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AGC of America
THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA
Quality People. Quality Projects.



June 13, 2011

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

Re: Request for extension of comment period on proposed rule pertaining to Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Protected Veterans (RIN 1250-AA00)

Dear Ms. Carr:

The Associated General Contractors of America (AGC) requests an extension of the public comment period, for an additional 60 days, on the Office of Federal Contract Compliance Program's (OFCCP) proposed rule pertaining to the affirmative action and nondiscrimination obligations of contractors and subcontractors regarding protected veterans as published in the *Federal Register* on April 26, 2011.

AGC is among the oldest and largest of the nationwide trade associations in the construction industry representing more than 32,000 firms in nearly 100 chapters throughout the United States. Among the association's members are approximately 7,000 of the nation's leading general contractors, more than 12,000 specialty contractors, and more than 13,000 material suppliers and service providers to the construction industry. These firms, both union and open shop, engage in the construction of buildings, shopping centers, factories, industrial facilities, warehouses, highways, bridges, tunnels, airports, water works facilities, waste treatment facilities, dams, water conservation projects, defense facilities, multi-family housing projects, municipal utilities and other improvements to real property. Many of these firms regularly perform construction services for government agencies under contracts covered by the laws administered by the OFCCP. Most are small and closely held businesses.

The proposed rule would be used by OFCCP to increase the affirmative action obligations of covered federal contractors by detailing specific actions a contractor must take to satisfy its obligations regarding protected veterans. The proposed rule will also increase the contractor's data collection obligations by requiring the contractor to establish hiring benchmarks to assist in

measuring the effectiveness of its affirmative action efforts regarding protected veterans. The changes are significant and complex, and as a result, this proposed rule will impact all stages of federal contracting for construction employers and will have a substantial impact on the construction industry as a whole.

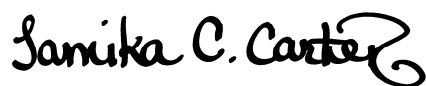
These regulatory initiatives come at a time when the construction industry is particularly hard hit from the economic recession, suffering from sustained unemployment levels between 16 and 20 percent with no expectation to change any time soon as work on stimulus projects taper off. Construction companies have been forced to cut overhead in order to survive, making it extremely time consuming for skeletal-staffed construction HR departments to review and evaluate these complicated arguments and analyses.

Of particular importance to the construction industry is the proposal that contractors will be required to establish and calculate their own numerical hiring benchmarks; collect and maintain additional data regarding veteran referrals, applicants and hires; list positions with employment services in the manner and format required by each individual employment service; offer applicants to self-identify as a veteran pre- and post-offer; perform and document annual reviews listing physical and mental job qualifications for all job openings; and provide an explanation as to why each requirement is related to the job to which it corresponds. These are just a few of the areas in the proposal that pose a significant importance to the construction industry, yet these changes alone are complicated enough to warrant an extension of the comment period.

Given the importance of the proposal, AGC hosted a conference call with its federal contracting members to discuss the implications of the proposed rule. As a result, AGC and its members are requesting the opportunity to more thoroughly review and comment on OFCCP's supporting documentation, particularly the reporting, recordkeeping, and third party disclosure burden in addition to the operations and maintenance costs tables. While we appreciate OFCCP's efforts to calculate the time and expense associated with complying with the requirements of this proposed rule as indicated in the tables, AGC would like the opportunity to reach out to its members regarding the actual time it takes to perform such tasks and the costs associated with performance.

In light of the many important issues addressed by the proposal and the economic interests at state, it is imperative that OFCCP allow all interested parties time to provide meaningful and fully developed comments. AGC therefore requests that the comment period be extended by 60 days.

Sincerely,

A handwritten signature in black ink that reads "Tamika C. Carter". The signature is written in a cursive, flowing style with a decorative flourish at the end.

Tamika C. Carter
Director, Construction HR