



July 11, 2011

Debra A. Carr
Director, Division of Policy, Planning and Program Development
Office of Federal Contract Compliance Programs
U.S. Department of Labor
200 Constitution Avenue, N.W., Room C-3325
Washington, D.C. 20210

Re: AAUW Comments on OFCCP's Changes to Scheduling and Compliance
Check Letters; OMB Control No. 1250-0003.

Dear Director Carr:

On behalf of the nearly 100,000 bipartisan members and donors of the American Association of University Women (AAUW), I am pleased to share AAUW's comments on the Office for Federal Contract Compliance Programs' proposal to expand the scope of its information collection from federal contractors.

AAUW supports the proposed changes and additions to OFCCP's information collection through revisions to the scheduling letter and itemized listing.¹ AAUW has long advocated for "fairness in compensation, equitable access and advancement in employment, and vigorous enforcement of employment antidiscrimination statutes."²

OFCCP is charged with ensuring that federal contractors and subcontractors provide equal employment opportunity through affirmative action and nondiscrimination based on race, color, national origin, religion, or sex. Because federal contractors and subcontractors comprise millions of workers—nearly a quarter of the federal civilian workforce—OFCCP can and should play a pivotal role in combating unlawful discrimination.

Expanded Scope

AAUW supports OFCCP's decision to gather additional information about contractors' personnel policies upon initiating a compliance review. OFCCP proposes to collect information on contractors' hiring, promotion, termination, and compensation decisions, as well as leave and religious accommodation policies. This expanded scope will enable OFCCP to more effectively investigate, analyze, and address employer discrimination.

Change in Definition

AAUW is pleased by this effort to expand protection against compensation discrimination, which is widespread and has real consequences, particularly for women. According to the U.S. Census Bureau and Bureau of Labor statistics,

women who work full time earn about 77 cents for every dollar men earn.³ Because of the wage gap, since 1960, the real median earnings of women have fallen short by more than half a million dollars compared to men.⁴ With a record 70.2 million women in the workforce,⁵ compensation discrimination hurts the majority of American families. Furthermore, women are increasingly the primary breadwinners in their households (22% in 2007, up from 4% in 1970).⁶ In an economic recession with high unemployment in which more women than ever before are the sole or primary sources of household income, the compensation gap is undermining families' economic security.

The proposed changes in the definition of "compensation" and its analysis will strengthen OFCCP's pay equity enforcement efforts. OFCCP's comprehensive definition of "compensation," which includes base salary, bonuses, incentives, wage rate, commissions, overtime, locality pay, and merit increases, will ensure that all forms of employee compensation are analyzed when OFCCP assesses a contractor's practices. Further, requiring contractors to submit any documents or policies that explain the factors used to determine compensation will help OFCCP determine whether pay differences reflect discrimination or legitimate considerations, such as education and experience. Additionally, collecting individualized compensation data for each employee, rather than collective compensation data for each sex and racial/ethnic group, will permit OFCCP to conduct a more effective compensation analysis to identify possible discrimination.

We also suggest that OFCCP require contractors to report the composition of their full-time and part-time employees, and disaggregate. Because part-time employment tends to be held more by women than men, it's important to track an employer's percentage of full-time and part-time employees to identify any possible discrimination on the basis of sex.⁷

Rigorous Enforcement


AAUW supports rigorous enforcement of employment laws. AAUW urges OFCCP to continue its pursuit of discriminatory federal contractors through all the tools at its disposal, including the compensation data collection tool announced in February 2011. Creating an instrument specific to compensation data will underscore OFCCP's commitment to fighting pay discrimination and enhance its ability to identify contractors whose compensation practices warrant further inspection.

Additionally, AAUW supported OFCCP's proposed rescission of two guidance documents that shape current compensation discrimination investigation procedures⁸ and oblige OFCCP to follow an identical procedure for all compensation discrimination investigations "regardless of the facts of a particular case" and perform extensive statistical analysis, even if not warranted by the case.⁹ Treating wage compensation cases just as it does other discrimination cases would reinstate OFCCP's ability to exercise discretion to develop compensation

discrimination investigation procedures in the same manner it develops other investigation procedures, letting it adapt and refine those procedures to ensure that they are as effective and efficient as possible. OFCCP should have every tool possible to protect the civil rights of federal contractors and subcontractors.

Thank you for the opportunity to submit comments on this important issue. I look forward to working with you to fight workplace discrimination. If you have any questions, please feel free to contact me at 202-785-7720, or Beth Scott, regulatory affairs manager, at 202-728-7617.

Sincerely,



Lisa M. Maatz
Director, Public Policy and Government Relations

¹ The Federal Register. (May 12, 2011). *Vol. 76, No. 92; Proposed Extension of the Approval of Information Collection Requirements*. Retrieved July 7, 2011, from www.gpo.gov/fdsys/pkg/FR-2011-05-12/pdf/2011-11570.pdf

² American Association of University Women. (June 2009). *2009-11 AAUW Public Policy Program*. Retrieved February 25, 2011, from www.aauw.org/act/issue_advocacy/principles_priorities.cfm.

³ U.S. Census Bureau. (2009). *Income, Poverty, and Health Insurance Coverage in the United States: 2008, Table A-2*. Retrieved September 8, 2010, from www.census.gov/prod/2009pubs/p60-236.pdf.

⁴ National Committee on Pay Equity. (September 2007). *The Wage Gap Over Time: In Real Dollars, Women See a Continuing Gap*. Retrieved December 11, 2008, from www.pay-equity.org/info-time.html.

⁵ U.S. Department of Labor, Women's Bureau. (2007). *Employment Status of Women and Men in 2006*. Retrieved December 11, 2008, from www.dol.gov/wb/factsheets/Qf-ESWM06.htm.

⁶ Pew Research Center. (January 19 2010). *New Economics of Marriage: The Rise of Wives*. Retrieved December 7, 2010 from www.pewresearch.org/pubs/1466/economics-marriage-rise-of-wives

⁷ U.S. Department of Labor, Bureau of Labor Statistics. (June 22, 2011). *Table 4: Employed Persons Working and Time Spent Working on Days Worked by Full- and Part-time Status and Sex, Jobholding Status, Educational Attainment, and Day of Week, 2010 Annual Averages*. Retrieved July 7, 2011, from www.bls.gov/news.release/atus.t04.htm

⁸ The Federal Register. (January 3, 2011). *Volume 76, Number 1*. Retrieved February 24, 2011, from www.gpo.gov/fdsys/pkg/FR-2011-01-03/pdf/2010-32602.pdf

⁹ Ibid.