

May 25, 2023

The Honorable Virginia Foxx
Chairwoman
Committee on Education and the Workforce
2176 Rayburn House Office Building
Washington, DC 20515-6100

The Honorable Kevin Kiley
Chairman
Subcommittee on Workforce Protections

Dear Chairwoman Foxx and Chairman Kiley,

Your May 18 oversight questions to Equal Employment Opportunity Commission (EEOC) Chair Burrows give voice to more than 50,000 federal employees waiting for public transparency and timely investigations. “After all, justice delayed is justice denied.”

My own experience warns that sub-par performance at the EEOC may have far-reaching impact on workplace rights:

- My former employer of 28 years, the Securities and Exchange Commission (SEC), terminated me under armed guard three months after I submitted my EEO Complaint and a Whistleblower statement documenting abuse of the mission of the SEC. Despite being the second employee to make an EEO Complaint against my supervisor in two years, I am one of four involuntary terminations by the SEC in 2018 – all females.
- Since at least 2016, the SEC’s EEOC reports¹ document employee terminations by gender and race/ethnicity at higher rates than workplace statistics (summary enclosed).
- In 2021, the SEC Inspector General white-washed a report about potential racial and ethnic disparities for over 100 employees issued ‘corrective or disciplinary actions’², reporting to Chair Gensler that it was “not able to analyze whether disparities exist” (ignoring public EEOC data). How has this cover-up impacted thousands of SEC employees (current and former)?
- In late 2022, a GAO study continued to find SEC “action needed on measuring diversity and inclusion goals”.³ Meanwhile, the SEC freely trumpets its progress in diversity, equity, and inclusion.⁴

Thank you for your commitment to oversight. New SEC Inspector General Deborah J. Jeffrey testified before your committee about significant ongoing material weaknesses during her decade as the former Inspector General at AmeriCorps. I have no confidence in the quality or intent of Ms. Jeffrey’s SEC oversight, including its workforce protections.

Most respectfully,

Kimberly Earle

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cc: The Honorable Bobby Scott, Ranking Member, Committee on Education and the Workforce

Enclosure: SEC employee terminations by gender and race/ethnicity 2016-2022

¹ <https://www.sec.gov/eeoinfo/eeoreports>

² <https://www.sec.gov/files/review-racial-and-ethnic-disparities-secs-issuance-corrective-and-disciplinary-actions-jan-2017-aug.pdf>

³ <https://www.gao.gov/assets/gao-23-105459.pdf>

⁴ <https://www.sec.gov/news/press-release/2023-75>