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June 1, 2020

The Honorable Lamar Alexander
Chairman
Committee on Health, Education, Labor &
Pensions
United States Senate
428 Senate Dirksen Office Building
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education, Labor &
Pensions
United States Senate
428 Senate Dirksen Office Building
Washington, DC 20510

Re: Nomination of Andrea Lucas to the U.S. Equal Employment Opportunity Commission

Dear Chairman Alexander and Ranking Member Murray:

The National Women's Law Center, an organization that has advocated on behalf of women and girls for more than forty-five years, writes to express concern regarding the nomination of Andrea Lucas as a Commissioner of the U.S. Equal Employment Opportunity Commission (EEOC). Her scant professional background and lack of government or public service raises concerns regarding her qualifications and her commitment to protect individuals' rights to be free from discrimination in the workplace. We urge you to rigorously review her record to determine if she is sufficiently qualified to help advance EEOC's vital mission of protecting working people during this time of national crisis and beyond.

The EEOC enforces employment antidiscrimination laws in the private workforce and federal sector, including Title VII of the 1964 Civil Rights Act (including the Pregnancy Discrimination Act), the Equal Pay Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Genetic Information Nondiscrimination Act. Laws interpreted and enforced by the EEOC are critical to workplace fairness and opportunity for women, people of color, LGBTQ individuals, and people with disabilities across the country. The EEOC plays a critical part in preventing, investigating, and remedying such discrimination, and requires experienced and dedicated leaders, particularly during this period of severe economic turmoil.

Andrea Lucas' brief career to date has been dedicated to representing private corporations, including defending them against employees' claims of workplace discrimination. Her time fighting on behalf of corporate interests, coupled with her lack of employee-side or enforcement experience in civil rights or equal employment opportunity, raise concerns about her commitment and ability to serve as a Commissioner and put the rights and welfare of employees first. Since her graduation from law school in 2011, Ms. Lucas' only professional experience,

apart from serving as a law clerk to a federal judge, has been as an associate at the law firm Gibson, Dunn & Crutcher LLP, where she is currently employed. During her eight years with Gibson Dunn, her practice has been devoted to representing major corporations in labor and employment cases, including defending them against claims of sexual harassment and race, age, and disability discrimination, wage and hour violations, and unfair labor practices, among other matters.

We are concerned that a nominee to join the leadership of a federal agency that promotes equal opportunity for employees has no experience doing so, and instead has spent her career advancing the interests of, and defending, large corporate employers in sectors where women face persistent discrimination, including sexual harassment. For instance, Ms. Lucas, together with then-Gibson Dunn partner, and current Secretary of Labor Eugene Scalia, defended Ford Motor Company in a lawsuit in which numerous plaintiffs allege sex and race discrimination in violation of Title VII, including widespread sexual harassment and assault by Ford managers, supervisors and employees, such as groping, forced sexual contact and sexual assault, unwelcome requests for grotesque sexual acts, regular use of expletives to refer to female employees, and retaliation.¹ Her other representative cases include securing for Cablevision the dismissal of several unfair labor practices charges brought by the National Labor Relations Board on behalf of the labor union Communications Workers of America, although the ALJ held that by threatening to call the police and have an employee arrested, and by conducting a poll as to whether employees wished to be represented by the union, Cablevision violated the National Labor Relations Act.²

Ms. Lucas' record raises doubts about whether she is qualified to advance the vital work of the EEOC as a Commissioner in enforcing nondiscrimination laws and protecting the rights of workers. Accordingly, we urge you to thoroughly investigate Ms. Lucas' record and views before voting on her nomination to join this critical civil rights agency. Please contact me at emartin@nwlc.org with any questions.

Sincerely,



Emily J. Martin

Vice President for Education and Workplace Justice

¹ *Van v. Ford Motor Co.*, No. 14-CV-8708, 2016 WL 1182001 (N.D. Ill. Mar. 28, 2016). Ms. Lucas' law firm [website biography notes](#) she "successfully defeated two attempts at class certification" in the case.

² *CSC Holdings, LLC and Cablevision Sys., New York City Corp.*, Case No. 02-CA-085811 (NLRB 2016).