

5/8/2024

Charlotte Burrows
Chair
U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507

Dear Chair Burrows,

We write on behalf of the NAACP Legal Defense and Educational Fund, Inc. to express our concern about possible racial discrimination by the employers AutoNation and Genuine Parts Company. Specifically, we ask the Equal Employment Opportunity Commission (EEOC) to exercise its authority¹ and investigate AutoNation and Genuine Parts Company for possible discrimination against job applicants based on race. Given the persistence of racial discrimination in hiring despite its illegality for decades,² we respectfully urge the EEOC to take immediate action in satisfaction of its mandate to ensure equal opportunity in the workplace.

According to a recent study measuring employment discrimination in parts of the U.S. labor market,³ AutoNation and Genuine Parts Company significantly favor presumed white applicants over presumed Black applicants. From 2019 to 2021, researchers sent 80,000 resumes to 10,000 jobs in an experiment called an Audit Study.⁴ The researchers applied for jobs using resumes with equivalent qualifications but different personal characteristics.⁵ They changed applicants' names to suggest that they were white or Black, and male or female. While the study found that there were racial disparities in the hiring process at several companies, two companies—AutoNation and Genuine Parts Company—were found to favor white applicants over Black applicants significantly more than others. AutoNation, a used car retailer, contacted presumed white applicants 43 percent more often than Black applicants, and Genuine Parts Company, which sells auto parts, called presumed white candidates 33 percent more often.⁶ These significant statistical disparities suggest that Black candidates were rejected because of their race in violation of Title VII of the Civil Rights Act of 1964, and merit further investigation.

As the EEOC is aware, employment discrimination remains deep-rooted in the U.S. labor market.⁷ Black people are relegated to lower wage jobs and less lucrative industries compared to white people with similar levels of education. Indeed, while more Black people have obtained college degrees in the last 20 years, the level of occupational segregation has worsened during that

¹ U.S. EEOC, *EEOC Authority and Role*, updated Apr, 2024, <https://www.eeoc.gov/overview>

³ *Id.*

³ *Id.*

⁴ Claire Cain Miller & Josh Katz, *What Researchers Discovered When They Sent 80,000 Fake Résumés to U.S. Jobs*, *The New York Times*, (Apr. 8, 2024), <https://www.nytimes.com/2024/04/08/upshot/employment-discrimination-fake-resumes.html?searchResultPosition=1>

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

same time.⁸ Black people are segregated in lower-paying jobs and less senior positions not because of personal preferences or a lack of qualifications or skills, but because of ongoing discrimination.⁹ Among other factors, Black applicants face significant hurdles when applying for employment. As the EEOC has publicly stated, studies show that hiring officials are significantly less likely to call back applicants with Black, Hispanic and Asian-sounding names than applicants with white-sounding names—even when they have comparable resumes.¹⁰ Similarly, a 2023 study found that employers were almost 30 percent more likely to hire workers they perceived to be white compared to Black.¹¹ That same study found that employers systematically discriminated against job candidates with names they associated with Black people and exhibited widespread beliefs that people with names perceived to be Black possess lower levels of education, productivity, and noncognitive skills.¹² The results of this study echo the finding of earlier research finding that white applicants have better outcomes than perceived Black applicants. For example, a 2003 study found that job applicants with more common white names needed to send about 10 resumes to get one callback; those with more common Black names needed to send around 15 resumes to get one callback.¹³ The EEOC must do more to investigate such evidence of persistent discrimination, as suspected in AutoNation and Genuine Parts Company, and pursue enforcement actions against employers with biased hiring practices.

Thank you for your consideration of this urgent request. Please let us know if you have any questions or concerns.

Sincerely,

David Wheaton

Amalea Smirniotopoulos, Senior Policy Counsel & Co-Manager of the Equal Protection Initiative

Michael N. Turnage Young, Senior Counsel & Co-Manager of the Equal Protection Initiative

David Wheaton, Economic Justice Policy Fellow

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⁸ Ashley Jardina, et al., *The Limits of Educational Attainment in Mitigating Occupational Segregation Between Black and White Workers*, Nat'l Bureau of Econ. Research (Aug. 2023), <https://doi.org/10.3386/w31641>.*Id.*

⁹ Steve Lohr, *Occupational Segregation Drives Persistent Inequality, Study Says*, The New York Times, (Sept. 4, 2023), <https://www.nytimes.com/2023/09/04/business/black-workers-education-segregation.html>

¹⁰ U.S. EEOC, *Hiring Initiative to Reimagine Equity (HIRE) Fact Sheet*, (Jan. 12, 2022), <https://www.eeoc.gov/hiring-initiative-reimagine-equity-hire-fact-sheet>

¹¹ Martin Abel & Rulof Burger, *Employers Discriminate against Job Applicants with Black-Sounding Names, Study Indicates*, Bowdoin University, (Nov. 27, 2023), <https://www.bowdoin.edu/news/2023/11/employers-discriminate-against-job-applicants-with-black-sounding-names-study-indicates.html>

¹² *Id.*

¹³ Marianne Bertrand & Sendhil Mullainathan, *Employers' Replies to Racial Names*, Nat'l Bureau of Econ. Research: The Digest, (Sept. 1, 2003), <https://www.nber.org/digest/sep03/employers-replies-racial-names>

Washington, D.C. 20005

CC: Commissioner Jocelyn Samuels, Vice Chair, 131 M Street, NE, Washington, DC 20507
Commissioner Keith Sonderling
Commissioner Andrea R. Lucas
Commissioner Kalpana Kotagal