

EXTENSIONS OF REMARKS

INTRODUCTION OF THE CIVIL RIGHTS PROCEDURES PROTECTION ACT OF 1999

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. MARKEY. Mr. Speaker, I am proud to join today with Representative CONNIE MORELLA to introduce the Civil Rights Procedures Protection Act of 1999. This bill is designed to reassert workers' rights to have their claims of unlawful employment discrimination settled by a court of law.

During the last decade, our nation has witnessed a sharp increase in the use of binding arbitration as a means of resolving legal claims. In particular, the number of employers using arbitration to resolve complaints of illegal employment discrimination or sexual harassment in the work place has skyrocketed. According to the U.S. General Accounting Office, in just two years the number of employers using arbitration almost doubled; jumping from 10 percent of employers in 1995 to 19 percent of employers in 1997. The nation's leading association of arbitration professionals, the American Arbitration Association, concurred, noting that their caseload of employment arbitration disputes more than doubled between the years 1993 and 1996.

This rise in the use of arbitration has produced largely positive results. Voluntary arbitration, when it is administered in an impartial manner, can provide employees and employers alike with a fair, fast and inexpensive mechanism to resolve disputes. But too many employers have taken this potentially impartial judicial forum and tainted it by requiring arbitration of all employment discrimination claims.

As a condition of employment or promotion, a growing number of employers are requiring workers to agree to submit any future claims of job discrimination to mandatory binding arbitration panels. By forcing employees to sign away their fundamental rights to a court hearing, employers across the country have succeeded in circumventing our nation's civil rights laws. Employees who sign mandatory arbitration contracts give up their right to due process, trial by jury, the appeals process, full discovery and other "guaranteed" rights. In essence, mandatory arbitration contracts reduce civil rights protections to the status of the company car: a perk which can be denied at will.

The United States Constitution guarantees every citizen "equal justice under law". Forcing employees to choose between their civil rights and their job denies them their right to equal justice.

Mandatory arbitration of civil rights is wrong even if the arbitration process is balanced.

But, too often, it has a semblance of impartiality. Mandatory arbitration panels are often comprised solely of members hand picked by the industry they are supposed to regulate. At best such a setting has the appearance of unfairness; at worst, it is a tainted forum in which an employee can never be guaranteed a truly fair hearing. Like forcing employees to buy goods at the company store, the price of such so-called justice is just too high.

The legislation Mrs. MORELLA and I are introducing would protect the rights of workers to bring claims against their employers in cases of employment discrimination. By amending seven Federal civil rights statutes to make it clear that the powers and procedures provided under those laws are the exclusive ones that apply only when a claim arises, the Civil Rights Procedures Protection Act would prevent discrimination claims from being involuntarily sent to binding arbitration. In short, this bill prevents employers in all industries from forcing employees to give up their right to go to court when they are discriminated against on account of race, sex, religion, disability, or other illegal criteria.

This legislation has the endorsement of numerous civil rights groups, including the National Organization for Women, the American Civil Liberties Union, the National Partnership for Women & Families, the National Council of La Raza, Women Employed, the National Employment Lawyers Association, and the National Association of Investment Professionals.

By reinforcing the fundamental rights established under various civil rights and fair employment practice laws, our bill restores integrity to employer-employee relationships. No employer should be permitted to ask workers to check their Constitutional and civil rights at the front door.

TRIBUTE TO THE LATE WILLIS PARKISON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mr. McINNIS. Mr. Speaker, it is with great sadness that I wish to take this opportunity to pay tribute to the remarkable life of my friend, Willis Parkison. Sadly, Willis died on February 5, 1999. Though friends and family will no doubt miss him greatly, everyone who has known Willis can take great solace in the memories of this truly exceptional individual.

As those familiar with the area would surely testify, Willis Parkison was one of the ablest and most respected attorneys in Western Colorado during his over thirty years in the legal profession between 1938 and 1978. In fact, except for being called into service during

WWII as a Special Agent in the FBI, Willis practiced law in Glenwood Springs, Colorado continuously and with great distinction, specializing in probate work, wills and tax law.

As the fourth of six successive generations of Parkisons living in the Glenwood Springs area, Willis was also a proud member and active participant in his community. What's more, as the proud husband of Ruth Parkison for 57 years, the father of Don, Susan, and Sarah, and the grandfather of Jessica and Amanda. Willis was, above all else, a family man. It is with these that our friend Willis' legacy now rests.

Like his family, all of Willis' friends, including myself, feel a great sense of loss in this difficult time. Though family, friends and the community of Glenwood Springs are clearly worse off in his absence, I am hopeful, Mr. Speaker, that each of these will find comfort and strength in the knowledge that they are better off for having known Willis Parkison, a truly remarkable man.

LIFETIME ACHIEVEMENT AWARD FOR WARREN M. DORN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1999

Mrs. CAPPS. Mr. Speaker, I am pleased to share with all of my colleagues the award for Lifetime Achievement that was presented to my distinguished constituent Warren Dorn by the Alumni Association of the University of California, Santa Barbara. Warren Dorn, UCSB class of 1941, has had a remarkable record of public service.

He served as the Mayor of Pasadena, California which is famous for its Rose Bowl and Caltech University.

He served four terms as a member of the Los Angeles County Board of Supervisors. His service to L.A. County was honored in 1986 by the dedication of the Warren M. Dorn Recreation Complex at Castaic Lake.

Following his retirement from the Board of Los Angeles County, Warren Dorn was persuaded to continue his public service as the Mayor of Morro Bay, California in my district. Morro Bay is noted for its distinctive coastal beauty and excellent restaurants!

Warren Dorn remains active in his community as President of the Morro Bay Beautiful Foundation. Based on his record, I am confident that Mr. Dorn has many more lifetimes of achievement remaining to be recognized. I wish to join the entire UCSB community in honoring this outstanding individual for his lifelong dedication to local public service.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.