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TESTIMONY - AB 341
COMMITTEE ON JUDICIARY - WEDNESDAY, APRIL 2, 2003

GOOD MORNING MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. FOR THE RECORD, MY NAME IS LARRY SPITLER AND I'M THE ASSOCIATE STATE DIRECTOR FOR ADVOCACY AT AARP NEVADA.

AARP IS A NONPROFIT, NONPARTISAN MEMBERSHIP ORGANIZATION DEDICATED TO MAKING LIFE BETTER FOR PEOPLE 50 AND OVER. WE PROVIDE INFORMATION AND RESOURCES; ENGAGE IN LEGISLATIVE, REGULATORY AND LEGAL ADVOCACY; ASSIST MEMBERS IN SERVING THEIR COMMUNITIES; AND OFFER A WIDE RANGE OF UNIQUE BENEFITS, SPECIAL PRODUCTS, AND SERVICES FOR OUR MEMBERS. IN NEVADA, AARP HAS OVER 258,000 MEMBERS. WE ARE HERE TODAY TO LEND OUR SUPPORT TO AB 341.

OVER TIME, IT HAS PROVEN THAT PRIVATE CIVIL SUITS BY THE VICTIMS OF EMPLOYMENT DISCRIMINATION ARE A CRUCIAL TOOL FOR ENFORCEMENT OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA), TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, THE AMERICANS WITH DISABILITIES ACT (ADA), THE FAMILY MEDICAL LEAVE ACT (FMLA), AND OTHER RELATED CIVIL RIGHTS STATUTES.

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ASSEMBLY JUDICIARY

DATE: 4/2/03 ROOM: 3133 EXHIBIT C

SUBMITTED BY: Larry Spitzer

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WHEN STATE EMPLOYEES ARE DENIED THE RIGHT TO SUE THEIR EMPLOYERS FOR MONETARY DAMAGES THEY BECOME, IN EFFECT, "SECOND CLASS CITIZENS." UNLESS A STATE CHOOSES TO WAIVE ITS SOVEREIGN IMMUNITY, OR THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) OR THE DEPARTMENT OF LABOR DECIDES TO BRING A SUIT ON BEHALF OF STATE WORKERS, THEY ARE LEFT WITH NO FEDERAL REMEDY FOR EMPLOYMENT DISCRIMINATION CLAIMS. IN LIGHT OF THE LIMITED RESOURCES OF THE FEDERAL GOVERNMENT, IT IS HIGHLY UNLIKELY THAT THESE AGENCIES WILL BE ABLE TO PURSUE EVERY MERITORIOUS CLAIM OF DISCRIMINATION AGAINST STATE EMPLOYERS.

WITHOUT THE ABILITY TO BRING PRIVATE ACTIONS FOR MONETARY RELIEF, STATE EMPLOYEES WHO ARE VICTIMS OF EMPLOYMENT DISCRIMINATION LACK IMPORTANT REMEDIES FOR VINDICATION OF THEIR RIGHTS THAT ARE AVAILABLE TO PRIVATE SECTOR EMPLOYEES, AS WELL AS LOCAL GOVERNMENT EMPLOYEES AND FEDERAL EMPLOYEES. THIS HAS EFFECTS ON EMPLOYEE MORALE, ON THE REPUTATION OF THE STATE AS AN EMPLOYER, AND POTENTIALLY ON THE ABILITY OF STATE GOVERNMENT TO ATTRACT AND RETAIN FIRST-RATE WORKERS. ALSO, WHEN STATE EMPLOYEES LACK THE OPPORTUNITY TO SUE FOR DAMAGES, STATE EMPLOYERS HAVE NO INCENTIVE TO COMPLY WITH THE FEDERAL ANTI-DISCRIMINATION LAWS.

PUBLIC EMPLOYEES PERFORM VITAL SERVICES FOR OUR CITIZENS AND COMMUNITIES. WE SHOULD BE LOOKING FOR WAYS TO MAKE PUBLIC EMPLOYMENT MORE, NOT LESS, DESIRABLE. ENSURING THAT STATE EMPLOYEES HAVE RIGHTS AND REMEDIES EQUAL TO OTHER EMPLOYEES WILL HELP IN ACHIEVING THAT GOAL.

FOR THOSE REASONS WE SUPPORT AB 341 AND ENCOURAGE ITS PASSAGE. THANK YOU.

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