

Testimony before Senate Commerce Committee
Senate Bill 295- Fair Consideration of the Unemployed Act
Presented by Eric Stafford, Senior Director of Government Affairs



Wednesday, February 8, 2012

Madam Chairman and members of the committee:

We appreciate the opportunity to provide testimony in opposition to Senate Bill 295 which would enact the fair consideration of the unemployed act.

Kansas has a long history of taking proactive steps to combat discrimination in employment practices. Starting in 1953, the legislature passed the Kansas Act Against Discrimination. While the original act lacked enforcement provisions, it was amended in 1961 to become an enforceable law to discriminate against race, religion, color, national origin or ancestry.

In 1974, the legislature amended the act to include physical handicaps in the act as another prohibition in employment practices. The act was again amended in 1983, 1988, and 2008 to prohibit discrimination based on an applicant's age.

Senate Bill 295 if passed would prohibit employers from using a job applicant's unemployment status or gap in employment history "as a basis to refuse to hire or to act with respect to recruitment, hiring, promotion...". SB 295 also prohibits employers when advertising for job openings to include statements that employment status is a job qualification. Section 5 of the bill establishes penalties for employers who violate these laws.

Employment practices prohibited under existing statute cover inherent characteristics the job applicant cannot control. Unemployment is not an inherent characteristic like race, or age. It's never easy for employers to let hard working employees go. This most recent recession was no different. As we begin the recovery, employers should have the right to know why an applicant was laid off. If the applicant comes from an industry which suffered greatly during the 2008-2010 recession such as construction or architecture, the employee should be able to articulate the lack of employment in a manner which removes any concerns for the employer.

Employers should also be allowed to question an applicant who has multiple periods of unemployment or gaps in employment in a short period of time. Work ethic is not an inherent characteristic and employers should maintain the right to screen and eliminate applicants with a spotty work history.

Again, we appreciate the opportunity to oppose Senate Bill 295 and I would be happy to answer any questions.

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The Kansas Chamber, with headquarters in Topeka, is the leading statewide pro-business advocacy group moving Kansas towards becoming the best state in America to do business. The Chamber represents small, medium and large employers all across Kansas.