

# 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 un-

fairness; 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.

## SALUTING THE SECURITY FEDERAL CREDIT UNION

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 1999*

Mr. KILDEE. Mr. Speaker, I rise today to ask the House of Representatives to join me in congratulating the Security Federal Credit Union on its 50th anniversary. Security Federal Credit Union will be celebrating this anniversary at its annual meeting on February 28 in my hometown of Flint, Michigan.

• 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.

For the past 50 years, Security Federal Credit Union has been an integral part of the financial community in the Flint area. Since signing the organizational charter in 1949, Security Federal Credit Union is committed to supplying the best service to its members. The staff and officers have forged a relationship with the over 40,000 members based upon respect, understanding and cooperation.

Security Federal Credit Union has helped families realize their dreams of new homes, and college educations for their children, through the savings program and the extensive loan program. The Credit Union has issued a billion dollars in loans since 1949. To help its members purchase the vehicles they make, Security Federal Credit Union offers a special loan rate for automobiles made in Flint.

The Credit Union has grown from one office in Flint to three locations in Flint and Saginaw. It now serves Buick employees and their families, Saginaw Metal Casting Operations employees and their families, members of the National Association for the Advancement of Colored People, the Genesee County Bar Association and numerous other businesses and groups.

Striving to provide the most current technology to its members, Security Federal Credit Union now maintains a web-site. This enables the members to access information and make transactions through electronic media from anywhere in the world.

Mr. Speaker, Security Federal Credit Union has reached a milestone this year. I ask the House of Representatives to rise and applaud their achievement. This Credit Union has made my hometown and mid-Michigan a better place to live through its commitment to the men and women it serves.

#### TRIBUTE TO ST. MARCELLIN CHAMPAGNAT

#### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 1999*

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay tribute to a great man of God, a visionary who founded the order of the Marist Brothers of the Schools and a Saint-to-be, Marcellin Champagnat.

Born in France in 1789, Marcellin Champagnat acquired a deep and unshakeable faith in God and in the protection of Mary. Remembering his own educational deprivation as a child, Marcellin made a sincere commitment to catechize poor children and provide them with a basic education. During his time in the major seminary of the Archdiocese of Lyons, Marcellin spread his contagious fervor, forming the nucleus of what was to later become the Society of Mary, or Marist Fathers.

As the Marist family continued to grow, the Marist Sisters, the Marist Missionary Sisters, and the Third Order of Mary were formed in addition to the Marist Fathers and Brothers. Today, there are over 6,200 Marist Brothers worldwide doing God's work in 75 different countries and 14 states which continue to carry out educational ministries in the Marist tradition.

On Sunday, April 18, as the Roman Catholic Church canonizes Marcellin Champagnat at a

ceremony in St. Peter Basilica in Rome, the Cuban Maristas Alumnae Association, of my Congressional district will be preparing a mass at St. John Vianey Seminary and a reception at Christopher Columbus High School in my Congressional district to pay homage to Father Marcellin Champagnat.

#### INTRODUCTION OF THE PAUL ROBESON COMMEMORATIVE POSTAGE STAMP

#### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 1999*

Mr. RUSH. Mr. Speaker, I am pleased today to join with several of my colleagues, to introduce a Concurrent Resolution urging the U.S. Postal Service's Citizen Stamp Advisory Committee to issue a commemorative postage stamp honoring Paul Leroy Robeson.

This bill marks an important step towards the Federal Government acquiescing additional African-Americans for all their contributions in this country. Paul Robeson throughout his career has left this country with a legacy that is unchangeable.

Paul Robeson was a famous African-American who inspired the spirit of millions of people in his lifetime. Robeson made significant contributions in many areas of academics, sports, entertainment, and politics. Paul Robeson, was born in Princeton, New Jersey, on April 9, 1898. He sojourns even after his death for his magnificent abilities as an athlete, actor, and advocate for the civil rights of people around the world. The youngest of five children, Robeson emerged to illustriousness in a time when people were being oppressed around the world, black individuals were being lynched by whites, especially in the South and segregation was legal in America.

Paul Robeson became even more celebrated because of his role as a world notable singer and actor with exquisite performances that included Shakespeare's Othello and Showboat. In counting, outfitted with the appreciation of twenty-five languages, Paul Robeson sang for peace and justice throughout the world.

Last year marked the 100th Birthday of Paul Robeson. It is only fitting that we celebrate Robeson's legacy by issuing a commemorative postage stamp is his honor.

#### CLARIFICATION OF THE HI TAX

#### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 1999*

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing legislation to clarify that the employees of a political subdivision of a State shall not lose their exemption from the hospital insurance tax by reason of the consolidation of the subdivision with the State.

This issue has arisen because in 1997 Massachusetts abolished county government in the State, assumed those few functions which counties had performed, and made certain county officials employees of the State. Specifically, the law provided that the sheriff and

all his personnel "shall be transferred to the commonwealth with no impairment of employment rights held immediately before the transfer date, without interruption of service, without impairment of seniority, retirement or other rights of employees, without reduction in compensation or salary grade and without change in union representation."

However, the issue of whether or not these consolidated employees were required to pay the Medicare portion of the FICA tax needed to be clarified. Federal law creates an exemption from this tax from state and local employees who were employed on or before March 31, 1986 and who continue to be employed with that employer. The law is written so it is clear that consolidations between local entities, and consolidations between State agencies, do not in and of themselves negate the grandfather rule. However, the issue of a consolidation between a political subdivision and a State is not directly addressed and I doubt it was thought of during the Consideration of the federal law.

The Internal Revenue Service has taken the position that a State, and a political subdivision of a state, are separate employers for purposes of payment of the Medicare tax and therefore any grandfathered employees merged in a consolidation between a State and a political subdivision lose the benefit of the grandfather rule even if such employees perform substantially the same work.

In a Sixth Circuit Court case, Board of Education of Muhlenberg Co. V. United States, the court ruled on this general issue in terms of a consolidation of boards of education in Kentucky. The plaintiffs in this case argued that the consolidation of school districts did not create a new employer or terminate the employment of any teacher, and the Court agreed that Congress did not intend that exempt employees who have not been separated from previously excluded employment should lose their grandfather and be forced to pay the HI tax. While this case did not go to the issue of the consolidation between a State and a political subdivision, the logic indicates that this issue matters less than the overarching issue of whether the employees continue in the same of essentially the same positions. In Massachusetts this is clearly the case.

Therefore, Mr. Speaker, I urge the Congress to enact this legislation to clarify that local employees do not lose the benefit of the grandfather rule merely because they have been consolidated with a State government.

#### REPRESENTATIVE ROSEMARY POTTER—MILWAUKEE WOMAN OF THE YEAR

#### HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 25, 1999*

Mr. BARRETT of Wisconsin. Mr. Speaker, I appreciate this opportunity to offer my congratulations to Representative Rosemary Potter. I look forward to joining Milwaukee National Organization for Women (NOW) on Saturday, February 27th, to honor Rosemary Potter as the Woman of the Year.

Rosemary Potter was elected to Wisconsin's Assembly in 1989, the year I moved over to