

March 23, 2010

The Honorable Tom Harkin
Chairman
Committee on Health, Education, Labor, and
Pensions
United States Senate
Washington, D.C. 20510

The Honorable Michael B. Enzi
Ranking Member
Committee on Health, Education, Labor, and
Pensions
United States Senate
Washington, D.C. 20510

Dear Chairman Harkin and Ranking Member Enzi:

The undersigned organizations represent state and local government employers. We are writing to draw your attention to a particularly troubling aspect of S. 182, the "Paycheck Fairness Act." The enhanced penalties section allows for unlimited punitive damages and exempts only the federal government from this provision.

As you are aware, state and local governments are exempt from punitive damages under Title VII of the Civil Rights Act. States and localities faced with large punitive damage awards would be forced to raise taxes or cut services. Ultimately the burden of paying a large damages award would fall on the citizens of the state or locality. We believe allowing punitive damages would be detrimental under any circumstances but would be devastating to state and local budgets in the current economy.

We urge you to add state and local governments in the exemption provision along with the federal government in S. 182.

Sincerely,

International Public Management Association for Human Resources
International Municipal Lawyers Association
National Public Employer Labor Relations Association