

May 12, 2016

The Honorable Lamar Alexander
United States Senate
Washington, DC 20510

Dear Senator Alexander:

The undersigned associations are long-standing supporters of reasonable and necessary steps to achieve the goal of equal employment opportunity for all – including equal pay for equal work and non-discriminatory compensation practices. However, the Equal Employment Opportunity Commission's (EEOC) proposed changes to its EEO-1 form will do nothing to advance these goals, while at the same time placing enormous and unreasonable administrative burdens on employers. Accordingly, the undersigned associations support S. 2693, the "EEOC Reform Act," which would set forth reasonable and common sense conditions that the EEOC would be required to satisfy in order to move forward with its current proposal to amend the EEO-1 reporting form.

On February 1, 2016, without any prior notice to the regulated community, EEOC issued a proposal to amend the current EEO-1 reporting form to require employers with 100 or more employees to submit data regarding employees' W-2 earnings and hours worked broken down by race, ethnicity and gender, to the EEOC. This will be an extremely onerous and costly administrative exercise for employers and the data that will be produced will not provide any insight as to whether an employer's pay practices are discriminatory. Additionally, the EEOC's proposal fails to set forth appropriate safeguards to ensure that this sensitive information remains confidential.

S. 2693 would require EEOC to take three reasonable steps before it continues with the proposal: (1) EEOC would have to collect and compile the same employment data information from the executive branch departments and agencies and report this information to Congress, along with the number of staff and staff hours it took to complete; (2) EEOC would be required to develop software and a comprehensive plan regarding how the data will be used; and (3) EEOC would be required to reduce its current backlog of discrimination complaints by a specified number. These are steps that EEOC should have undertaken on its own before pursuing its current data collection effort. Additionally, the EEOC Reform Act would install common sense safeguards within the EEOC, such as returning to the Commissioners the authority to approve litigation undertaken by the EEOC, to help protect against EEOC's abusive enforcement agenda

Thank you for your leadership in introducing S. 2693, the "EEOC Reform Act." We look forward to working with you and Congress to advance this important piece of legislation.

Sincerely,

American Gaming Association
Associated General Contractors

American Insurance Association
American Road and Transportation Builders Association
Associated Builders and Contractors
HR Policy Association
International Franchise Association
National Association of Home Builders
National Association of Manufacturers
National Council of Chain Restaurants
National Federation of Independent Business
National Retail Federation
Newspaper Association of America
Retail Industry Leaders Association
Society for Human Resource Management
U.S. Chamber of Commerce