

February 13, 2023

The Honorable Bernie Sanders
Chair
Committee on Health, Education, Labor &
Pensions
United States Senate
428 Senate Dirksen Office Building
Washington, DC 20510

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

Re: Support the Nomination of Karla Gilbride to Serve as General Counsel of the U.S. Equal Employment Opportunity Commission

Dear Chair Sanders and Ranking Member Cassidy:

The undersigned 75 civil rights, workers' rights, and gender equality organizations write to express our strong support for the nomination of Karla Gilbride to serve as General Counsel of the U.S. Equal Employment Opportunity Commission (EEOC) and to urge the Committee to advance this nomination to the Senate floor for a vote.

During her September 2022 hearing before this Committee, Ms. Gilbride showed a deep commitment to the mission of the EEOC as well as a profound understanding of the responsibilities of the General Counsel. We have no doubt that Ms. Gilbride will be an effective leader and collaborator, working together with the commissioners to help ensure equal opportunity for working people.

The EEOC is the only federal agency specifically charged with enforcing the nation's federal employment anti-discrimination laws, including Title VII of the Civil Rights Act of 1964 (which includes the Pregnancy Discrimination Act), the Equal Pay Act, the Americans with Disabilities Act (ADA), and the Genetic Information Nondiscrimination Act. The EEOC General Counsel manages the Commission's litigation program, recommends cases to the Commission for litigation, and oversees the EEOC regional and field offices, which are responsible for investigating charges of discrimination and obtaining relief for people that have been discriminated against. The General Counsel also plays a role in advising the Commission on agency policies and enforcement matters.

As an accomplished litigator with nearly 15 years of experience advocating for the right of everyday people to enjoy equal opportunity under the law, Ms. Gilbride is an exceptional choice to serve as EEOC General Counsel. Ms. Gilbride has successfully litigated cases at every level of the federal judiciary, including the U.S. Supreme Court, and has represented a diverse array of workers throughout her career, including restaurant,¹ slaughterhouse,² and warehouse³ workers. Her background and experience would strengthen the EEOC's enforcement efforts, ensuring that litigation is strategic, complements other enforcement tools, and addresses systemic or egregious violations of the law.

Throughout her career, Ms. Gilbride has focused on ensuring that all individuals are able to enforce their legal rights, including under our antidiscrimination and employment laws. For example:

¹ Howard v. Clyde's Restaurant Group, Inc., 1:11-CV-00687 (E.D. Va. 2012).

² *Rural Community Workers Alliance v. Smithfield Foods, Inc.*, PUBLIC JUSTICE, <https://food.publicjustice.net/case/rcwa-jane-doe-v-smithfield/> (last visited Sept 6, 2022).

³ *Palmer v. Amazon*, PUBLIC JUSTICE, <https://www.publicjustice.net/case/brief/palmer-v-amazon/> (last visited Sept 6, 2022).

- As senior attorney and co-director of the Access to Justice Project at Public Justice, Ms. Gilbride has successfully challenged unfair mandatory, pre-dispute arbitration agreements that prevent workers and others alleging unlawful behavior from seeking their day in court.
- In May 2022, Ms. Gilbride argued and secured a unanimous decision at the U.S. Supreme Court clarifying that federal courts must treat arbitration agreements like any other contract and may not create rules to favor arbitration over litigation.⁴ In that case, an hourly employee of a Taco Bell franchise filed a collective action in federal court against her employer alleging violations under the Fair Labor Standards Act for failure to pay overtime wages. The employer engaged in the litigation for nearly eight months before attempting to force the employee out of court and into a binding, confidential arbitration process. The Eighth Circuit sided with the employer. In an important ruling for workers and consumers, the Supreme Court reversed the Eighth Circuit, holding that the Federal Arbitration Act “does not authorize federal courts to invent special, arbitration-preferring procedural rules,”⁵ like the one used against the fast-food worker in this case, and sent the case back to the lower court.
- While an associate at Mehri & Skalet, Ms. Gilbride was part of the team representing over 500 women who worked for the Federal Bureau of Prisons facility in Coleman, Florida. The women alleged that their employer failed to protect them from repeated, ongoing sexual harassment and misconduct by prison inmates. The case ultimately settled and resulted in changes to the prison’s policies and practices to improve working conditions at the facility.⁶
- Ms. Gilbride has worked to ensure that people with disabilities have access to reasonable accommodations necessary for equal opportunity. For example, while an attorney at Disability Rights Advocates, Ms. Gilbride helped secure a victory at the U.S. Court of Appeals for the Ninth Circuit granting a blind law school graduate the right to use assistive screen reading software—the same software Ms. Gilbride, who is blind, uses to perform her job—to take professional licensing exams.⁷

Ms. Gilbride’s extensive litigation experience, coupled with her commitment to ensuring that all people have access to opportunity and the ability to enforce their rights, make her well-qualified to serve as EEOC General Counsel and we urge you to vote to advance her nomination to the Senate floor. Please contact Gaylynn Burroughs, Director of Workplace Equality at the National Women’s Law Center (gburroughs@nwlc.org) with any questions.

Sincerely,

National Women's Law Center
 A Better Balance
 AFL-CIO
 American Association of People with Disabilities
 American Federation of State County and Municipal Employees
 Americans for Financial Reform

⁴ Morgan v. Sundance, 142 S. Ct. 1708 (2022).

⁵ *Id.* at 1712.

⁶ *Federal Bureau of Prisons Coleman Facility Sexual Harassment*, MEHRI & SKLAET PLLC, <https://findjustice.com/cases/coleman-sexual-harassment/> (last visited Sept. 2, 2022).

⁷ Enyart v. National Conference of Bar Examiners, Inc., 630 F.3d 1153 (9th Cir. 2011).

AnitaB.org
Asian Pacific American Labor Alliance, AFL-CIO
Association of Late Deafened Adults (ALDA)
Bazelon Center For Mental Health Law
California Employment Lawyers Association
Center for Disability Rights
Center for WorkLife Law
CenterLink: The Community of LGBT Centers
Centro de los Derechos del Migrante, Inc.
Clearinghouse on Women's Issues
Coalition of Labor Union Women
Demand Progress
Disability Law Center of Utah
Disability Rights Advocates
Disability Rights North Carolina
Economic Policy Institute
Equal Rights Advocates
Equality California
ERA Coalition
Esperanza United (formerly Casa de Esperanza: National Latin@ Network)
Feminist Majority Foundation
Gender Equality Law Center, Inc.
Hispanic Federation
Human Rights Campaign
Impact Fund
Institute for Women's Policy Research
Jobs With Justice
Justice for Migrant Women
Justice in Motion
KWH Law Center for Social Justice and Change
Lake Oconee Community Church
Lawyers' Committee for Civil Rights Under Law
Legal Aid at Work
Liberty Resources, Inc.
LPAC Action Network
Main Street Alliance
NAACP
National Action Network
National Alliance to End Sexual Violence
National Black Justice Coalition
National Center for Law and Economic Justice

National Consumers League
National Council of Jewish Women
National Disability Rights Network (NDRN)
National Disabled Legal Professionals Association
National Education Association
National Employment Law Project
National Employment Lawyers Association
National Immigration Law Center
National Organization for Rights Protection and Advocacy
National Organization for Women
National Partnership for Women & Families
North Carolina Justice Center
Northwest Workers' Justice Project
People's Parity Project
PFLAG National
Pride At Work
Public Citizen
Public Justice
Service Employees International Union (SEIU)
Sexual Violence Law Center
The Center for Popular Democracy
The Sikh Coalition
The Tanya Project: A Medical-Legal Partnership for Women with Cancer
Towards Justice
UFCW OUTreach
UltraViolet
USOW
Women's Law Project

Cc: Members of the Senate Committee on Health, Education, Labor & Pensions