

NATIONAL TASK FORCE ON TRADESWOMEN'S ISSUES

April 27th 2022

**Written Statement of Kelly Kupcak, Executive Director, Oregon Tradeswomen
on behalf of the National Taskforce on Tradeswomen's Issues
to the U.S. House of Representatives
Committee on Transportation & Infrastructure Subcommittee on Highways & Transit
Hearing on Examining Workforce Development and Job Creation
in Surface Transportation Construction**

Thank you, Chairman DeFazio, Ranking Member Graves, and esteemed Subcommittee Members for providing Oregon Tradeswomen and the National Taskforce on Tradeswomen's Issues for this opportunity to present our views on workforce development and job creation in surface transportation construction.

Oregon Tradeswomen is a nonprofit headquartered in Portland, Oregon, and since 1989 we have been working to increase the number of women entering and succeeding in the skilled trades in construction, transportation, and other blue-collar professions. We provide pre-apprenticeship training, support services, and work in partnership with industry to ensure retention and leadership of tradeswomen. Oregon Tradeswomen is a founding member of the National Taskforce on Tradeswomen's Issues, a national coalition uniting the expertise of local, regional, and national organizations, advocates, allies, and individual tradeswomen to support women in achieving access, opportunity, and equity in the skilled construction, transportation, manufacturing, and clean energy industries and other nontraditional occupations. The Taskforce promotes sound public policies and advocacy initiatives at the national, state, and local levels to improve, enforce, fund, and promote best practices towards equity in registered apprenticeship and training, workforce development, career and technical education, nontraditional employment, retention, and respectful jobsite culture.

There is a critical need at this time of historic and significant investment through the Infrastructure Investments Jobs Act of 2021 (IIJA) into our nation's infrastructure, and through that in expanding workforce opportunities and job creation in surface transportation construction. As many Subcommittee members may know, women remain severely underrepresented in the construction and transportation sectors - fields that provide good wages, benefits, and opportunities for a life-long career. Without intentional efforts to improve and support access to such publicly funded jobs, women, particularly women of color, are unlikely to benefit from these historic levels of investment.

Public policy -- especially the design and delivery of infrastructure investments -- impacts tradeswomen and the work we do every day -- from the local level to state and federal rules, regulations, and laws. Such policies will enhance women's economic security, support employers, and enhance economic growth. When tradeswomen have access to high-wage, high-skilled careers, such as those in the skilled trades, the industry, our local communities, and our nation benefit from the investments in an inclusive and skilled workforce.

Infrastructure and transportation represent more than one out of every ten American jobs. This historic investment of infrastructure spending and the potential to help our nation's jobseekers -- including those most in need -- to secure good paying, quality careers -- not just jobs -- in the transportation and construction industries is here. With continued labor shortage challenges identified by industry employers, the time to reach untapped jobseekers to become part of a skilled, qualified, and highly trained workforce is upon us. According to the 2020 report, "*New Plan to Address Growing Construction Workforce Shortages*", the Associated General Contractors of America (AGC) and Autodesk nationwide survey of industry employers indicated that eighty percent (80%) of construction firms reported they were having a hard time finding workers.¹

With the industry's current workforce aging, and retiring, at a rapid pace and a lack of young workers interested in entering the skilled trades, the impact of construction workforce shortages, according to the survey, is that it takes longer and costs more to build many types of projects. Workforce shortages run the risk of undermining broader economic growth by making private- and public-sector development projects -- including infrastructure -- more expensive and time-consuming. While the AGC/Autodesk report provides several excellent strategies for addressing a workforce shortage, it neglects to include a key strategy in recruiting women. Between February 2020 and July 2021 more women entered the construction workforce than ever before with an increase of 3.2 percent -- the largest increase of any industry during that time.² During this same time, men's participation in the construction industry decreased by 4 percent.

A quarter of a million women work in the construction trades and earn wages and benefits offering economic security. Over the course of her lifetime, a woman working in the skilled trades (for example, as an electrician) can make more than \$1 million more than her counterpart working in a traditionally female-dominated job, such as a childcare worker or service worker.³ Poverty rates for women remain at historically high levels, one in seven, substantially higher than poverty rates for men. Access to high-wage careers is

¹ Associated General Contractors of America and Autodesk, "*The Workforce Development Plan 2.0: AGC of America's New Plan to Address Growing Construction Workforce Shortages*," 2019

² Center for American Progress, "*Infrastructure Bill Must Create Pathways for Women to Enter Construction Trades*," 2021

³ Mathematica study on apprenticeship effectiveness and cost/benefit analysis, "*An Effectiveness and Cost-Benefit Analysis of Registered Apprenticeship in 10 States*."

critical for women's economic advancement. Women who obtain high-wage, construction and other skilled trades occupations through quality pre-apprenticeship training, information, and support services, flourish in these careers. However, registered apprenticeship, a primary pathway into high-skilled blue-collar careers, is not serving women.

Nationally, women represent only 4 percent of construction apprentices. Infrastructure jobs also remain highly segregated for Black, Indigenous, and people of color (BIPOC) as well. BIPOC are underrepresented and concentrated in lower paying, less safe, jobs in the sector. Several programs and localities around the country have proven that these low numbers are not inevitable when policy and programmatic approaches, as outlined herein, are applied. Research has shown that women, and particularly women of color, face discrimination in hiring and long-term employment and experience high rates of sexual and racial/ethnic harassment and gender bias on the job. As a result, they are less likely to be retained on core crews, promoted to field leadership positions or to receive the same on-the-job technical training as men, and they do not complete their apprenticeships at the same rates as their male counterparts.⁴

Oregon Tradeswomen and the National Taskforce on Tradeswomen's Issues strongly support the strategic priorities and equity framework outlined in the recent Memorandum of Understanding between the U.S. Departments of Transportation (DOT) and Labor (DOL). Moreover, we have been very pleased that DOT's recent Notices of Funding Opportunity (NOFOs) have embedded priority considerations around strong labor standards, workforce training programs that bring more underrepresented populations into infrastructure jobs, and changes in hiring policies to hire and retain more underrepresented populations. The Multimodal Project Discretionary Grant Opportunity NOFO⁵ issued March 25, 2022, in particular, calls out the requirements that federally-assisted contractors not discriminate in employment on the bases of sex, race, and ethnicity (among other bases) and take affirmative action to meet the goals of 6.9% of construction-project hours being performed by women and geographic-based goals for hours performed by people of color;⁶ the NOFO requires all winning applicants with projects over \$35 million to work with DOL to promote compliance with non-discrimination and affirmative action obligations.

⁴ Sarah Burd-Sharps, Kristen Lewis, and Maura Kelly, "Building a More Diverse Skilled Workforce in the Highway Trades: Are Oregon's Current Efforts Working?" 2021

⁵ 87 Fed. Reg. 17108 (March 25, 2022), <https://www.federalregister.gov/documents/2022/03/25/2022-06350/notice-of-funding-opportunity-for-the-department-of-transportations-multimodal-project-discretionary>. This NOFO is a combined solicitation for applications under DOT's National Infrastructure Project Assistance, Nationally Significant Multimodal Freight and Highways Projects, and Rural Surface Transportation grants programs.

⁶ See 41 CFR 60-4.2(d) and the "NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)" reproduced at Appendix G of OFCCP's Construction Contractors Technical Assistance Guide (TAG), <https://www.dol.gov/sites/dolgov/files/ofccp/Construction/files/ConstructionTAG.pdf>. Federally assisted construction contractors are also required to take 16 minimum steps to promote equity; see "STANDARD FEDERAL EQUAL EMPLOYMENT

Through our work at Oregon Tradeswomen, and through the National Taskforce on Tradeswomen’s Issues, we have seen firsthand the challenges of tackling the intersectional nature of barriers to economic security, particularly for women of color. Improving gender diversity in such fields has two main components: improving the supply of women by providing quality job training without the burden of debt, gender-equitable workforce development programs, such as registered apprenticeships and pre-apprenticeship training programs, and programs that help expand pathways for women to enter or re-enter non-traditional occupations and skilled trades careers. Such job-training efforts must be coupled with public policy that includes such strategies as creating the demand for women by setting ambitious workforce goals, monitoring progress, and enforcing compliance, and providing technical advice and building capacity among contractors, employers, and other industry stakeholders.

The experience of the state of Oregon and other regions where real progress has been made in increasing gender and racial diversity in nontraditional occupations teaches that generating change requires resources, technical advice, clearly stated goals and expectations, and regular monitoring and enforcement⁷. We recommend that infrastructure and related funds disbursed to states include clear set-asides for workforce development, including for support services such as childcare and transportation stipends, as well as for enforcement and oversight as have seen such investments result in retention of workers, and economic mobility for themselves and their families.

We recommend a number of specific measures like those described in the March 25, 2022, Multimodal Project NOFO that state DOTs should require of construction contractors for projects funded by IIJA where the total project cost exceeds \$10 million state DOTs should adopt to prioritize equity for women and people of color in the surface-transportation workforce:

1. ***Nondiscrimination and affirmative action.*** First and foremost, state DOTs should make sure that contractors implement the affirmative action requirements, including the specific numeric goals for minority and female participation and the 16 minimum steps, which apply to federally assisted construction contracts.

OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS (EXECUTIVE ORDER 11246),” set out at 41 CFR 60-4.3(a) (and also reproduced at Appendix G of the TAG.

⁷ See *Report on the Use of Federal Funds to Increase Diversity and Prepare those Entering the Highway Construction Workforce* (ORS 184.866), Oregon Department of Transportation (2020) .

<https://www.oregon.gov/odot/About/GR/Highway%20Construction%20Workforce%20Development%20Report.pdf> ; and *Untapped Resources, Untapped Labor Pool: Using Federal Highway Funds to Prepare Women for Careers in Construction* by Ariane Hegewisch, Jane Henrici, Elyse Shaw; Thomas Hooper (2014). Boston, MA: Jobs For the Future <https://www.jff.org/resources/untapped-resources-untapped-labor-pool-using-federal-highway-funds-prepare-women>

2. **Supportive services.** State DOTs should require each project's General Contractor to spend at least one-half of one percent (0.5%) of the overall project budget on supportive services for project workers to maximize opportunities for women and people of color. The supportive services eligible for funding under this requirement should be pre-apprenticeship; childcare; tools; workwear; retention services (including support groups, mentoring, and peer networking); and application fees and other costs of entering registered apprenticeship programs and required pre-employment training.
3. **Respectful worksites.** State DOTs should require each project's General Contractor to adopt workplace anti-harassment policies and to provide effective, on-going respectful-workplace training accompanied by a social campaign designed to create inclusive and diverse work sites for all the employees working on the project.
4. **Transparency.** State DOTs should require each project's General Contractor to report the participation rates for women, minorities, and apprentices working on the project, alongside the applicable goals, to the public on an accessible online site, to Office of Federal Contract Compliance Programs (OFCCP) in DOL, and to the state DOT; and to update those reports twice per month.
5. **Community engagement.**
 - a. State DOTs should convene a meeting of representatives of community-based organizations and the labor unions that will represent workers on each project as the bid solicitation conditions are being developed.
 - b. Once the contract is awarded, state DOTs should require each project's General Contractor to convene meetings with a committee that includes the state DOT, community-based organizations, relevant labor unions, relevant government officials, and the subcontractors on the project at least monthly, beginning at least 90 days before any hiring for the project begins, and to require subcontractors' participation in these meetings in their contracts. The purpose of these community meetings is to review the General Contractor's and subcontractors' implementation of the equity requirements, to provide the committee members with necessary records, and to brainstorm solutions to challenges encountered in implementing the equity requirements. The General Contractor should also be required to provide an OFCCP representative, a representative of the state DOT, and an ombudsperson from the community

committee with open access to the work site to monitor conditions, provide support and assistance, and mediate issues.

6. **Robust oversight.** State DOTs should require the General Contractor and subcontractors to consent to twice-monthly compliance reviews by OFCCP and to participate in OFCCP’s “Mega Construction Project” program.
7. **Sanctions.** State DOTs should require the General Contractor and subcontractors to agree to the sanctions in addition to those already available under law if the state DOT or OFCCP finds that the General Contractor or subcontractor is not in compliance with these requirements. These additional sanctions include mandatory suspension of progress payments until such time as the contractor comes into compliance; a discretionary civil penalty of up to \$14,502 per violation and \$145,027 per day for failure to comply after the effective date of an administrative order or OFCCP compliance agreement; and compensatory and where warranted under current legal standards, punitive damages if such non-compliance results in monetary harm to an individual or class of individuals because of unlawful discrimination.
8. **Flow-down applicability.** State DOTs should require the General Contractor and the subcontractors working on the project to include these requirements in all their subcontracts.
9. **Administrative expenses.** State DOTs should require that the General Contractor dedicate at least one-half of one percent (.5%) of the overall project budget to the administrative expenses of implementing these requirements.
10. **Apprentice utilization minima.** State DOTs should require that the General Contractor and subcontractors together employ registered apprentices for a minimum of twenty percent (20%) of hours worked on the project, by trade.

To ensure that all parties are aware of these requirements in advance of bidding, the federal Funding Opportunity Notices and state bid solicitations should be required to contain these provisions, and submitters of proposals and bids should be required to state their plans for meeting these requirements.

Because of its oversight role, this Subcommittee has a critical role to play to ensure that workforce development and job creation not only meet industry demand for a skilled workforce but invest in an equity framework for all Americans. To that end, Oregon Tradeswomen and the National Taskforce on Tradeswomen’s Issues respectfully ask that this Subcommittee conduct robust oversight of the design and delivery of the infrastructure investments by both the federal and the state DOTs to ensure that they not only meet industry demand for a skilled workforce, but invest in an equity framework for all Americans.

Finally, Oregon Tradeswomen and the National Taskforce on Tradeswomen's Issues encourage this Subcommittee to consider the following, more general strategies for creating equitable job creation:

- Assist State and local government partners as well as private-sector industry to identify, train, employ, reskill, and retain the diverse workforce needed to rebuild and operate American infrastructure.
- Integrate job quality, labor standards and equal employment opportunity standards across all grants related to transportation infrastructure.
- Leverage Federal spending to create better-paying jobs in fair and safe workplaces that include health, retirement, and other essential benefits.
- Create a more diverse infrastructure workforce.
- Engage stakeholders and develop strategic partnerships with organizations that can draw on all of America's strength, talent, and skill, including coalitions that represent women, BIPOC, and other populations facing systemic barriers to employment, to support the design and implementation of proven workforce development strategies that train and support the workers needed for the successful delivery of infrastructure investments.
- Expand Registered Apprenticeship in high growth areas such as electrification, zero-emission transportation systems maintenance, bus, rail, truck operators as well as cyber-security and intelligent transportation systems technology.

When tradeswomen have access to sustainable careers, which includes equitable work hours, workplace policies that support work/family balance, comprehensive on-the-job training and freedom from sexual and racial harassment, the broader industry benefits from this underutilized portion of demographic in the skilled trades workforce. Oregon Tradeswomen and the National Taskforce on Tradeswomen's Issues respectfully urge you to support the recommendations outlined herein to implement strategies to attract, retain, and empower diverse qualified workers to build and maintain our transportation system. By implementing these strategies, we can collectively address industry demands and tap into the talent of our nation's women who can help build our nation's road and bridges while building a more secure economic future for themselves and their families.

For more information on the
National Taskforce on Tradeswomen's Issues,
please visit our website at: www.tradeswomentaskforce.org