# What Does the New England Patriots Signing of Antwaun Molden Tell Us About Discrimination Against the Unemployed?

# The Houston Texans Have Been Wildly Unsuccessful During Their Entire Existence

The Houston Texans finished 6-10 in 2010, good for last place in the AFC South. The AFC South is considered one of the weakest divisions in the NFL. The Houston Texans haven't been to the playoffs in their 9 year history. Their record since joining the NFL in 2002? A pathetic 55-89.

By NFL standards, the Houston Texans absolutely stink.

# The New England Patriots Have Been Overwhelmingly Successful During the Texans' Existence

The New England Patriots finished 14-2 last year, the best record in football. During the course of the Texans' uninspiring existence, the Pats have posted an incredible 110-34 record. They have made the playoffs 7 times during that time period. They won the Superbowl in 2003 and 2004.

By NFL standards, the New England Patriots are the cream of the crop.

# Looking at the Measurables, Antwaun Molden Has Been a Mediocre NFL Football Player

In 2008, Antwaun Molden was drafted in the 3rd Round (No. 79 overall), by the Houston Texans. He is a cornerback, charged with stopping wide receivers from catching passes. He had started college at Toledo, but lost 2 years of eligibility due to academics. He then transferred to Eastern Kentucky, where he finished his college career. Neither Eastern Kentucky nor Toldeo are college football powerhouses. Not only that, but due to losing 2 years of eligibility, Molden was older than most other players drafted along with him. Age is real important in the NFL.

So, Molden then goes on to a pretty inauspicious career with the middling Texans. He plays in 32 games, makes a total of 23 tackles, records no quarterback sacks, is unable to intercept a single pass thrown his way.

# Molden is Cut By the Wretched Texans, Who Have the Worst Pass Defense in the NFL

Maybe Molden wasn't playing because because he can't find playing time amidst the fabulous defensive talent fielded by the Texans? No, in 2010 the Texans had just about the worst defense in the league. 29th in points allowed. 30th in yards allowed. Well, maybe they had a good pass defense stocked with great cornerbacks, then? Uh, no. In 2010 the Texans finished 32nd in pass defense - good for dead last in the league!

Perhaps not surprisingly, the inept Texans decided Molden couldn't play for them in the NFL so, on August 30, 2011, they cut him. End of career for Molden, right. I mean, a cornerback cut by a last-place team with the *worst passing defense in the league*!

Not so fast.

## Molden is Signed by the Mighty Patriots Within 24 Hours of Being Cut by the Weakling Texans

Despite his less than sterling college pedigree, his age and his lack of basically any production for the horrific Texans' defense, Antwaun Molden was signed by another team a mere 24 hours after he was cut.

By whom, you ask? Maybe another hapless team, like the Cincinnati Bengals or the Cleveland Browns (sorry, Ohio)? Uh, no.

The New England Patriots are the team that practically leaped out of its chair to sign Molden the day after he was cut. The Pats had the 8th ranked defense in the league in 2010.

#### Texans Coach Gary Kubiak Has Enjoyed Zero Success in the NFL

Gary Kubiak has coached the Texans for 5 years. He has a 37-43 record. He has never guided them to the playoffs. He stinks.

## Patriots Coach Bill Belichick is a Legend

"The Hoody" has been Coach of the Year on 2 occasions, and has won 3 Superbowls. He's headed to the Football Hall of Fame in Canton, Ohio (there you go, Ohioans).

## Why Are Companies Refusing to Even Consider Hiring Unemployed Applicants?

So, what does this all mean? We know that right now in the United States companies are actively ignoring and refusing to consider "chronically" unemployed workers for vacant positions.

Why? Well, I don't pretend to know for sure, but I have some thoughts on the issue.

Prior to the "Great Recession," if one lost his/her job in the United States, one could easily find a new job within 2-4 weeks. If you didn't have a new job within that time frame, you were considered to be "chronically unemployed" - lazy, shiftless, entitlement oriented - just the type of person companies (understandably) don't want to hire. The type of guy/gal who prefers sitting on the sofa eating Twinkies and watching "Days of Our Lives" to putting in an honest day's work.

However, since the Great Recession began, the average successful job search takes 10 weeks - more than twice as long as it used to take. And those are just the *successful* searches (and those successful search figures include people who find part-time work). There are no less than 6.2 Million people who have presently been out of work for more than 6 months.

No one can dispute that the Recession has resulted mass layoffs and hiring freezes, or that this "perfect storm" has had the unfortunate effect of creating a dearth of available jobs. Yet, despite this empirical knowledge, why does there exist a widespread false impression that there are a lot of Twinky eaters out there?

I think I have an idea.

The Great Recession did not start long ago (say 2008), and many of the people filling management and HR roles at the beginning of the Great Recession remain in those roles today. I believe that such people who remain in hiring positions recognize, at least intellectually, that things have changed since 2007.

However, I do not believe that hiring personnel have *emotionally matured* since 2007 (at least where their views of the unemployed are concerned). Why do I say that? Because many companies are refusing to even consider interviewing job candidates who have been out of work for more than a month.

What could be the reasons for such a blanket prohibition?

Surely it cannot be that there is a dearth of "qualified" applicants in the vast pool of the unemployed (more than 14 Million strong). Antwaun Molden shows us that even perceived underperformers within one company can be valuable additions to another.

More to the point, the fact is that companies are unwilling to even consider applications from unemployed job seekers, thereby eliminating any argument that job qualifications are the basis for this practice.

There's a word for such preconceived beliefs: stereotyping. There are others - profiling and discrimination come to mind.

So what other explanations can there be? That the unemployed have lost their skills? Seriously? An educated, mature, experienced woman who was gainfully employed for 15 years loses all of her skill because she is out of work for 6 months?

I would welcome any well-grounded rationale for an absolute, immutable refusal to even consider unemployed candidates for available positions. However, I don't think one exists. Rather, this terrible, unfair and destructive practice simply arises out of prejudicial preconceptions, formed during bygone years of prosperity.

The Patriots' signing of Antwaun Molden shows us that good, quality employees sometimes come from the ranks of the unemployed, even if they are "cut" by a team that has never won a darn thing.

So, are you going to be a Gary Kubiak, or a Bill Belichick?

For an excellent article on some of the great benefits of hiring unemployed workers, Click Here.

For our take on how to solve anti-jobless discrimination, **Click Here**.

Thank you for reading and, if you are in a hiring position, I hope this Post struck a positive chord within you.

John A. Gallagher, Esquire, Paoli, PA Employment Lawyer.