



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

March 26, 2019

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Speaker Pelosi and Minority Leader McCarthy:

On behalf of the College and University Professional Association for Human Resources (CUPA-HR), I write to express our opposition to H.R. 7, the Paycheck Fairness Act. While CUPA-HR and its members are committed to diversity, inclusion, access and equitable practices as a means to achieving excellence in higher education, H.R. 7 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.

CUPA-HR serves as the voice of human resources in higher education, representing almost 32,000 HR professionals and other campus leaders at more than 2,000 colleges and universities across the country, including 93 percent of all U.S. doctoral institutions, 78 percent of all master's institutions, 53 percent of all bachelor's institutions and over 500 two-year and specialized institutions. Higher education employs more than 3.9 million workers nationwide, with colleges and universities in all 50 states.

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 for talent 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."

We stand ready to work with Congress on legislation aimed at enhancing and complementing the existing laws barring gender-based pay discrimination, but we urge members of the House of Representatives 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 "J. A. Ulman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joshua A. Ulman

Chief Government Relations Officer

College and University Professional Association for Human Resources

julman@cupahr.org