November 17, 2010

Jacqueline Berrien
Chair
U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507

Dear Chair Berrien:

We are writing with serious concerns regarding the recent news reports about the blatant discrimination against the unemployed. This is a very serious issue, especially considering approximately 15 million Americans are unemployed. According to various news reports, employers are posting job advertisements stating: “must be currently employed” or “no unemployed candidates will be considered at all.”

We are outraged by this discriminatory practice and are urging you to investigate how it can have an adverse impact on minority groups and be an unnecessary barrier to employment for minorities. Further, we are requesting that you issue a statement detailing how employers discriminating against the unemployed can open themselves up to disparate impact claims because a larger percentage of the unemployed population consists of minorities.

A policy where employers discriminate against the unemployed is unfair, unreasonable and simply ignores the effect of the recession on millions of highly-qualified workers who are unemployed through no fault of their own. Such a policy disproportionately hurts minorities as they suffer from higher unemployment rates than whites. According to the Bureau of Labor Statistics, in October 2010, the national unemployment rate was 9.6%. The unemployment rate for whites was lower than the national rate at 8.8%. African-Americans and Hispanics, however, experienced unemployment rates that were above the national unemployment rate. African-Americans suffered from an unemployment rate of 15.7% and Hispanics from a 12.6% unemployment rate.

If this trend of employers discriminating against the unemployed continues, it will only prolong the unemployment crisis the United States is facing. Discriminating against the unemployed will not help America on its path to economic recovery. On behalf of our constituents, we are urging you to investigate how this discriminatory practice can have an adverse impact on minority groups and be an unnecessary barrier to employment for minorities. We are also requesting that you issue a statement detailing that discriminating against the unemployed could be illegal if it has a disparate impact on minority groups. We thank you in advance for your prompt attention to this matter.
Janice D. Schakowsky
Member of Congress

Edward J. Markey
Member of Congress

Carolyn B. Maloney
Member of Congress

Elijah E. Cummings
Member of Congress

Dennis J. Kucinich
Member of Congress

Sanford D. Bishop
Member of Congress

Keith Ellison
Member of Congress

Wm. Lacy Clay
Member of Congress

Donald M. Payne
Member of Congress

Tim Ryan
Member of Congress

Phil Hare
Member of Congress

Grace F. Napolitano
Member of Congress

Marcy Kaptur
Member of Congress

Pete Stark
Member of Congress

G.K. Butterfield
Member of Congress

Chaka Fattah
Member of Congress

Chellie Pingree
Member of Congress

Gregorio Kilili Sablan
Member of Congress