

March 28, 2014

The Honorable Thomas E. Perez  
U.S. Department of Labor  
200 Constitution Ave., NW  
Washington, DC 20210

**Re: Updating Critical Workforce Regulations**

Dear Secretary Perez:

On behalf of The Leadership Conference on Civil and Human Rights, the National Task Force on Tradeswomen's Issues, the Building and Construction Trades Department, AFL-CIO, and the other undersigned organizations, we write to applaud the Department of Labor's (DOL) commitment to reviewing and revising the regulations and goals for women and minorities in apprenticeships and on federal construction projects, guidelines which have not been updated in over 30 years. We intend to provide input during the notice of proposed rulemaking stage and expect that you will receive and consider public comment from various stakeholders to inform the final rule. We urge you to obtain essential expert input from other federal agencies, employers, unions, state apprenticeship plans, and community organizations.<sup>1</sup> The participation and input of these stakeholders, many of whom are directly engaged in registered apprenticeships and working with construction contractors, is vital to ensuring equal access to job opportunities, particularly when improving access to employment is critical in today's economy.

As a companion to the review of the regulations and goals for women and minorities in apprenticeships and on federal construction projects, we also urge you to couple this regulatory work with a review of the federal procurement process and ways in which it can be employed, for example, through project labor agreements,<sup>2</sup> to expand job opportunities for careers in construction. Progress is unlikely if the federal government does not utilize its power to attach registered apprenticeships to job opportunities through project labor agreements. Regulation by itself of a dwindling pool of jobs will not be effective in reaching the goals of attaining greater minority and women's participation on federal construction projects and in registered apprenticeships.

**Construction Contractors' Affirmative Action Requirements:** In 2009, the Office of Federal Contract Compliance Programs announced that it would issue updated regulations on the affirmative action requirements for construction contractors. The regulations that implement Executive Order 11246 prohibit discrimination against workers by federal construction contractors and have helped improve access to higher skilled and higher paying jobs in nontraditional careers. The Notice of Proposed Rulemaking (NPRM) is currently scheduled for April 2014 after several postponements.<sup>3</sup> Moving forward with the updated regulations will provide an opportunity to discuss why current goals have not been met and what additional steps may be taken to improve women and minority representation in the industry. Further delay in the rulemaking process will be at the expense of workers and our economy.

**Equal Employment Opportunity in Apprenticeship Amendment of Regulations:** The Employment and Training Administration first announced in 2009 that it would revise the federal apprenticeship regulations, but the issuance of the revised rules continues to be delayed and the regulatory agenda currently states that the NPRM will be issued in September of 2014.<sup>4</sup> In 1978, the Department mandated affirmative action to increase women and minority enrollment in apprenticeship programs—the main pathway to employment in the skilled construction trades.

However, the current regulations limit the use of innovative approaches that may prove effective in putting low-income people, people of color, and women onto a career pathway. While the numbers of women and minority apprentices has increased since 1978, overall figures remain low and must be addressed. Ensuring that women and minorities are provided opportunity to fully participate in registered apprenticeships through increased demand for registered apprentices and continued equal employment opportunity efforts is essential to solving the problem.

The proper revision and enforcement of these two regulations, coupled with aggressive apprenticeship utilization requirements and strategic job creation funding strategies for the construction industry, can be powerful tools for ensuring that an equitable share of jobs on federally funded projects goes to women and minorities.

We are disappointed with the continued delay in beginning the notice and comment period and ask that DOL move forward with these two sets of regulations as currently scheduled. We look forward to having an opportunity to participate in the rulemaking process on both of these important regulations. For additional information, please contact Lexer Quamie at The Leadership Conference on Civil and Human Rights or [quamie@civilrights.org](mailto:quamie@civilrights.org), Françoise Jacobsohn at Legal Momentum [fjacobsohn@legalmomentum.org](mailto:fjacobsohn@legalmomentum.org), or Sonia Ramirez with the Building and Construction Trades Department, AFL-CIO at [sramirez@bctd.org](mailto:sramirez@bctd.org).

Regards,

9to5

AFL-CIO

Amalgamated Transit Union

American Association for Affirmative Action

American Association of University Women

American Civil Liberties Union

American Federation of State, County and Municipal Employees, AFL-CIO

Apprenticeship and Nontraditional Employment for Women

Brevard National Organization for Women (NOW)

Building and Construction Trades Department, AFL-CIO

Catalyst

Center for Community Change

Center for Law and Social Policy

Chicago Black United Communities

Chicago Foundation for Women

Chicago Jobs Council

Chicago Women in Trades

Christ Lutheran Church & School

Clean Energy Works

Coalition of Black Trade Unionists

Community Services Agency, Metro Washington Council, AFL-CIO

Compliance USA, Inc.

Constructing Hope Pre-apprenticeship Program

Dorchester/Roxbury Labor Committee

Equal Pay Coalition NYC

Equal Rights Advocates

Gamaliel

Greater Orlando NOW

Green For All  
 Hadassah, The Women's Zionist Organization of America, Inc.  
 Institute for Science and Human Values  
 International Union of Painters and Allied Trades  
 Jane Addams Resource Corporation  
 Jewish Council for Public Affairs  
 Lawyers' Committee for Civil Rights Under Law  
 The Leadership Conference on Civil and Human Rights  
 Legal Momentum  
 Madison Area Bus Advocates  
 Massachusetts Tradeswomen's Association  
 Missouri Women In Trades  
 NAACP  
 NAACP Legal Defense and Educational Fund, Inc.  
 National Advocacy Center of the Sisters of the Good Shepherd  
 National Council of Jewish Women  
 National Council of La Raza  
 National Employment Law Project  
 National Gay and Lesbian Task Force Action Fund  
 National Organization for Women  
 National Organization for Women, New York State  
 National Organization for Women, North Carolina  
 National Task Force on Tradeswomen's Issues  
 National Urban League  
 National Women's Law Center  
 National Workrights Institute  
 NAYA Family Center  
 New England Regional Council of Carpenters Sisters in the Brotherhood  
 Ni-ta-nee NOW  
 North Dallas Chapter of the National Organization for Women  
 OAI, Inc.  
 On Equal Terms Project  
 Oregon Tradeswomen, Inc.  
 Partnership for Working Families  
 Pennsylvania NOW, Inc.  
 PolicyLink  
 Public Justice Center  
 Saint Paul Church of God in Christ Community Development Ministries Inc./Project P.R.I.D.E  
 Sargent Shriver National Center on Poverty Law  
 St. Paul Church of God in Christ Community Development Ministries, Inc.  
 The Center for Social Inclusion  
 The National Partnership for Women and Families  
 Tradeswomen Inc.  
 University of Miami Women's and Gender Studies Program  
 Urban League of Portland  
 Verde  
 Vermont Works for Women  
 West Virginia Women Work  
 Wider Opportunities for Women  
 Women Employed  
 Women Unlimited

Women's City Club of New York  
Women's Law Project  
YWCAs of New York State

Cc:

Patricia Shiu, Director, Office of Federal Contract Compliance Programs

Eric Seleznow, Deputy Assistant Secretary and Acting Assistant Secretary, Employment & Training Administration

John Ladd, Administrator of the Office of Apprenticeship

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<sup>1</sup> The engagement of the Advisory Committee on Registered Apprenticeships was essential to the successful revisions of 29 CFR 29 and should be duplicated in any efforts to revise 29 CFR 30.

<sup>2</sup> A project labor agreement is a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project and is an agreement described in 29 U.S.C. 158(f).

<sup>3</sup> DOL Regulatory Agenda *at*

<http://resources.regulations.gov/public/custom/jsp/navigation/main.jsp>

<sup>4</sup> *Id.*