

**Testimony to the Senate Committee on Commerce and Consumer Protection
Friday, February 10, 2012 at 9:00 a.m.
Conference Room 325, State Capitol**

RE: SENATE BILL 2202 RELATING TO EMPLOYMENT PRACTICES

Chair Baker, Vice Chair Taniguchi, and Members of the Committee:

The Chamber of Commerce of Hawaii ("The Chamber") would like to offer comments on SB 2202.

The Chamber is the largest business organization in Hawaii, representing more than 1,100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

This measure prohibits any employer or employment agency from publishing a job advertisement that states or suggests that an applicant for the job must be currently employed.

Minimal evidence exists that employers discriminate against the unemployed by listing that the "unemployed need not apply," therefore, we believe this provision is unnecessary. In fact, pursuing a restrictive hiring policy could be counter-productive as it may exclude a talented pool and applicants that are more flexible about wages and benefits, so it would not make business sense not to consider unemployed persons as well. Furthermore, this mandate may discourage employers from hiring or posting vacancies.

Overall, while well-intended, this proposal would unduly impact the private sector's hiring process and lead to unintended consequences. For these reasons, we respectfully urge the committee to hold this measure. Thank you for this opportunity to express our views.