
A BILL FOR AN ACT

RELATING TO EMPLOYMENT PRACTICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that there is growing
2 concern over an emerging national trend of employers, employment
3 agencies, staffing firms, and recruiters reportedly posting job
4 notices or published advertisements expressly that exclude
5 unemployed applicants from job consideration. In particular,
6 this reported employment practice raises concerns over disparate
7 impacts on racial minorities, women, persons with disabilities,
8 and younger and older workers, as these groups have higher rates
9 of unemployment nationally and in specific markets. The
10 exclusion of otherwise qualified applicants who are unemployed
11 also raises broader concerns for the employment prospects of the
12 nearly fourteen million unemployed and over four million long-
13 term unemployed in our country, and concerns that current
14 employment is a poor proxy for qualification and job performance
15 in the job selection process.

16 To date, this emerging practice of excluding the unemployed
17 from applicant pools for employment opportunities has not been
18 reported in Hawaii. Because there is little or no available



1 data in the State or nationally, the occurrence of this
2 exclusionary employment practice will be largely documented on
3 an anecdotal or case-by-case basis, if and when exclusionary
4 postings or advertisements are published.

5 The legislature finds that the employment practice of
6 employers or employment agencies publishing or causing to be
7 published any job notice or job advertisement excluding the
8 unemployed from consideration for a job vacancy is against
9 public policy.

10 The purpose of this Act is to direct the legislative
11 reference bureau to gather information and data on the
12 occurrence of this exclusionary employment practice in Hawaii
13 and report to the legislature, so that the legislature may
14 determine whether legislation is needed to prohibit this
15 practice.

16 SECTION 2. (a) The legislative reference bureau shall
17 conduct a study and gather information and data on whether
18 employers and employment agencies are engaging in employment
19 practices that exclude the unemployed from qualified applicant
20 pools considered for employment in Hawaii..

21 (b) The study shall include:



- 1 (1) A review and survey of job notices and job
2 advertisements published in newspapers or posted on
3 the Internet that exclude the unemployed from
4 consideration for a job vacancy; and
- 5 (2) A count of any complaints involving exclusion of the
6 unemployed from consideration for a job vacancy filed
7 with the Hawaii civil rights commission.
- 8 (c) The Hawaii civil rights commission shall provide
9 assistance and information as necessary for the legislative
10 reference bureau to conduct the study.
- 11 (d) The legislative reference bureau shall submit a report
12 of its findings, including examples of any posted notices or
13 published advertisements that exclude the unemployed from
14 consideration for a job vacancy, to the legislature no later
15 than twenty days prior to the convening of the regular session
16 of 2013.
- 17 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Legislative Reference Bureau; Employment Practices; Unemployed Status of Job Applicant

Description:

Directs the legislative reference bureau to conduct a study and gather information and data on whether employers and employment agencies are engaging in employment practices that exclude the unemployed from qualified applicant pools considered for employment in Hawaii. Requires a report to the legislature, including examples of any notices or advertisements that exclude the unemployed from consideration. (SD1)

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