

Co-Chair Kennemer, Co-Chair Garrett and Members of the Committee,

My name is Marsha Warner and I am a SPHR certified human resource management professional with over 15 years experience in my field. I am also a member of the Society for Human Resource Management (SHRM) as well as the local chapter, PHRMA. I am writing to you in support of SB 1548, the Fair Employment Opportunity Act.

Many people are beginning to question: Is being unemployed the new discrimination?

I know a fellow who recently interviewed for a promising position. The FIRST WORDS out of the interviewer's mouth were, "Why am I talking to someone who is unemployed?" This was very distressing to my friend; his unemployed status should not be a factor in determining his qualifications to do the job but while the comment was rude, inconsiderate and insensitive, it is not illegal. We see this attitude not only in interviews, but even in job postings – this is why I ask you to support SB 1548.

This recession has hit even our most experienced workers. Our workforce is aging. According to the State of Oregon employment statistics, in 1995, only about 10 percent of the regional workforce in Oregon was 55 or older. Today, it's about twice that, meaning about 20% of our workforce are over 55. Not hiring anyone someone because they are unemployed could affect a greater percentage of the population who are over age 55; a protected class.

Mitchell Hirsch of the National Employment Law Project notes, "People who have been out of work for three, six months, or a year or more, tend to be somewhat older workers—more mature workers—people with two or three decades of work experience," Hirsch says. "Their skills are not eroding. They're ready and willing and able to get back to work. It was the economy that threw them overboard." Given that the average duration of unemployment today is nine months — a record high — limiting a search to the "recently employed," much less the currently employed, disqualifies millions of qualified, hard-working people – MANY OF WHOM are over age 40 who, through no fault of their own, have lost their job during the most difficult job market since the Depression.

Such practices can have other unintended consequences: William Spriggs, assistant secretary for policy at the U.S. Department of Labor, pointed out that because blacks and Latinos have a higher unemployment rate, discrimination against the unemployed could disproportionately affect those groups.

"When employers exclude the unemployed from the applicant pool, they are likely to be excluding Latinos and African-Americans," Spriggs said

What about our returning Veterans? They are also subject to being unfairly impacted by such hiring practices.

People become unemployed for various reasons: to take a sabbatical for travel, family needs, education, or other personal reasons, as well as economic downturn. On one side, we encourage “work/life” balance and encourage workers to find a way to have a personal and professional life. On the other side, we may be discriminating against a highly qualified individuals who, for personal reasons, have decided to take personal time to attend to an ill parent’s final months, raise children, travel, increase their education, or otherwise seek personal fulfillment. We may doom them to chronic unemployment.

We must continue to screen and select candidates on their ability to bring the knowledge, skills and ability to perform the job. In the Civil Rights act of 1964, in Title VII, and the Age Discrimination Employment Act (ADEA) of 1967 we laid the groundwork that Americans shall not be discriminated against during hiring practices. Let’s not make being unemployed the next discriminated class. Everyone I know who has received unemployment benefits would much rather be hired for a job.

Discriminating against people who are qualified yet unemployed is an added indignity that our society cannot afford. Intolerance has many faces – let’s not make being unemployed the next face. I urge you to support SB 1548.

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