



**College and University Professional  
Association for Human Resources**

February 26, 2019

The Honorable Robert “Bobby” Scott  
Chairman  
U.S. House Education and Labor Committee  
2176 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Virginia Foxx  
Ranking Member  
U.S. House Education and Labor Committee  
2101 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Scott and Ranking Member Foxx:

On behalf of the College and University Professional Association for Human Resources (CUPA-HR), I write to express concern with H.R. 7, which the House Education and Labor Committee is scheduled to mark up today.

CUPA-HR serves as the voice of human resources (HR) in higher education, representing more than 30,000 human resources professionals and other campus leaders at over 2,000 colleges and universities across the country, including 93% of all U.S. doctoral institutions, 78% of all master’s institutions, 53% of all bachelor’s institutions and over 500 two-year and specialized institutions. Higher education employs over 3.9 million workers nationwide, with colleges and universities in all 50 states.

CUPA-HR members are committed to diversity, inclusion, access, and equitable practices as a means to achieving excellence in higher education. CUPA-HR supports narrowly tailored legislative and regulatory proposals that are designed to prevent and remedy documented discrimination in the workplace and carefully drafted to minimize burdens, confusion and unintended consequences. Unfortunately, as currently worded, H.R. 7 will increase burdens and lead to unintended consequences.

The Paycheck Fairness Act includes provisions that could impose liability on institutions with pay differentials that are not based on gender, but stem from differences in local labor markets, academic disciplines, department budgets and other practices that allow colleges and universities to compete with the for-profit industry. Most troubling is the bill’s provision imposing liability for pay practices that an employer has shown are justified by business necessity if a plaintiff, their lawyers and judges conclude an “alternative employment practice exists that would serve the same business purpose without producing such differential.” This would impose

unprecedented government control over how employees are paid and create widespread uncertainty about which pay practices are lawful, leading to confusion and litigation.

We stand ready to work with the Committee on legislation aimed at enhancing and complementing the existing laws barring gender-based pay discrimination, but we urge the Committee to reject H.R. 7 as a flawed approach to addressing this important issue.

Please do not hesitate to reach out to me to discuss this issue further.

Respectfully,

A handwritten signature in black ink, appearing to read "Joshua A. Ulman".

**Joshua A. Ulman**

Chief Government Relations Officer

College and University Professional Association for Human Resources

[julman@cupahr.org](mailto:julman@cupahr.org)