

July 11th, 2019

Dear Chair Dhillon:

The undersigned organizations, dedicated to defending civil rights and ensuring workplace fairness, are alarmed by recent news reports indicating that the Commission is considering revoking the delegation of litigation authority that currently resides with the General Counsel of the EEOC. This action would require all litigation, even non-controversial individual cases, to be voted on by the Commission in order to proceed. Employer-side groups have made no secret of the fact that revoking the delegation is on their wish list. They see this as a chance to get yet another opportunity to slow down or stop enforcement. Disturbingly, it appears that this change may happen behind closed doors without the opportunity for public to comment. We oppose this action and urge the Commission not to take this step. At the very least, the EEOC should hear from all stakeholders before taking such a step.

The General Counsel has had delegated litigation authority for many years, regardless of which party is in the majority at the Commission, while the Commission retains the authority to vote on larger cases and cases posing novel issues. Delegated authority allows individual cases to move more rapidly through the EEOC's system. This change in delegation would mean that all cases, regardless of the size, would have to go through the same, time consuming, burdensome procedure of the larger cases. We oppose this for three main reasons.

First, revoking the delegation would delay enforcement. The harm this would cause is highlighted by the work at the TIME'S UP Legal Defense Fund, which is housed and administered by the National Women's Law Center Fund, LLC. Every day, the TIME'S UP Legal Defense Fund hears from workers who face sex discrimination, including egregious sexual harassment, at work. It is difficult enough for workers to come forward at all. Making workers wait for vote by political appointees on their personal case after they have already gone through all the required EEOC procedures is unconscionable.

Second, requiring Commission approval will deprive local offices, run by non-political civil servants, the opportunity to respond to local, on-the-ground conditions. These offices are the experts on the needs of their local communities; these decisions should not be delayed or countermanded.

Third, requiring Commission votes on all cases runs the risk of politicizing civil rights enforcement even on individual matters. The Commission should build on its success as an independent agency committed to enforcement of civil rights, rather than taking a step back by revoking the delegation of litigation authority.

We urge you not to take this step.

Sincerely,

Albies & Stark
American Association of University Women
Avanti Law Group
Bazelon Center for Mental Health Law
Brancart & Brancart
Catholic Migration Services
Center for WorkLife Law, University of California,
Hastings Law
Centro de los Derechos del Migrante, Inc.
Centro Legal de la Raza
Church State Council
Community Justice Project
Community Service Society of New York
Crispin Marton Cambreleng
CRLA Foundation
Earthjustice
Equal Justice Center
Equal Rights Advocates
Fair Work Center
Farmworker Legal Services

Feinberg, Jackson, Worthman & Wasow
Feminist Majority Foundation
Florida Legal Services, Inc.
Friedman & Houlding LLP
Futures Without Violence
Goldstein, Borgen, Dardarian & Ho
Greater New York Labor Religion Coalition
Impact Fund
Interfaith Workers Justice
Justice at Work (Pennsylvania)
Justice for Migrant Women
Justice in Motion
KWH Law Center for Social Justice and Change
Labor & Employment Committee of the National
Lawyers Guild
Lang, Richert & Patch
Law Office of Larry Minksy
Law Offices of Glen C. Shults
Lawyers' Committee for Civil Rights Under Law
Legal Aid at Work

Lieff, Cabraser, Heimann & Bernstein LLP
Maine Education Association
Maine Women's Lobby
Massachusetts Law Reform Institute
Michigan Immigrant Rights Center
Model Alliance
MomsRising
Movement Advancement Project
MS Black Women's Roundtable
National Alliance to End Sexual Violence
National Center for Law and Economic Justice
National Center for Transgender Equality
National Disability Rights Network
National Domestic Violence Hotline
National Employment Law Project
National Employment Lawyers Association (NELA)
National Health Law Program
National Legal Advocacy Network
National LGBTQ Task Force
National Partnership for Women & Families
National Women's Law Center
Nichols Kaster, PLLP

North Carolina Justice Center
Offices of Catherine Simmons-Gill, LLC
Oxfam America
PECK-LAW, Employment & Civil Rights
Public Justice Center
Santa Clara County Wage Theft Coalition
South Carolina Legal Services
Southern California COSH
Southern Poverty Law Center
The Law Office of Bartina Edwards
The Law Office of Elizabeth J. Inayoshi LLC
The Leadership Conference on Civil and Human Rights
The Legal Aid Society, New York, NY
Wake Law Office
William E. Morris Institute for Justice
Winslow Wetsch, PLLC
Women's Law Project
Women's Rights and Empowerment Network
Worker Justice Center of New York, Inc.
Worker Justice Wisconsin, Inc.
Workplace Justice Project at the Loyola Law Clinic
YWCA Kalamazoo