



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

Nov. 5, 2014

Senator Tom Harkin
Chair, Committee on Health, Education, Labor and Pensions
731 Hart Senate Office Building
Washington DC 20510

Senator Lamar Alexander
Ranking Member, Committee on Health, Education, Labor and Pensions
455 Dirksen Senate Office Building
Washington DC 20510

Dear Senators Harkin and Alexander:

We write as members of the Consortium for Citizens with Disabilities (CCD) to express our strong support for the President's nomination of David Lopez for a second term as General Counsel of the EEOC and his nomination of Charlotte Burrows for a seat on the Commission. CCD is a coalition of national disability organizations working for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. We have great confidence that both nominees will do an excellent job in their respective roles, and we urge you to confirm them promptly.

The EEOC plays a critical role in ensuring workplace protections for people with disabilities, and having a full Commission with effective leadership is particularly urgent in light of the dramatic levels of unemployment and underemployment of people with disabilities. As you detailed in the HELP Committee's 2012 report, *Unfinished Business: Making Employment of People with Disabilities a National Priority*, individuals with disabilities have the highest unemployment rate and the lowest workforce participation rate of any group in the country, are significantly less likely to work full-time than people without disabilities, have median earnings

that are less than two-thirds those of workers without disabilities, and have a poverty rate more than twice that of people without disabilities.¹

We have been tremendously impressed with the work that General Counsel Lopez has done to advance employment opportunities for individuals protected by the Americans with Disabilities Act (ADA) as well as Sections 501 and 504 of the Rehabilitation Act, Title VII, and the Genetic Information Nondiscrimination Act. General Counsel Lopez has been thoughtful and strategic in using the Commission's resources to address key issues that prevent employment of people with disabilities, and has achieved important successes. For example, in one closely watched case, the EEOC prevailed on claims that a food processing plant subjected 32 men with intellectual disabilities to a hostile work environment, discriminatory pay, and other discriminatory terms of employment for decades; the men were paid only \$65 per month for full-time work and were subjected to abusive verbal and physical harassment, restricted in their freedom of movement, and required to live in sub-standard living conditions in a decrepit bunkhouse. Under General Counsel Lopez's leadership, the EEOC has prevailed in numerous other cases challenging the failure to make reasonable accommodations that would enable individuals with a wide variety of disabilities to secure and maintain employment. In addition to his accomplishments in leading the Commission's trial work – in 2013, the Commission won ninety percent of its trials – General Counsel Lopez has achieved great success in running the Commission's appellate advocacy and amicus programs. Under General Counsel Lopez's leadership, the EEOC's litigation program has had a significant impact in opening workplaces to people with disabilities.

Similarly, we believe Charlotte Burrows is an excellent candidate for the Commission. Ms. Burrows has spent much of her career focusing on civil rights policy issues from both legislative and executive branch perspectives, including years litigating employment discrimination cases for the Justice Department. She has a deep familiarity with disability rights issues. As counsel to Senator Kennedy on the HELP and Judiciary Committees, Ms. Burrows worked on passage of the bipartisan ADA Amendments Act and on Individuals with Disabilities Education Act (IDEA) issues, among other things. As an Associate Deputy Attorney General, Ms. Burrows worked on developing 2010 Department of Justice implementing regulations for the ADA—the first comprehensive update since the original regulations were promulgated in 1991—and the Department's proposed regulations implementing the ADA Amendments Act. Ms. Burrows has a long history of working with individuals with disabilities. She would bring valuable expertise in the areas of disability rights as well as discrimination on the basis of race, ethnicity, national origin, gender and genetic information.

¹ See also Committee on Health, Education, Labor and Pensions, *Fulfilling the Promise: Overcoming Persistent Barriers to Economic Self-Sufficiency for People with Disabilities* (Majority Committee Staff Report), Sept. 18, 2014, at 5-6.

Timely confirmation of Mr. Lopez and Ms. Burrows is imperative. We urge you to act swiftly to confirm these nominees this month so that the EEOC may continue to carry out its functions effectively.

Sincerely,

The Advocacy Institute

The Advocrat Group

American Association of People with Disabilities

Association of University Centers on Disabilities

Bazelon Center for Mental Health Law

Brain Injury Association of America

Council for Learning Disabilities

Council of Parent Attorneys and Advocates, Inc.

Disability Power and Pride

Epilepsy Foundation

Helen Keller National Center

Institute for Educational Leadership

Lutheran Services in America Disability Network

Mental Health America

National Association of Councils on Developmental Disabilities

National Association on Mental Illness

National Council on Independent Living

National Disability Rights Network

National Down Syndrome Society

United Spinal Association