



June 19, 2012

Bernadette B. Wilson, Acting Executive Officer
Office of the Executive Secretariat
U.S. Equal Employment Opportunity Commission
131 M St. NE
Washington, DC 20507-0001

Re: Comments regarding the United States Equal Employment Opportunity Commission
Strategic Plan for Fiscal Years 2012 - 2016

Submitted to: strategic.plan@eoc.gov

Dear Ms. Wilson:

The National Small Business Association (NSBA) was founded in 1937 to advocate for the interests of small businesses in the U.S. It is the oldest small business organization in the U.S. The NSBA represents more than 150,000 small businesses throughout the country in virtually all industries and of widely varying sizes.

We are pleased to submit these comments regarding the United States Equal Employment Opportunity Commission Strategic Plan for Fiscal Years 2012 – 2016.

The EEOC has an important mission. It enforces Title VII of the Civil Rights Act of 1964 which prohibits employment discrimination on the basis of race, color, religion, sex, or national origin; the Age Discrimination in Employment Act of 1967 which prohibits employment discrimination against individuals 40 years of age and older; the Equal Pay Act of 1963 which prohibits discrimination on the basis of sex regarding compensation, section 501 of the Rehabilitation Act of 1973 which prohibits employment discrimination against federal employees and applicants with disabilities; the Americans with Disabilities Act of 1990 which prohibits employment discrimination on the basis of disability; and the Genetic Information Non-Discrimination Act of 2008 which prohibits employment discrimination based on genetic information.

In connection with enforcing the Civil Rights Act and the Americans with Disabilities Act, the EEOC examines educational attainment requirements (including high school diploma requirements). In connection with enforcing the Civil Rights Act, the EEOC examines the use of arrest and conviction records.

It is our considered opinion that unlawful high school diploma requirements do not constitute a significant problem and should not be an enforcement priority. Nor do we

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believe that criminal background checks are being misused to any significant degree for an unlawful discriminatory purpose. Thus, we do not believe that the use of criminal background checks should be an enforcement priority.

Sincerely,

A handwritten signature in black ink, appearing to read "D. R. Burton", with a long horizontal flourish extending to the right.

David R. Burton
General Counsel