

Testimony of Maurice Emsellem, Policy Co-Director  
National Employment Law Project  
in Support of AB1450 (Allen)  
California Assembly Judiciary Committee  
April 17, 2012

Chairman Swanson, and members of the Committee, thank you for this opportunity to testify in support of AB1450 (Allen), a bill that will go a long way in reducing hiring discrimination against qualified unemployed workers.

In California and around the nation, the Great Recession has inflicted historic levels of pain on unemployed families and produced the most competitive job market in decades. Two million Californians are officially unemployed, 1.5 million more are employed part-time but are looking for full-time work, and the state's unemployment rate (10.9%) is tied with Rhode Island as the second highest in the nation.

As a result of the jobs crisis, record numbers of U.S. families find themselves unemployed for extended periods of time. In fact, nearly half of all unemployed Californians (45.8%) have been actively looking for work for more than six months, and over one-third (34.5%) have been out of work for over a year.

Today's older workers, many of whom can no longer afford to retire, are especially hard-hit by these record rates of long-term unemployment. According to a recent NELP analysis, more than half of older jobless workers (54.3%) were out of work for over six months. On average, a worker over 55 is out of work for over one year (54 weeks).

Making matters worse, hard-working Californians struggling to find work are now also facing an insidious form of hiring discrimination. They are being told -- in job postings on-line, by job placement firms, and by employers themselves -- that they will not be considered for a job opening simply because they are not currently working. In other words, at a time when the competition for jobs has never been more intense, many businesses and recruitment firms are telling qualified job seekers that they can't get a job unless they already have a job.

In July 2011, NELP documented the extensive scope of this hiring bias in a report entitled, "Hiring Discrimination Against the Unemployed," and we've found continued evidence of discrimination at all levels of the hiring process. Not surprisingly, a nationwide survey found that 90% of the public believe the practice is unfair, and nearly two-thirds favor legislation that would make it illegal to refuse to hire or consider a qualified job applicant just because the person is currently unemployed.

At NELP, we also hear from scores of jobless workers who have directly experienced being excluded from consideration for employment, despite their qualifications, simply due to their unemployment status. Dan Pena of Palmdale, California, is just one telling example of the hiring discrimination facing the unemployed. According to Mr. Pena: "I used placement agencies to help me find work in the customer service and accounting fields. But I was told by an agency that they do not help place anyone who has been out of work for more than six months. I was extremely surprised to hear that. I had found them about nine months into unemployment and I was upset because I know there are many people out of work for long periods of time due to the economy."

Attached are several recent examples of job postings that, in no uncertain terms, limit consideration for employment to the "currently employed." The ads, which represent just the tip of the iceberg, send a chilling message to the unemployed, including exceptionally qualified workers with long and accomplished work histories. It's a practice that most employers and employment agencies have an exceptionally hard time defending, yet it persists unabated.

- Kimco Staffing Services, Anaheim - Bilingual Recruiting Assistant (***"Currently employed fulltime"***)
- Comana Company, El Cajon – On-Site Resident Manager for 20-Plext (***"You must be currently employed"***)
- Unnamed "Boutique" Law Firm, Beverley Hills – Legal Secretary (***"Must be currently employed"***)
- Alamo World Travel and Tours, Alamo (East Bay) – Experienced Travel Agent (***"Only those currently employed need apply"***)

AB 1450 will help turn the tide on this counterproductive and degrading hiring practice. The bill goes a long way to protect unemployed workers against this discrimination, whether in advertisements or throughout the rest of the hiring process. Employers and employment agencies will be prohibiting from refusing to hire a qualified applicant strictly because of the worker's employment status. At the same time, the bill expressly retains the right of an employer to consider a candidate's entire employment history.

This reasonable and limited measure would put an end to the practice of excluding qualified workers from employment based solely on their recent job loss, which will help eliminate the stigmatization of those dedicated workers who have the misfortune of being unemployed in the worst downturn since the Great Depression.

For the reasons described above, we urge the Committee to vote "YES" on AB 1450 (Allen)

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## Bilingual Recruiting Assistant (Anaheim, CA)

Date: 2012-03-15, 12:58PM PDT

Reply to: [dprgx-2904036651@job.craigslist.org](mailto:dprgx-2904036651@job.craigslist.org) [[Errors when replying to ads?](#)]

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As Kimco's first line of contact, you will have an opportunity to make a lasting impression with our candidates and clients. Our Recruiting Assistants play a vital role in our branch operations by acting as the initial point of contact in our hiring process. Kimco Recruiting Assistants help to ensure the daily success of the branch by supporting other members of the Kimco Team.

### Daily Responsibilities:

- Greet all applicants and initiate the paperwork and testing process;
- Review paperwork and documentation
- Provide excellent customer service
- Primary contact for all incoming calls
- Set up interviews and appointments

### Hiring Criteria

- Bilingual - Spanish
- Proven track record
- Industry experience minimum of 2 years in staffing industry
- Education minimum of 4 yr college degree or 5 years of fulltime work
- Strong Analytical skills
- Currently employed fulltime

Our employees enjoy a comprehensive benefit package including Medical, Dental, Vision, 401K and Life Insurance. Kimco offers a competitive base salary and a generous incentive plan.. We provide extraordinary growth and career advancement opportunities. Our Team is Moving Forward. Are You?

- Location: Anaheim, CA
- Compensation: Base Pay plus monthly bonuses
- Principals only. Recruiters, please don't contact this job poster.
- Please, no phone calls about this job!

- Please do not contact job poster about other services, products or commercial interests.

PostingID: 2904036651

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## On-Site Resident Manager for 20-Plex (El Cajon)

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Date: 2012-02-28, 6:37PM PST

Reply to: [7hsgj-2876428889@job.craigslist.org](mailto:7hsgj-2876428889@job.craigslist.org) [[Errors when replying to ads?](#)]

The Comana Company Inc. is currently hiring a Bi-Lingual (English / Spanish) On-Site Resident Manager for a 20 unit (1 bed/1 bath) apartment complex in El Cajon, CA. You must be currently employed and have prior on-site / property management experience.

### EXPERIENCE AND/OR SPECIAL SKILLS DESIRED:

- Excellent people, communication, management and computer skills.
- Two years on-site property management or related experience.
- Good interpersonal skills that can serve residents and work with supervisors, vendors, and contractors.
- Computer literate with Microsoft Office, Word, Excel, Outlook and Adobe PDF.

You must have home computer with internet access/connection, a printer and scanner.

### DUTIES AND RESPONSIBILITIES INCLUDE BUT ARE NOT LIMITED TO:

- Showing apartments and community to prospective residents and hand-out applications to qualified applicants. Forward applications to Area Manager for approval and processing.
- Ensure residents are provided with a clean, safe and well maintained community.
- Work with Area Managers to ensure maintenance requests are handled quickly and efficiently.
- Coordinate maintenance and vacant apartment prep-work with Maintenance Manager.
- Represent The Comana Company Inc, the apartment community and yourself in a professional manner.

### COMPENSATION:

Free Rent in a One bedroom / One bath unit. (A security Deposit equal to one months rent will be required)

### HOW TO APPLY:

Please submit your resume along with an application to rent which can be found at [SanDiegoRealtyGuide.com](http://SanDiegoRealtyGuide.com) (Rental Application) and fax both items to: 619-741-0046, Attn: Human Resources. Ref: Golden Apartments -- On-Site Resident Manager Position. Please also provide a very

brief cover letter written in both English and Spanish with information about yourself, why you believe you are qualified for the position and why you are applying for the position.

Thank you for your interest.

- Location: El Cajon
- Compensation: Free Rent in a One bedroom / One bath unit. (A security Deposit equal to one mo
- This is a part-time job.
- This is a contract job.
- Principals only. Recruiters, please don't contact this job poster.
- Please, no phone calls about this job!
- Please do not contact job poster about other services, products or commercial interests.

PostingID: 2876428889

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## LEGAL SECRETARY (BEVERLY HILLS)

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Date: 2012-02-26, 8:07PM PST

Reply to: [BSMPILAW@GMAIL.COM](mailto:BSMPILAW@GMAIL.COM) [[Errors when replying to ads?](#)]

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Successful fast-paced boutique Beverly Hills law firm specializing in Plaintiff personal injury litigation is seeking a Legal Secretary.

### Applicant Requirements:

1. Minimum of 5 years of personal injury legal experience with top p.i. law firm(s);
2. Complete knowledge of State Court litigation procedures (filing complaint through trial);
3. Complete knowledge of all pre-litigation procedures (from opening files, obtaining medicals, demands, etc.);
4. Superior computer skills with proficiency in WordPerfect, Word, Microsoft Office, Judicial Court Forms (Legal Solutions), knowledge in Needles software (a plus but not required), Quickbooks;
5. Typing speed of 65wpm;
6. Speed Writing;
7. Excellent communication & writing skills;
8. Detail oriented, open minded and organized, self-starter.;
9. Must know how to multi-task;
10. Ability to manage office;
10. Pleasant;
11. Must be currently employed.

Great opportunity for the right positive, strong & energetic candidate with excellent credentials who wants long term employment and the opportunity to grow. Compensation is commensurate with experience. Excellent benefits including pension. Please submit your cover letter (with address), resume with references and salary history and requirement to [BSMPILAW@GMAIL.COM](mailto:BSMPILAW@GMAIL.COM) (Re: Legal Secretary) AND cc: [BSM@MERRITTPILAW.COM](mailto:BSM@MERRITTPILAW.COM)

- Location: BEVERLY HILLS
- Principals only. Recruiters, please don't contact this job poster.
- Please, no phone calls about this job!
- Please do not contact job poster about other services, products or commercial interests.

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## Experienced Travel Agent (Alamo- East Bay)

Date: 2012-03-12, 11:29AM PDT

Reply to: [iferguson@alamoworld.com](mailto:iferguson@alamoworld.com) [[Errors when replying to ads?](#)]

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Busy Alamo leisure travel agency seeks experienced travel agent/ travel consultant with extensive leisure travel background. Apollo knowledge helpful but not essential. Only those currently employed need apply. We would also consider an intern.

Send resume to: [iferguson@alamoworld.com](mailto:iferguson@alamoworld.com)

- Location: Alamo- East Bay
- Compensation: Salary (based on experience) plus commission
- Principals only. Recruiters, please don't contact this job poster.
- Please, no phone calls about this job!
- Please do not contact job poster about other services, products or commercial interests.

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