



The Leadership Conference
on Civil and Human Rights

Officers

Chair

Judith L. Lichtman
National Partnership for
Women and Families

Vice Chairs

Derrick Johnson
NAACP
Thomas A. Saenz
Mexican American Legal
Defense and Educational Fund

Secretary

Fatima Goss Graves
National Women's Law Center

Treasurer

Lee A. Saunders
American Federation of State,
County and Municipal Employees

Board of Directors

Gloria L. Blackwell
AAUW
Ray Curry
International Union, UAW
Jocelyn Frye
National Partnership for
Women and Families
Jonathan Greenblatt
Anti-Defamation League
Mary Kay Henry
Service Employees International Union

Damon Hewitt

Lawyers' Committee for
Civil Rights Under Law

Sherrilyn Ifill

NAACP Legal Defense and
Educational Fund, Inc.

David H. Inoue

Japanese American Citizens League

Benjamin Jealous

People for the American Way
Virginia Kase Solomon
League of Women Voters of the
United States

Samer E. Khalaf

American-Arab
Anti-Discrimination Committee

Joni Madison

Human Rights Campaign

Marc Morial

National Urban League

Janet Murguía

UnidosUS

Christian F. Nunes

National Organization for Women

Rabbi Jonah Pesner

Religious Action Center
of Reform Judaism

Rebecca Pringle

National Education Association

Lisa Rice

National Fair Housing Alliance

Anthony Romero

American Civil Liberties Union

Liz Shuler

AFL-CIO

Fawn Sharp

National Congress of American Indians

Maria Town

American Association of
People with Disabilities

Randi Weingarten

American Federation of Teachers

John C. Yang

Asian Americans Advancing Justice |
AAJC

Interim President and CEO

Wade Henderson

March 15, 2022

The Honorable Martin J. Walsh
Secretary of Labor
Department of Labor
200 Constitution Avenue N.W.
Washington, DC 20210

RE: Notice of Proposed Rule – Updating Davis-Bacon and Related Acts Regulations

Dear Secretary Walsh,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 230 national organizations to promote and protect the rights of all persons in the United States, we write to commend you and the Department of Labor for its proposed update to regulations governing prevailing wage requirements under the Davis-Bacon and Related Acts (DBRA), which the department announced on March 11, 2022. As the nation's oldest and largest civil and human rights coalition, The Leadership Conference has for more than 70 years been at the forefront of efforts to build an America as good as its ideals. Among these is the right of all workers to receive fair and just compensation for their labor. The department's DBRA regulatory proposal is an important and long overdue step in strengthening and promoting this vital right.

The department's proposal to update its DBRA regulations is the latest in a host of Biden administration and department initiatives that, taken together, will further strengthen our economy, improve job opportunities, promote equity and inclusion, and boost the rewards of work for America's workers. For example, in the past few months alone:

- The Biden administration worked with Congress to win bipartisan passage of an infrastructure law that will create many new jobs subject to strong DBRA protections.
- With the support of The Leadership Conference, the department issued final regulations implementing Executive Order 14026, which raised the minimum wage for employees working under certain federal contracts to \$15 per hour.¹ This increase will benefit an estimated 390,000 workers, roughly half of whom are Black or Hispanic.²

¹ <https://civilrights.org/resource/re-public-comments-on-rin-1235-aa41-increasing-the-minimum-wage-for-federal-contractors/>

² <https://www.epi.org/blog/up-to-390000-federal-contractors-will-see-a-raise-under-the-biden-harris-executive-order/>

- With the support of The Leadership Conference, the department updated tip regulations under the Fair Labor Standards Act clarifying that an employer may only take a tip credit when employees perform work that produces tips or a non-substantial amount of work that directly supports tip-producing work.³ This reversed a change made by the Trump administration that allowed employers to withhold more than \$700 million in wages annually from their workers.⁴
- The department announced that its Apprenticeship Building America program will make available \$113 million in funding to strengthen the Registered Apprenticeship Program infrastructure and enhance opportunities for individuals to secure apprenticeship participation, with up to \$50 million available to support equity partnerships and pre-apprenticeship activities.⁵
- The department co-hosted a two-week online dialogue engaging key stakeholders on ideas and best practices for ending occupational segregation and underrepresentation and promoting greater diversity and inclusion in the apprenticeship system.⁶
- A new cross-government “Good Jobs Initiative,” led by the department, will educate workers about their rights; engage employers on improving job quality and access; and support partnerships across federal agencies to facilitate improved job quality and access to robust jobs and career opportunities, including for workers from underrepresented communities.
- The department’s Office of Federal Contract Compliance Programs (OFCCP) and the U.S. Equal Employment Opportunity Commission (EEOC) launched the Hiring Initiative to Reimagine Equity (HIRE), a multi-year collaborative that will engage an extensive and diverse array of stakeholders in efforts to erase barriers to employment and boost access to good jobs for individuals from underrepresented communities.⁷

Together with these and other Biden administration initiatives, we believe that the department’s proposed DBRA updates will strengthen construction industry employment opportunities and economic outcomes for all workers, especially workers of color, women, and immigrant workers. The proposal would level the playing field among bidders on federally funded public works and related projects, assuring that responsible employers are not undercut by businesses that depress wages to keep costs low, ensuring that taxpayer dollars support strong and inclusive economic growth, and improving performance and accountability on public contracts. The Leadership Conference will address these points in future comments on the department’s proposed regulations.

³ <https://civilrights.org/resource/re-comments-on-regulatory-information-number-rin-1235-aa21-tip-regulations-under-the-fair-labor-standards-act-partial-withdrawal/>

⁴ <https://www.epi.org/blog/workers-will-lose-more-than-700-million-dollars-annually-under-proposed-dol-rule/>

⁵ <https://www.apprenticeship.gov/investments-tax-credits-and-tuition-support/apprenticeship-building-america-aba-grant-program>

⁶ <https://www.dol.gov/newsroom/releases/eta/eta20211116>

⁷ <https://www.dol.gov/newsroom/releases/ofccp/ofccp20220119>

March 15, 2022
Page 3 of 3



We commend the department's effort to improve prevailing wage protections and look forward to working with you to finalize and implement this important building block of economic and employment opportunity for millions of workers in the United States. If you have any questions, please reach out to Josh Boxerman, policy analyst, at boxerman@civilrights.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Wade Henderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Wade Henderson
Interim President and CEO
The Leadership Conference on
Civil and Human Rights

A handwritten signature in black ink, appearing to read "Jesselyn McCurdy". The signature is cursive and somewhat compact.

Jesselyn McCurdy
Executive Vice President for Government Affairs
The Leadership Conference on
Civil and Human Rights