

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