



Tina T. Williams

Acting Deputy Director of OFCCP and Director of Policy & Program Development
Office of Federal Contract Compliance Programs
200 Constitution Avenue NW, Room C-3325
Washington, DC 20210

Comment submitted electronically via regulations.gov

Re: Document # OFCCP-2024-0001-0001, Monthly Employment Utilization Report
Proposal to Update and Reinstate Form CC-257

Dear Ms. Williams,

Chicago Women in Trades (CWIT) appreciates the opportunity to provide a comment in support of OFCCP's proposal to reinstate monthly employment reporting through form CC-257, a critical tool to ensure compliance with efforts to increase the gender and racial diversity on federally assisted construction contracts through Executive Order 11246 (EO 11246). As a grassroots organization started by tradeswomen more than 40 years ago, CWIT has worked relentlessly to increase the number of women in the high-wage, union construction trades. The organization has used myriad tactics to achieve greater gender equity: training and development of the pipeline of women interested and ready to enter the field; providing technical assistance to employers, project owners, and apprenticeship programs to address diversity and equal opportunity; building a sisterhood of tradeswomen who mentor and support each other; and advocating directly with decision-makers to create and implement policies that will enhance access to and retention in the industry.

CWIT was thrilled by the historic \$2.3 trillion in investments from the Infrastructure Investment and Jobs Act, the Inflation Reduction Act, and the CHIPS and Science Act, and is encouraged by the Administration's stated commitment to equity in who benefits from the projects created by that funding. The effect that high-wage jobs with great benefits can provide to communities most impacted by occupational segregation are well documented. Currently, only 4.2% of those working in the construction trades are women, and only 7.1% are Black workers.ⁱ In Chicago, the poverty rate for Black women in Chicago is nearly three times that of white men, and more than 40% of Chicago's young Black men are out of school and unemployed.

The unionized construction trades, with wages often exceeding \$50/hour locally once a worker achieves journey-level status, have the potential to contribute a significant number of good paying, high-quality jobs for these marginalized groups. Unfortunately, the Administration's commitments to ensure that investments will increase economic opportunity across all communities will remain unfulfilled in the absence of any mechanism to hold contractors and project owners accountable.

A recent report from the Equal Employment Opportunity Commission confirms that instances of discrimination and harassment based on sex and race are persistent and pervasive in the construction industry, despite EO 11246 expressly prohibiting both, which results in additional burdens to creating and maintaining a diverse workforce.ⁱⁱ Intentional and insistent efforts are required to address these problems, beginning with the federal agencies tasked with equal employment opportunity (EEO) compliance and enforcement, like the OFCCP.

CWIT knows unequivocally how important hiring goals for women and minorities on publicly funded projects have been in shifting the conversation for greater workforce equity in construction. Several of CWIT's founding members entered the industry as diversity hires under initiatives like EO 11246. However, goals without adequate, substantial enforcement are insufficient to achieve gender and racial equity, as we have seen over the decades of advocacy and investments in workforce pipeline development with minimal increases in participation from underrepresented groups.

In our recent reviews of construction employment data from Chicago-area projects that receive federal funding, even now few projects are meeting the 6.9% female work hours reflected in the goals under EO 11246, which are also mirrored in City and State law. Government project owners are also failing to collect information on contractor compliance with the 16 affirmative action steps required under the Executive Order that they need to take to meet participation goals.

As an advocacy and service organization whose mission is dedicated to increasing women's participation in these occupations, much of our understanding of what is happening on the jobsites are based on anecdotal reporting from workers or apprenticeship programs directly connected to us, but this is an incredibly inefficient method of tracking and determining compliance with government regulations. To address the lack of transparency in hiring data for publicly funded projects, CWIT worked with leaders in the Illinois General Assembly to pass legislation to publish demographic data on the workforce of construction projects subject to the state's prevailing wage act – PA 103-0347.ⁱⁱⁱ New quarterly reports published by the Illinois Department of Labor will shed light on gaps in equitable hiring and increase accountability by providing lawmakers and advocates with actionable information on who is benefiting from jobs created by state and local investments.

Similarly, by collecting data from all federal construction contractors and subcontractors, the OFCCP will provide a direct lens onto the full scope of hiring on federal projects, creating not only a baseline to assess the demographics of the workforce, but develop a fuller picture of both contractors making significant strides towards diversity, and those falling far short. Particularly as an agency with limited resources, having a more macro understanding of hiring practices allows the OFCCP to utilize the newly revised reports to better prioritize and focus its compliance efforts in face of the significant federal infrastructure investments breaking ground in every state. It will also assist the agency in recognizing contractor best practices as they are being implemented in the field. The OFCCP has itself highlighted a need to use the data reports to purposefully target and schedule its compliance reviews and evaluations in response to its resource limitations.

In addition, with the recent announcement of 24 newly designated megaprojects by the OFCCP, having monthly reports reestablished will ease the burden on the agency to collect the workforce demographic data required to facilitate the work of the Equal Employment Opportunity Committees on these sites.

The tradeswomen community has seen that the collection and review of regular workforce demographic data has proven to be an irrefutable component of any project successfully meeting or exceeding EO 11246 goals for work hours by women and minorities. In Massachusetts, data collection, community monitoring, and other targeted efforts resulted in several Gaming Commission projects exceeding initial workforce diversity goals.^{iv} The comment provided by our colleagues at the National Taskforce on Tradeswomen's Issues in support of the reinstatement of CC-257 highlights these and other partners.

CWIT is also pleased to see that contractor information will be collected by trade under the updated CC-257 form – this addition reflects the language we advocated for in Illinois under PA 103-0347 to account for hiring on public works projects across the state. RAPIDS data from apprenticeship programs that CWIT has reviewed, as well as employment data for local projects, make it clear that some trades are advancing goals for diverse hiring at a quicker pace than others.

Additionally, we encourage the OFCCP to incorporate information to address requirements under Section 503 and VEVRAA as additional data points on compliance with hiring of both veterans and individuals with disabilities.

Clearly when the CC-257 form was discontinued, there was a burden both on the part of contractors and on the part of the OFCCP staff to make proper and efficient use of the information. In the intervening three decades, technological advances have made it so that this burden has been dramatically diminished – electronic collection and submission of payroll records is now largely the norm for construction contractors and is in fact required in many states. Software has been developed to ease reporting of

demographic fields that contractors are already collecting in databases and eased analysis of the data on behalf of government regulators.

In light of these advances in technology, there is no reason to handicap the agency tasked with ensuring compliance with EEO requirements on federal construction projects by not proceeding with monthly reports. Now is the time for the US Department of Labor to fully push open the door to opportunities to increase economic stability for women, minorities, and other underrepresented groups across the country. CWIT looks forward to continuing to partner with the OFCCP to ensure federal construction contractors have the knowledge and capacity to succeed in the requirements of EO 11246, and advocate for increased access to high-wage careers to improve outcomes for women and people of color across the country through increased economic security.

Sincerely,



Jayne Vellinga
Executive Director, Chicago Women in Trades

ⁱ Data from BLS on construction workforce demographics are summarized by Center for American Progress in their report “How to Support Good Jobs and Workforce Equity on Federal Infrastructure Projects” retrieved from <https://www.americanprogress.org/article/how-to-support-good-jobs-and-workforce-equity-on-federal-infrastructure-projects/>.

ⁱⁱ EEOC Report “Building for the Future: Advancing Equal Employment Opportunity in the Construction Industry” retrieved from <https://www.eeoc.gov/building-future-advancing-equal-employment-opportunity-construction-industry>.

ⁱⁱⁱ See Illinois Data Transparency Legislation here: <https://ilga.gov/legislation/publicacts/fulltext.asp?Name=103-0347>.

^{iv} Outcome data provided in report from the Massachusetts Gaming Commission “Built to Last: Best Practices for Diversity in the Construction Industry” retrieved from <https://massgaming.com/wp-content/uploads/Built-to-Last-Best-Practices-for-Diversity-in-the-Construction-Industry.pdf>.