

'Unemployed need not apply' ads targeted by state lawmakers

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Need a job to get a job? According to some companies, that's how it works, and it is perfectly legal. Even as the unemployment rate languishes between 8 and 9 percent, employment ads have been popping up across the country advertising that the jobless need not apply.

In Salem, a bill that would prohibit employers from publishing print and online job advertisements that explicitly ask unemployed people to not apply for the job is moving its way through the Legislature this month and is likely to become law.

Advocates say Senate Bill 1548, which is being called the "Fair Employment Opportunity Act," is sorely needed in order to not discourage Oregon's unemployed and to give them an equal shot at getting back to work.

"If you are out of work and you need a job, it isn't very fair to say that the only ones who can actually apply (for a job) are those who don't necessarily need a job, because they already have one," said Sen. Diane Rosenbaum (D-Portland) during a hearing in the Senate's General Government and Consumer Protection Committee earlier this month. "It is not a panacea, but it will address one obstacle faced by people who have been out of work."

Under the bill, businesses that do discriminate against unemployed people would be fined a civil penalty of up to \$1,000. Similar legislation passed in New Jersey last year, and other states and the federal government are considering similar legislation.

"Our impression is that (the bill) will have an impact," says Rep. Jefferson Smith (D-Portland).

The National Employment Law Project, which advocates for workers and employment rights, conducted a four-week sampling of more than 100 job postings from across the country and in a variety of job sectors that included language that discriminated against unemployed people.

"This perverse catch-22 is deepening our employment crisis by arbitrarily foreclosing job opportunities to many who are otherwise qualified for them," a policy paper

from the advocacy organization reads. "It dilutes the storehouse of talent in America, by casting aside an untold number of skilled and dedicated workers who have the misfortune of being unemployed in the worst downturn since the Great Depression."

Such job advertisements are found on the major aggregates — Craigslist, Indeed.com, Monster.com, and other website job postings. And it's not uncommon in Oregon.

"We see this attitude not only in interviews, but it is starting to pervade job postings, and starting to erode the confidence and ability to move forward for the unemployed," says Marsha Warren, a human resources professional. "Many people are beginning to question if being unemployed is the new discrimination."

Unemployed people who testified at the bill's hearing said seeing such job postings can be dispiriting. Beth Cooke, Family Forward Oregon's policy director, was laid off due to budget cuts from a job she had at the state for 10 years. "Your stomach drops a little bit when you see (those ads)," she says.

According to Oregon's Employment Department, approximately 175,000 Oregonians are currently unemployed, equating to a 8.9 unemployment rate. The average length of unemployment is approximately nine months, the longest length of time to be unemployed since the Great Depression.

Nationwide, approximately 6 million people have been out of work for six months or longer, and blacks are disproportionately unemployed for longer periods, comprising 27 percent of the long-term unemployed. Overall, the unemployment rate for blacks is higher than whites at 13.6 percent, making "must be employed ads" additionally discriminatory.

Smith thinks the unemployment rate is "almost certainly higher" than the reported rate. Estimates of the so-called U6 rate — the unemployment rate that includes people no longer looking for work, the underemployed, and those no longer receiving unemployment benefits — could be as high as 18 percent in Oregon.

"Until we get that rate down, we're not going to an economic recovery," said Sen.

Brian Boquist (R-Dallas), who is also a business owner.

Smith points out that businesses that simply encourage employed people to go from job to job do not do much to improve the economy.

"Those job vacancies are doing much less to reduce the unemployment rate," he says.

"When you have a once-in-a-generation economic crisis, someone lacking a job is not a very good indication of their capability."

Midge Purcell, director of advocacy and policy for the Urban League of Portland, said the bill will help other groups of people in addition to people who are unemployed because of the recession. "All Oregonians will benefit, (including) women who are trying to enter the workforce after raising children," Purcell says.

Other groups that would be impacted are people taking leave from work to care for ill parents or spouses, those who choose to go back to school, and those who travel for extended periods.

The bill has little to no opposition, but many business groups have taken a neutral stance on the bill out of concerns that it might discourage businesses from hiring.

"I think we are talking about a fraction of one percent" of businesses that post discriminatory language, says J.L. Wilson, the lobbyist for Associated Oregon Industries.

Jan Meekoms, the state director for the National Federation of Independent Businesses, worries that the bill almost considers unemployed people as a protected class, which would open the door for businesses to be sued. "We don't want to anything to discourage active employment (and hiring)," she says.

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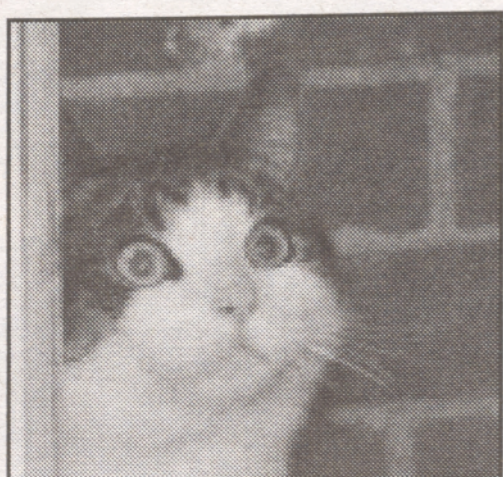
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