities for**
3 **Formerly Incarcerated Individuals**

4 FOR the purpose of requiring, beginning on a certain date, certain invitations to bid and
5 certain requests for proposals to require bidders and offerors to provide certain
6 documentation; requiring the Department of Public Safety and Correctional Services
7 and county departments of corrections to give a preference to certain bidders and
8 offerors based on the number of formerly incarcerated individuals the bidder or
9 offeror employs; requiring certain contractors to hire certain applicants that are
10 formerly incarcerated for certain jobs under certain circumstances; allowing for
11 exceptions to certain requirements under certain conditions; requiring certain
12 procurement contracts to include a formerly incarcerated employment clause;
13 stating the required contents of the clause; requiring a certain unit to declare a
14 certain contract to be void if a certain clause is omitted; providing that a contractor
15 is entitled to the certain value of work performed and materials provided under
16 certain circumstances; requiring the Department of Public Safety and Correctional
17 Services and the Maryland Department of Labor to jointly modify the Maryland
18 Workforce Exchange website in a certain manner; prohibiting a contractor from
19 sharing access to a certain secure area of a certain website and certain information
20 under certain circumstances; requiring certain contractors to submit a certain
21 annual report to certain persons at a certain time; specifying the contents of a certain
22 report; requiring certain contractors to adopt a certain policy; requiring the
23 Department of Public Safety and Correctional Services to provide certain
24 information to certain contractors; requiring the Department of Public Safety and
25 Correctional Services to provide a list of certain job centers to certain persons;
26 requiring the Department of Public Safety and Correctional Services to report to
27 certain committees of the General Assembly on or before a certain date; providing
28 for the application of this Act; establishing the intent of the General Assembly;
29 prohibiting certain implementation costs from exceeding a certain amount; defining
30 certain terms; and generally relating to employment for formerly incarcerated
31 individuals and procurement contracts.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

sb0858

1 BY adding to
2 Article – Correctional Services
3 Section 8–7A–01 through 8–7A–03 to be under the new subtitle “Subtitle 7A.
4 Miscellaneous”
5 Annotated Code of Maryland
6 (2017 Replacement Volume and 2019 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
8 That the Laws of Maryland read as follows:

9 **Article – Correctional Services**

10 **SUBTITLE 7A. MISCELLANEOUS.**

11 **8–7A–01.**

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (B) “COVERED CONTRACTOR” MEANS A CONTRACTOR WHO HAS ENTERED
15 INTO A CONTRACT THAT IS SUBJECT TO THIS SUBTITLE.

16 (C) “FORMERLY INCARCERATED” MEANS AN INDIVIDUAL WHO HAS BEEN
17 CONFINED IN A CORRECTIONAL FACILITY.

18 (D) “REASONABLE ACCOMMODATION” MEANS MODIFICATIONS OR
19 ADJUSTMENTS:

20 (1) TO A JOB APPLICATION PROCESS THAT ENABLES A FORMERLY
21 INCARCERATED APPLICANT TO BE CONSIDERED FOR A JOB FOR WHICH THE
22 APPLICANT IS QUALIFIED;

23 (2) TO THE WORK ENVIRONMENT, OR LOCATION WHERE JOB DUTIES
24 ARE PERFORMED, OR TO THE MANNER, CIRCUMSTANCES, OR SCHEDULE UNDER
25 WHICH A JOB IS CUSTOMARILY PERFORMED, THAT ENABLE A FORMERLY
26 INCARCERATED INDIVIDUAL TO PERFORM THE ESSENTIAL FUNCTIONS OF THE JOB;
27 AND

28 (3) THAT PROVIDE TO AN EMPLOYEE OF A COVERED CONTRACTOR
29 EQUAL BENEFITS AND PRIVILEGES OF EMPLOYMENT THAT ARE PROVIDED TO
30 OTHER SIMILARLY SITUATED EMPLOYEES WHO ARE NOT FORMERLY
31 INCARCERATED.

1 (E) "UNIT" MEANS THE DEPARTMENT OR A COUNTY DEPARTMENT OF
2 CORRECTIONS.

3 8-7A-02.

4 (A) THIS SECTION APPLIES ONLY TO PROCUREMENTS ENTERED INTO
5 AFTER JANUARY 1, 2021, BY A UNIT FOR GOODS OR SERVICES AT A STATE OR LOCAL
6 CORRECTIONAL FACILITY, INCLUDING PROCUREMENTS THROUGH MASTER,
7 STATEWIDE, OR COUNTYWIDE PROCUREMENT AGREEMENTS.

8 (B) (1) EACH INVITATION TO BID OR REQUEST FOR PROPOSALS SHALL
9 REQUIRE EACH BIDDER OR OFFEROR TO PROVIDE DOCUMENTATION SHOWING THE
10 NUMBER OF ITS EMPLOYEES WHO ARE FORMERLY INCARCERATED AT THE TIME THE
11 BID OR PROPOSAL IS SUBMITTED.

12 (2) A UNIT SHALL GIVE A PREFERENCE TO BIDDERS AND OFFERORS
13 BASED ON THE NUMBER OF FORMERLY INCARCERATED INDIVIDUALS THE BIDDER
14 OR OFFEROR EMPLOYS.

15 (3) THE UNIT SHALL DETERMINE THE PREFERENCE GIVEN TO
16 BIDDERS AND OFFERORS, IN ACCORDANCE WITH PARAGRAPH (2) OF THIS
17 SUBSECTION, THAT SHALL BE AT LEAST EQUIVALENT TO OTHER PREFERENCE
18 PROGRAMS IN THE STATE.

19 (C) (1) EACH PROCUREMENT CONTRACT, INCLUDING ALL AMENDED OR
20 RENEWED CONTRACTS, SHALL INCLUDE A FORMERLY INCARCERATED
21 EMPLOYMENT CLAUSE AS PROVIDED IN THIS SUBSECTION.

22 (2) THE FORMERLY INCARCERATED EMPLOYMENT CLAUSE SHALL
23 REQUIRE EACH CONTRACTOR TO:

24 (I) LIST ON THE MARYLAND WORKFORCE EXCHANGE WEBSITE
25 ALL JOB VACANCIES, INCLUDING A LIST OF ESSENTIAL FUNCTIONS FOR EACH JOB;

26 (II) REVIEW ALL JOB APPLICATIONS SUBMITTED BY FORMERLY
27 INCARCERATED INDIVIDUALS ~~NOT LESS~~ MORE-THAN 3045 DAYS AFTER POSTING
THE JOB WHICH MAY INCLUDE THE REVIEW OF OTHER APPLICANTS AS DEEMED
APPROPRIATE IN THE DISCRETION OF THE CONTRACTOR IN KEEPING WITH THE MISSION
OF THIS ACT, AND ON A ROLLING BASIS THEREAFTER UNTIL A FINAL HIRE DECISION IS
MADE;

28 AND

29 **(III) UNLESS A CONTRACTOR ELECTS NOT TO**
30 **RECEIVE ANY PREFERENCE, MAKE BEST EFFORTS TO HIRE FOR A JOB**
AN INDIVIDUAL FROM THE POOL OF

FORMERLY INCARCERATED APPLICANTS, UNLESS:

1 1. THE JOB IS EXEMPT IN ACCORDANCE WITH
2 SUBSECTION (G) OF THIS SECTION AND A REASONABLE ACCOMMODATION CANNOT
3 BE FEASIBLY PROVIDED TO ELIMINATE THE EXEMPTION; OR

4 2. IT WOULD NOT BE POSSIBLE, WITHIN 90 DAYS AFTER
5 A JOB START DATE, TO TRAIN ANY OF THE FORMERLY INCARCERATED APPLICANTS
6 TO PERFORM THE JOB'S ESSENTIAL FUNCTIONS, AS LISTED IN THE JOB POSTING.

7 (3) (I) IF THE FORMERLY INCARCERATED EMPLOYMENT CLAUSE
8 IS OMITTED FROM A CONTRACT SUBJECT TO THIS SECTION, THE UNIT SHALL
9 DECLARE THE CONTRACT TO BE VOID.

10 (II) IF THE CONTRACT IS DECLARED VOID UNDER
11 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE CONTRACTOR IS ENTITLED TO THE
12 REASONABLE VALUE OF WORK THAT HAS BEEN PERFORMED AND MATERIALS THAT
13 HAVE BEEN PROVIDED.

14 (D) (1) THE ~~DEPARTMENT AND THE~~ MARYLAND DEPARTMENT OF
15 LABOR JOINTLY SHALL MODIFY THE MARYLAND WORKFORCE EXCHANGE WEBSITE
16 TO:

17 (I) ENABLE CONTRACTORS TO POST ALL JOB LISTINGS;

18 (II) PROVIDE A SECURE AREA OF THE WEBSITE WHERE
19 FORMERLY INCARCERATED INDIVIDUALS MAY POST A PROFILE AND RESUME IN A
20 SECTION OF THE WEBSITE THAT MAY ONLY BE VIEWED BY COVERED CONTRACTORS;

21 (III) ENABLE COVERED CONTRACTORS TO:

22 1. SEPARATELY SEARCH AND SORT THE PROFILES AND
23 RESUMES OF THE FORMERLY INCARCERATED APPLICANTS;

24 2. EXTRACT REPORTS TO COMPLY WITH THE REPORTING
25 REQUIREMENTS SET FORTH IN SUBSECTION (E) OF THIS SECTION; AND

26 3. DETERMINE WHICH FORMERLY INCARCERATED
27 APPLICANTS HAVE COMPLETED A PRERELEASE EMPLOYMENT PROGRAM OR A JOB
28 READINESS PROGRAM; AND

29 (IV) PROVIDE FORMERLY INCARCERATED APPLICANTS THE
30 OPTION TO RECEIVE, WITHIN 8 HOURS OF A JOB POSTING, ELECTRONIC NOTICES OF

31 EACH NEW JOB POSTED BY A COVERED CONTRACTOR.

1 (2) A COVERED CONTRACTOR THAT HAS ACCESS TO THE SECURE
2 AREA OF THE WEBSITE IN ACCORDANCE WITH PARAGRAPH (1)(II) OF THIS
3 SUBSECTION MAY NOT PROVIDE ACCESS TO THE SECURE AREA OF THE WEBSITE TO
4 A THIRD PARTY.

5 (E) ON OR BEFORE DECEMBER 15 EACH YEAR, EACH COVERED
6 CONTRACTOR SHALL SUBMIT TO THE CONTRACTING UNIT A REPORT, WHICH
SHALL BE DELIVERED WITHIN 30 DAYS OF RECEIPT TO THE HOUSE JUDICIARY AND
SENATE JUDICIAL PROCEEDINGS COMMITTEES, THAT

7 INCLUDES:

8 (1) THE NUMBER AND PERCENTAGE OF THE CONTRACTOR'S
9 EMPLOYEES WHO ARE FORMERLY INCARCERATED;

10 (2) A DESCRIPTION FOR EACH TYPE OF JOB AND RATE OF
11 COMPENSATION FOR EACH TYPE OF JOB IN THE CONTRACTOR'S ORGANIZATION;

12 (3) THE NUMBER OF APPLICATIONS RECEIVED THROUGH THE
13 MARYLAND WORKFORCE EXCHANGE WEBSITE FOR EACH JOB POSTED BY THE
14 CONTRACTOR, INCLUDING THE ETHNICITY, AGE, GENDER, AND ZIP CODE OF EACH
15 APPLICANT; AND

16 (4) THE NUMBER OF APPLICANTS HIRED THROUGH THE MARYLAND
17 WORKFORCE EXCHANGE WEBSITE, INCLUDING THE JOB TITLE, START DATE,
18 STARTING SALARY, ETHNICITY, AGE, GENDER, AND ZIP CODE OF EACH APPLICANT
19 HIRED; AND

20 (5) A LIST AND DETAILED DESCRIPTION OF JOBS DECLARED EXEMPT
21 IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION, INCLUDING, FOR EACH
22 JOB, THE REASON THAT A REASONABLE ACCOMMODATION COULD NOT BE
23 PROVIDED.

24 (F) EACH COVERED CONTRACTOR SHALL DEVELOP A WRITTEN POLICY:

25 (1) REGARDING THE PROVISION OF REASONABLE ACCOMMODATIONS
26 FOR REQUIREMENTS IMPOSED ON A FORMERLY INCARCERATED EMPLOYEE OF THE
27 CONTRACTOR AS A CONDITION OF PAROLE, PROBATION, OR OTHER TYPE OF
28 RELEASE FROM IMPRISONMENT SO THAT A QUALIFIED FORMERLY INCARCERATED
29 INDIVIDUAL CAN BE CONSIDERED FOR A JOB POSITION; AND

30 (2) PREVENTING THE DISCLOSURE OF FORMERLY INCARCERATED
31 INDIVIDUALS' RESUMES AND APPLICATIONS TO THIRD PARTIES.

32 (G) THE REQUIREMENTS OF THE FORMERLY INCARCERATED EMPLOYMENT

33 CLAUSE DO NOT APPLY TO A JOB IF 65% OR MORE OF THE ESSENTIAL FUNCTIONS OF
1 THE JOB WOULD CAUSE A FORMERLY INCARCERATED EMPLOYEE TO VIOLATE A
2 CONDITION OF PAROLE, PROBATION, OR OTHER RELEASE REQUIREMENT.

3 (H) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE
4 DEPARTMENT SHALL PROVIDE TO ALL CONTRACTORS WITH APPLICABLE
5 CONTRACTS ENTERED INTO PRIOR TO JANUARY 1, 2021, INFORMATION ABOUT THE
6 REQUIREMENTS SET FORTH IN THIS SECTION, AND ENCOURAGE THE CONTRACTORS
7 ON THOSE CONTRACTS TO VOLUNTARILY COMPLY WITH THE REQUIREMENTS.

8 8-7A-03.

9 THE UNIT DEPARTMENT SHALL PROVIDE A LIST OF AMERICAN JOB
CENTERS IN
10 THE STATE TO ALL RELEASED INMATES, PAROLEES AND INDIVIDUALS IN
PRERELEASE PROGRAMS.

11 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2021,
12 the Department of Public Safety and Correctional Services shall report to the Senate
13 Judicial Proceedings Committee and the House Judiciary Committee, in accordance with §
14 2-1257 of the State Government Article, on the implementation of this Act.

15 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General
16 Assembly that the Department of Public Safety and Correctional Services and the
17 Maryland Department of Labor use existing resources to carry out § 8-7A-02(d) of the
18 Correctional Services Article, as enacted by Section 1 of this Act, since the primary goal of this Act is
to create a single web portal that makes it easier for Contractors to locate formerly incarcerated without the need for additional state
employee involvement. It is expected that each Contractor will perform all necessary background checks according to their policies
and requirements as a Department Contractor to address any potential fraudulent applications and if any additional costs
19 may be needed for implementation, the costs may not exceed \$~~3~~20,000.

20 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2020.