



May 5, 2021

The Honorable Nancy Pelosi
Speaker of the House
United States House of Representatives

The Honorable Chuck Schumer
Majority Leader
United States Senate

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives

The Honorable Mitch McConnell
Minority Leader
United States Senate

Dear Speaker Pelosi, Minority Leader McCarthy, Majority Leader Schumer and Minority Leader McConnell:

SHRM, the Society for Human Resource Management, believes the conciliation process is valuable because it provides employees, employers and the U.S. Equal Employment Opportunity Commission (EEOC) the opportunity to more promptly resolve disputes and prevent discrimination in the workplace while avoiding the cost of drawn-out litigation and lengthy delays in satisfactory resolutions of employee concerns. As such, we have strong concerns regarding H.J. Res. 33 and S.J.Res.13, which would use the Congressional Review Act to disapprove the “Update of Commission's Conciliation Procedures” finalized by the EEOC.

HR professionals diligently investigate and resolve these matters for the benefit of the employee and the well-being of the workplace. In doing so, they understand that a transparent, timely, and comprehensive review of all pertinent facts are important to achieving resolution for these matters. The conciliation process is an opportunity for all parties involved in a workplace dispute to collaborate in reconciling and rectifying all forms of discrimination in the workplace.

SHRM believes the new procedures, which became effective on February 16, 2021, create more transparency in the conciliation process and a more consistent, concrete process for negotiated conciliation terms, based on the EEOC’s sharing of facts and other legal information it relied on as the basis for its conciliation proposal. This shared information will benefit not only the direct parties to potential litigation, but other workers as well. By resolving compliance issues earlier in the process through conciliation, employers can work more efficiently and effectively to resolve equal employment opportunity issues, provide support for workers, while also resolving workplace policy and practice issues to create a better workplace for all employees.

We appreciate your consideration of these concerns as Congress considers this resolution to disapprove of these updated regulatory procedures.

Sincerely,

Johnny C. Taylor, Jr., SHRM-SCP
President & CEO

Emily M. Dickens
*Chief of Staff, Head of Government Affairs
& Corporate Secretary*

CC: Members of the U.S. House of Representatives and the U.S. Senate