

The Honorable Hilda Solis, Secretary of Labor
U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington DC 20210

XX July 2009

Dear Secretary Solis:

Congratulations on your confirmation. We are writing to request a re-evaluation of the affirmative action goals for women set by the Office of Federal Contracts and Compliance Programs (OFCCP) in the regulations implementing Executive Order 11246. As you know, the current goal for the utilization of women within Federal construction contracts and subcontracts has not been updated from a level of 6.9% of total work hours since 1980. We believe that with the historic levels of public investment from the American Recovery and Reinvestment Act and the continued and substantial underrepresentation of women in numerous industries in which that Act is likely to create jobs, the time is right to review this goal and reaffirm the Federal Government's commitment to gender equity in the workplace.

Background:

At the time of the original affirmative action regulations in 1978, the OFCCP found that “a review of statistics relating to women in the construction industry shows an almost total exclusion of women from employment. Continued reliance by contractors on established hiring practices may reasonably be expected to result in a continuation of almost total female exclusion”.¹

The OFCCP standards – which progressed from 3.1% to 5% to 6.9% over a period of three years – were designed to end this exclusion and they have made a very positive start. However, the resulting 6.9% participation goal has not been further expanded in over 30 years. This standard is outdated and woefully inadequate to reflect the current availability of qualified women to perform jobs in a variety of industries. The fact that the construction industry is still characterized as a non-traditional occupation (NTO) for women (one in which women comprise less than 25% of the general workforce) is evidence of remaining barriers and the need for Federal action.

There are a number of reasons why it is important to expand access for women into NTOs – particularly construction and the trades. Research has shown that women in NTOs typically earn 20-30% more than those in traditionally female jobs and have greater access to more comprehensive benefits and unionization. NTOs also tend to have more established career ladders that allow women to progress to higher wages and benefits. Furthermore, NTOs employ roughly equal proportions of black, white, and Hispanic womenⁱⁱ, so inclusion efforts will benefit women of all backgrounds. Despite these benefits, barriers to the entrance of women into NTOs remain. These include a lack of training and apprenticeships for women, as well as isolation and sexual

harassment in the non-traditional work environments.ⁱⁱⁱ As we re-tool the country's workforce to changing industries such as alternative energy, the Federal Government has both a chance and a responsibility to remove barriers to opportunity, improve the position of women in society, and boost the economy.

What We Ask:

A recalculation of the 6.9% participation rate is long overdue. The original number was based on data from the 1970 Census. A more appropriate participation goal, based on current workforce and demographic data, is both legally defensible and critical to assist women in making more gains in non-traditional fields. We also ask that this figure be subject to regular review – as opposed to the current “indefinite extension” status that has left the inclusion figure at 6.9% since 1980.

The 1978 regulations reference a working committee that was to make recommendations and conduct oversight for the women's participation goal. It is unclear to what extent this committee was or is (still) active at the OFCCP. Is this committee currently active within the OFCCP in any form? If not, we propose that a similar committee be re-instated – and comprised of a variety of members, from both the Federal government and non-governmental advocacy groups.

Conclusion:

With the historic Federal investment in the areas of infrastructure and the ‘green’ economy, there must come a matching Federal commitment to gender equity and opportunity. Recalculating the goal for female participation in OFCCP contracts is a small, but important step for the Federal government to take in ensuring equal access to the new jobs that the Administration will create.

Thank you for your attention to this issue. We look forward to hearing from you. If you require any additional information, please do not hesitate to contact Megan Curran in the office of Congressman Stark on (202) 225-5065 or Leticia Mederos in the office of Congresswoman DeLauro on (202) 225-3661.

Sincerely,

/s/
Pete Stark
Member of Congress

/s/
Rosa DeLauro
Member of Congress

References

ⁱ 43 Federal Register 14899 (1978).

ⁱⁱ Wider Opportunities for Women (2005). “Women and Nontraditional Work”.
www.wowonline.org/resources/publications.index.asp

ⁱⁱⁱ Wider Opportunities for Women (2005). “Women and Nontraditional Work - Barriers”.
www.wowonline.org/resources/publications.index.asp