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July 12, 2023

Re: Vote Yes for Kalpana Kotagal to Serve As EEOC Commissioner

Dear Senators:

We write to urge you to vote yes to confirm Kalpana Kotagal to serve as a Commissioner on the U.S. Equal Employment Opportunity Commission (EEOC).

Ms. Kotagal is one of our nation's finest civil rights lawyers, having spent her career working to end systemic discrimination against this country's most marginalized workers. Her legal acumen, dedication to equal opportunity for all, and commitment to ensuring workplaces in this country are fair and equitable makes her the best possible choice for this position.

A Better Balance is a national legal services and advocacy organization that uses the power of the law to advance justice for workers, so they can care for themselves and their loved ones without jeopardizing their economic security. Most recently, we led the ten-year advocacy movement to pass the Pregnant Workers Fairness Act,¹ new bipartisan civil rights legislation the EEOC is charged with enforcing. We also work on many other issues that fall under the EEOC's purview including pregnancy, caregiver, and disability discrimination and absence control policies. We run a free and confidential legal helpline, on which we provide thousands of workers across the country each year information about the laws the EEOC is responsible for enforcing. The low-wage workers, disproportionately women of color, who our organization serves depend on the EEOC's strong enforcement of these laws and others.

We are confident Ms. Kotagal is the right person to serve as an EEOC Commissioner and lead enforcement of our nation's civil rights laws. As a partner in the Civil Rights and Employment Groups at Cohen Milstein Sellers & Toll PLLC, Ms. Kotagal has focused on cases that challenge widespread systemic discrimination. This makes Ms. Kotagal a natural fit to join the EEOC, where the agency, too, focuses on bringing cases that will have systemic impact. Notably, she has represented employees in sex discrimination, pregnancy discrimination, and disability discrimination class actions.²

¹ A Better Balance, *Winning the Pregnant Workers Fairness Act* (June 2023), <https://www.abetterbalance.org/winning-pwfa/>.

² See, e.g. *Jock v. Sterling Jewelers, Inc.* (<https://www.cohenmilstein.com/case-study/sterling-jewelers>), *Allen v. AT&T Mobility* (<https://www.cohenmilstein.com/case-study/katia-hills-et-al-v-att-mobility-services-llc>), and *Complainant v. Donohue, United States Postal Service* (<https://www.postal-reporter.com/blog/usps-settles-class-action-discrimination-lawsuit-filed-for-disabled-veterans/>).



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Ms. Kotagal also thinks proactively about ways to advance workplace equity. For example, to advance opportunity for people from marginalized communities in Hollywood, she co-developed the Inclusion Rider,³ a clause that can be included in actors' or filmmakers' contracts that creates flexible benchmarks for hiring a diverse cast and production staff. She then used that model to create a template inclusion rider for other industries which has since been used in the music and fashion industries in addition to entertainment studios and production companies.⁴ She has won numerous awards for her pioneering work.⁵

The child of immigrants from India, Ms. Kotagal grew up in Cincinnati, Ohio and went on to attend Stanford University and the University of Pennsylvania Law School where she graduated *cum laude*. After law school, she clerked for Judge Betty Binns Fletcher of the U.S. Court of Appeals for the Ninth Circuit.

Ms. Kotagal is eminently qualified to enforce our nation's civil rights laws as an EEOC Commissioner. The workers A Better Balance serves around the country will greatly benefit from her experience, expertise, and keen sense of justice and equity.

Once again, we urge you to vote yes and confirm Ms. Kotagal.

Sincerely,

Dina Bakst
Co-Founder & Co-President
A Better Balance

Sherry Leiwant
Co-Founder & Co-President
A Better Balance

³ Cohen Milstein Sellers & Toll PLLC, Inclusion Rider, <https://www.cohenmilstein.com/case-study/inclusion-rider>.

⁴ See, e.g. Jem Aswad, "Recording Academy Unveils Grammy Awards Inclusion Rider," Variety, Oct. 19, 2021, <https://variety.com/2021/music/news/recording-academy-grammy-inclusion-rider-1235092198/>; Jessica Testa, "Fashion Is Getting an Inclusion Rider," New York Times, Feb. 10, 2022, <https://www.nytimes.com/2022/02/10/style/diversity-fashion.html>.

⁵ The White House, Press Release, President Biden Announces Key Nominees (Apr. 1, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/01/president-biden-announces-keynominees-9/>.



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