

S 3317

Equal Employment Opportunity Restoration Act of 2012

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Civil Rights and Liberties, Minority Issues

Introduced: Jun 20, 2012

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Jun 20, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/3317>

Sponsor

Name: Sen. Franken, Al [D-MN]

Party: Democratic • **State:** MN • **Chamber:** Senate

Cosponsors (24 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Akaka, Daniel K. [D-HI]	D · HI		Jun 20, 2012
Sen. Bingaman, Jeff [D-NM]	D · NM		Jun 20, 2012
Sen. Blumenthal, Richard [D-CT]	D · CT		Jun 20, 2012
Sen. Boxer, Barbara [D-CA]	D · CA		Jun 20, 2012
Sen. Brown, Sherrod [D-OH]	D · OH		Jun 20, 2012
Sen. Cantwell, Maria [D-WA]	D · WA		Jun 20, 2012
Sen. Coons, Christopher A. [D-DE]	D · DE		Jun 20, 2012
Sen. Durbin, Richard J. [D-IL]	D · IL		Jun 20, 2012
Sen. Gillibrand, Kirsten E. [D-NY]	D · NY		Jun 20, 2012
Sen. Harkin, Tom [D-IA]	D · IA		Jun 20, 2012
Sen. Inouye, Daniel K. [D-HI]	D · HI		Jun 20, 2012
Sen. Kerry, John F. [D-MA]	D · MA		Jun 20, 2012
Sen. Lautenberg, Frank R. [D-NJ]	D · NJ		Jun 20, 2012
Sen. Leahy, Patrick J. [D-VT]	D · VT		Jun 20, 2012
Sen. Merkley, Jeff [D-OR]	D · OR		Jun 20, 2012
Sen. Mikulski, Barbara A. [D-MD]	D · MD		Jun 20, 2012
Sen. Murray, Patty [D-WA]	D · WA		Jun 20, 2012
Sen. Sanders, Bernard [I-VT]	I · VT		Jun 20, 2012
Sen. Shaheen, Jeanne [D-NH]	D · NH		Jun 20, 2012
Sen. Udall, Mark [D-CO]	D · CO		Jun 20, 2012
Sen. Udall, Tom [D-NM]	D · NM		Jun 20, 2012
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Jun 20, 2012
Sen. Wyden, Ron [D-OR]	D · OR		Jun 20, 2012
Sen. Menendez, Robert [D-NJ]	D · NJ		Jul 9, 2012

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Jun 20, 2012

Subjects & Policy Tags

Policy Area:

Civil Rights and Liberties, Minority Issues

Related Bills

Bill	Relationship	Last Action
112 HR 5978	Identical bill	Jun 28, 2012: Referred to the Subcommittee on the Constitution.

Summary (as of Jun 20, 2012)

Equal Employment Opportunity Restoration Act of 2012 - Amends the federal judicial code to permit one or more members of a group seeking relief for discriminatory employment practices under specified provisions of the Civil Rights Act of 1964, Americans with Disabilities Act of 1990, Rehabilitation Act of 1973, equal rights laws under the Revised Statutes, or the Genetic Information Nondiscrimination Act of 2008 to sue on behalf of all members of the group if the representative party shows, by a reasonable inference, that: (1) members of the group are so numerous that their joinder is impracticable; (2) claims of the representative party are typical of the claims of the group the representative party seeks to represent and the representative party and the representative party's counsel will fairly and adequately protect the interests of the group; and (3) members of the group are, or have been, subject to an employment practice that has adversely affected or is adversely affecting a significant portion of the group's members. (Thus establishing a new standard for employees bringing group actions for certain employment discrimination, notwithstanding the Supreme Court decision in *Wal-Mart Stores, Inc. v. Dukes*, which required "convincing proof of a companywide discriminatory pay and promotion policy" as a prerequisite to class certification.)

Permits a representative party to challenge a subjective employment practice covered by any of the above-referenced employment statutes in a group action filed under this Act to the same extent as the party may challenge any other employment practice covered by such a statute in such an action.

Defines a "subjective employment practice" as: (1) an employer's policy of leaving personnel decisions to the unguided discretion of supervisors, managers, and other employees with authority to make such personnel decisions; or (2) an employment practice combining such a subjective employment practice with other types of personnel decisions.

Prohibits the fact that individual supervisors, managers, or other employees with authority to make personnel decisions may exercise discretion in different ways in applying a subjective employment practice under such a statute from precluding a representative party from filing a corresponding group action.

Allows a representative party to elect to proceed in a group action under this Act or in a class action under the Federal Rules of Civil Procedure.

Actions Timeline

- **Jun 20, 2012:** Introduced in Senate
- **Jun 20, 2012:** Sponsor introductory remarks on measure. (CR S4370-4372)
- **Jun 20, 2012:** Read twice and referred to the Committee on the Judiciary