

July 17, 2007

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20515

The Honorable John A. Boehner
Republican Leader
U.S. House of Representatives
H-204, U.S. Capitol
Washington, D.C. 20515

Dear Speaker Pelosi and Leader Boehner:

The undersigned represent small and large employers and human resource professionals from all sectors of the economy. We strongly support equal employment opportunity and abhor unlawful discrimination. We write to express our vigorous opposition to H.R. 2831, the Ledbetter Fair Pay Act of 2007, which the Education and Labor Committee recently approved on a party line vote. The scope of the bill goes well beyond the issues raised in the Supreme Court's recent decision in *Ledbetter v. Goodyear Tire & Rubber Co.* and removes an important incentive to prompt surfacing and resolution of potential discrimination claims.

When Congress passed Title VII of the Civil Rights Act, the Age Discrimination in Employment Act and the Americans with Disabilities Act, it created limits on the period of time under which an individual may file an employment charge. These limits promote early reporting of potential discrimination, rapid resolution of employment claims and quick remedial actions by employers where appropriate. In short, they encourage employees and employers to address possible problems early on in order to mitigate the impact of discrimination. Subsequent amendments to these laws did not change the core principle that claims should be filed promptly and resolved in an expeditious manner. The time limitations also balance competing interests by providing plaintiffs a reasonable time to file charges while preventing courts and employers from facing stale claims in which the facts are difficult to ascertain because evidence is lost, memories have faded and witnesses have disappeared or passed away.

We urge that you preserve this balance that has existed in civil rights law for over 40 years and oppose H.R. 2831. The legislation virtually eliminates any time limitations for claims of employment discrimination. In doing so, it removes an important incentive to prompt surfacing and resolution of potential claims. It also invites frivolous claims when unwarranted litigation is already an issue under current discrimination laws. In fact, the Equal Employment Opportunity Commission reported that it found reasonable cause in only 5.3% of the over 75,000 charges of discrimination that it received in FY2006 and found absolutely no cause for discrimination in over 60% of the charges (amounting to 45,500 "no cause" charges). A study of previous years' statistics yields similar results.

In addition, we are disappointed that this bill has not been carefully vetted through legislative hearings. It is critical that legislation of this complexity and with the potential for such significant impact be carefully considered and not rushed through only weeks after its introduction.

(cont.)

For these reasons, we urge you to oppose H.R. 2831, the Ledbetter Fair Pay Act of 2007.

Thank you for your consideration.

American Architectural Manufacturers Association
American Bakers Association
American Hotel and Lodging Association
American Petroleum Institute
AMT-The Association for Manufacturing Technology
Associated Builders and Contractors
Associated General Contractors
College and University Professional Association for Human Resources
Cookware Manufacturers Association
HR Policy Association
Independent Electrical Contractors
Independent Lubricant Manufacturers Association
Interlocking Concrete Pavement Institute
International Foodservice Distributors Association
International Franchise Association
International Public Management Association for Human Resources
Kitchen Cabinet Manufacturers Association
Mason Contractors Association of America
Metal Powder Industries Federation
National Association of Convenience Stores
National Association of Home Builders
National Association of Manufacturers
National Association of Minority Contractors
National Association of Wholesaler-Distributors
National Association of Women in Construction
National Federation of Independent Business
National Glass Association
National Restaurant Association
National Retail Federation
National Shooting Sports Foundation
National Public Employer Labor Relations Association
National Utility Contractors Association
Non-Ferrous Founders' Society
Plastic Pipe and Fittings Association
Plumbing-Heating-Cooling Contractors - National Association
Printing Industries of America
Retail Industry Leaders Association
Society for Human Resource Management
Sporting Arms & Ammunition Manufacturers' Institute
Steel Shipping Container Institute
Tree Care Industry Association
U.S. Chamber of Commerce
Women Construction Owners and Executives