

Climate Assessment

Office of Legislative Oversight

Expedited Bill 5-23: Personnel and Human Resources – Prospective Employees – Health Care Privacy

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Expedited Bill 5-23 will likely have no impact on the County's contribution to addressing climate change as it is proposing changes to required medical forms in the hiring process of County employees.

BACKGROUND AND PURPOSE OF EXPEDITED BILL 5-23

Prior to hiring, prospective County employees are required to complete a medical history review form from the Occupational Medical Services department within the Office of Human Resources. The form states "[t]he information submitted is used to determine [the prospective employee's] ability to perform essential functions of the job for which [they] applied and could be used for evaluation in future workers' compensation claims."

As described in the introduction staff report for Expedited Bill 5-23:

"The medical form requires prospective employees to provide myriad information, including whether the applicant has been hospitalized over the past three years; whether the applicant is or might be pregnant; whether the applicant requires a reasonable accommodation; and what prescription medications and over-the-counter medications the applicant takes."¹

If enacted, Bill 5-23 would limit inquiries by the County regarding certain health information of prospective employees and limit the County in considering certain health information in hiring decisions. As explained in the staff report, "the County would be permitted to ask prospective employees about health care information only to the extent information is "business-related" in that it bears on the individual's ability to meet published minimum job qualifications."

The Bill would also prohibit inquiries by the County regarding certain reproductive health information of prospective employees, including abortion care, miscarriage, contraception, sterilization, pregnancy, or family planning. Additionally, the Bill would allow individuals aggrieved by violations of the proposed law to appeal to the Merit System Protection Board.

Expedited Bill 5-23 was introduced by the Council on January 31, 2023.

ANTICIPATED IMPACTS

As Bill 5-23 is proposing changes to medical forms required in the County's hiring process, OLO anticipates that it will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.² OLO does not offer recommendations or amendments as Bill 5-23 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptative capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ [Introduction Staff Report for Expedited Bill 5-23, Personnel and Human Resources - Prospective Employees - Health Care Privacy, Montgomery County Council, Montgomery County, Maryland, Introduced January 31, 2023.](#)

² Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022