

July 11<sup>th</sup>, 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  
Bazon 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