

EMPLOYMENT DISCRIMINATION IN THE CONSTRUCTION INDUSTRY IN BALTIMORE

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A Report of the Maryland State
Advisory Committee to the United States
Commission on Civil Rights prepared for
the information and consideration of the
Commission.

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TO THE

UNITED STATES COMMISSION ON CIVIL RIGHTS

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The findings and recommendations contained in this report are those of the Maryland State Advisory Committee to the U. S. Commission on Civil Rights and, as such, are not attributable to the Commission.

This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

Prior to the publication of a report, State Advisory Committees afford to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses received have been incorporated, added, or otherwise reflected in the publication.

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PREFACE

The United States Commission on Civil Rights

The United States Commission on Civil Rights created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the Act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, religion, or national origin: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

The State Advisory Committees

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

Recommendations to the United States Commission on Civil Rights

This report has been prepared for submission to the United States Commission on Civil Rights by the Maryland State Advisory Committee. The conclusions and recommendations in this report are those of the Committee and are based upon its evaluation of information received at its two-day open meeting in Baltimore, May 4-5, 1972, and from staff and Committee investigations.

Do we have sufficient commitment to do anything about this (discrimination in the construction trades)? If we do, then I would hope that within the reasonably near future we will begin to get something done about the massive exclusion of black people from the right to live.

In essence, that's what discrimination is! If a man can not work, he can not eat, and if you don't eat, you usually die, and there are a tremendous number of black people slowly dying as a consequence of discrimination.

Statement of Sampson Green
at the open meeting of the
Maryland State Advisory
Committee to the U. S. Commission
on Civil Rights, May 4, 1972.

INTRODUCTION

To determine the current status of job opportunities for minorities in the construction industry in the Baltimore area, the Maryland State Advisory Committee to the U. S. Commission on Civil Rights undertook an investigation which culminated in an open meeting or informal hearing in May 1972. Participating in the meeting were minority workers, construction contractors, union officials, civil rights activists, and government representatives. The Committee also reviewed a great many documents and related materials to better understand the nature of the construction industry, obstacles to entry for minorities, and the effectiveness of current remedies.

The Maryland State Advisory Committee studied the problem of employment discrimination in Maryland in 1964 and concluded:

The lack of equal opportunity in employment to Negroes may well be the decisive factor in the tense racial situation in Maryland. There has been little government action to remedy the situation. Apprenticeship programs have been virtually closed and Negroes have been discouraged from applying Contractors' and unions' pledges of equal opportunities also, in the main, have been hollow.

In 1965, the Committee reported:

Despite some encouraging developments, the overall picture in Maryland has not improved rapidly in the last 12 months.

In view of the limited gains that have been made, the Maryland State Advisory Committee in its 1972 investigation tried to determine what Federal, State, and local government agencies, and the private sector could do to increase the number of minorities in the skilled trades in the construction industry.

Minority unemployment rates continue to be 50 to 100 percent greater than white unemployment rates. In 1971, total unemployment for the Baltimore area was 6.1 percent; unemployment for whites was 4.1 percent and non-white unemployment was 9.4 percent.

It is the hope of the Maryland State Advisory Committee that this report will shed light on discrimination in the construction industry and contribute toward solutions to help alleviate the problems.

The bulk of the information contained in the report is drawn from the presentations of the participants at the May 1972, open meeting. However immediately prior to publication, an effort was made to determine if any meaningful change had taken place affecting the Baltimore construction industry that would have a bearing on the report.

It appears that if anything has occurred, it is that concern with minority training and hiring is being given an even lower priority.

The city has not adopted a hometown plan, nor has the Federal Government imposed a plan on Baltimore. In a July 19, 1973 memorandum to heads of all agencies, Peter J. Brennan, Secretary of Labor, is apparently attempting to prevent the implementation of State or local anti-discrimination programs stricter than court imposed. (A copy of the memorandum appears in the appendix.)

While there appears to be a "hands off" policy regarding the Baltimore construction industry, the Baltimore Office of the Equal Employment Opportunity Commission reported that it has received more than 300 complaints against the construction industry since the May 1972 open meeting.

The Committee acknowledges the aid of the following staff members of the Mid-Atlantic Regional Office of the U. S. Commission on Civil Rights in the preparation of this report, under the supervision of Jacob Schlitt, Regional Director: Diane Brewer, Phyllis Dodson, Edwina Miles, Emily Olbrich, Rodgers Priester, LaVert Taylor, and Lucille Tucker.

BACKGROUND

Following the passage of the 1964 Civil Rights Act, Executive Order 11246 was issued the following year and updated by Executive Order 11375 in 1967. This Presidential order bars discrimination on the basis of race, color, religion, national origin, or sex by employers with government contracts of \$10,000 or more, and bars discrimination in all federally assisted construction contracts. The Executive Order further directs that Federal contracts require "affirmative action" to insure employment and treatment on the job without regard to race, color, religion, sex, or national origin.

The Office of Federal Contract Compliance (OFCC) of the U. S. Department of Labor, in Revised Order Number 4 [41 C.F.R. 60-2 (1971)] defines, in detail, guidelines for an affirmative action program and for determining the compliance status of Federal contractors not in the construction industry. Comparable guidelines do not exist for Federal contractors in the construction industry.

Only in areas where there are established hometown plans (e.g., Chicago*, Pittsburgh), or imposed plans (e.g., Philadelphia, Washington, D. C.), are contractors given set criteria (numerical or percentage goals) to determine "good faith efforts" in achieving compliance. In a non-plan area, OFCC designates compliance responsibility for a contractor to the Federal agency with the largest total dollar contract.

*Failure of the Chicago Plan was announced by the Department of Labor in October 1973.

The agency is then responsible for monitoring the contractor's affirmative action program. However, a contractor dealing with several Federal agencies may still have several guidelines for affirmative action to follow. As a result, there is no set criteria by which a contractor is measured, and monitoring is generally ineffective.

A hometown plan is an agreement by three groups: representatives of the minority community, the contractors (usually the contractors' association), and the unions. City Hall may invite the groups to discuss hiring goals for the skilled trades. The three groups set hiring goals on a yearly basis for no longer than five years.

A hometown plan does not have any enforcement power. Contractors and unions are required to make a "good faith" effort, but the commitment varies depending on pressure brought by the community and the vigor of the Federal contracting agency monitoring the contractor's efforts. Contractors who are parties to the plan are held to the agreed upon goals on all Federal or federally assisted construction projects costing over \$500,000 and are not required to submit individual written affirmative action programs.

During the first year, a contractor's participation in the plan will be viewed by OFCC as "evidence of general compliance with E. O. 11246."* In the event that a contractors' association refuses to sign the agreement, bid conditions and written affirmative action programs

*See OFCC Model Area Wide Plan, CCH Employment Practices Guide, para. 1721 (1973).

are required. A non-plan contractor bidding on a government contract in an area covered by a plan must submit goals for minority hiring and an affirmative action program stating how the goals will be met.

An imposed plan may be instituted when a hometown plan does not seem feasible. Bid conditions are used when an imposed plan is in effect. In an imposed plan area, all contractors with contracts of \$10,000 or more on a project of \$500,000 or more must meet bid conditions set by the Department of Labor.

In preparation for an imposed plan, OFCC holds a hearing to obtain the views of the unions, the contractors and the minority community. When the plan is developed, the Federal agency with the largest total dollar contract again has responsibility for monitoring it. If the agency believes the contractor is not abiding by the plan, it notifies OFCC. And if OFCC finds the contractor in non-compliance, it can hold up program payments to the contractor.

The Office of Federal Contract Compliance in 1970 designated the Baltimore metropolitan area for development of a hometown plan. Since a plan never evolved, members of the minority community and civil rights officials in Baltimore began to pressure the OFCC to institute an imposed plan.

In the spring of 1971, a meeting was called by the Office of Federal Contract Compliance to instruct those Federal agencies with compliance responsibilities for construction to conduct comprehensive compliance reviews in the Baltimore area. The agencies included: the Department of Housing and Urban Development; the Department of Health, Education, and Welfare; the Department of Transportation; the Depart-

ment of Defense; the Environmental Protection Agency; the Small Business Administration; and the Department of Agriculture. Compliance officers from these agencies conducted compliance reviews of the contractors for whom they had responsibility and, as requested, forwarded their reviews to the Office of Federal Contract Compliance. As of October 1973, nothing had been done to establish a hometown plan or to implement any other device to provide for equal employment opportunities in the construction industry in Baltimore.

Extensive federally assisted construction is under way or projected in the Baltimore area -- 76 contracts totalling \$199,000,000 -- and they are covered under the nondiscrimination requirements of Executive Order 11246. Furthermore, Article 4, Section 10 of the Baltimore City Code (1966) broadly prohibits all employment discrimination in the city. In addition, all city construction contracts are now required to include a provision based upon Section 10 forbidding discrimination in employment.*

Members of the Maryland State Advisory Committee to the U. S. Commission on Civil Rights were among those who looked for a major break-through for minorities in the construction industry because of the extensive compliance reviews conducted. Unfortunately, no action has been taken and there is neither a hometown plan, nor an imposed plan for construction in the Baltimore metropolitan area.

*See Baltimore City Board of Estimate Resolutions April 13, 1960, and February 7, 1968.

THE ALLEGATIONS

The following are allegations voiced by participants during the State Advisory Committee open meeting in Baltimore in May 1972, and by individuals interviewed during its investigation:

- the Federal Government, in general, and the Office of Federal Contract Compliance, in particular, have failed to carry out their responsibility to prohibit discrimination in the construction trades.
- the official State and local human relations agencies -- the Maryland Human Relations Commission and the Baltimore Community Relations Commission -- are unable to deal with the problem.
- the building trades contractors -- both union and non-union -- and the unions in the construction trades continue to discriminate in employment and in union membership.
- the programs that have been developed to train minorities to become apprentices or to qualify as journeymen are inadequate.
- the few minority contractors who might serve as employers of minority labor are unable to get bonding or necessary government assistance to enable them to compete with white contractors.

Irwin Auerbach, Chairman of the Research and Development Committee of Activists, Inc., a civil rights organization in Baltimore concerned with employment and housing, was one of the civil rights spokesmen in Baltimore who urged the adoption of a Philadelphia-type plan. The plan, he told the Advisory Committee, should have penalties for failure to meet equal opportunity goals similar to those imposed on a builder who fails to meet his contractual obligations to complete a building on time.

Mr. Auerbach suggested that if a contractor agreed to hire 50 black carpenters in a quarter and hired only 30, a fine should be levied equal to the combined wages of the 20 carpenters not employed.

Sampson Green, Chairman of Activists, Inc., charged that the government ignores civil rights violators. "There is just as much of a problem with the enforcers within this area as there is with the non-compliers," Mr. Green said. He also said there are massive files of civil rights violations in the construction industry, but few sanctions had been applied against the violators. He discounted the possibility of effective action by State or local human relations agencies saying:

The only potential existing to do anything substantial lies within the Federal Government. I believe we have been working with OFCC for approximately a year, and they haven't gotten around to getting with us to make a plan. They are still looking at the statistics and probably not making half of those available to us.

The State Advisory Committee also heard statements that minorities are not getting their fair share of construction jobs in the Model Cities area.

William Davis, Coordinator for Manpower and Housing for Model Cities, explained that the CDA-11 letter calls for the hiring of Model City area residents. (The CDA-11 letter is an administrative proclamation from the Office of Community Development, U. S. Department of Housing and Urban Development. It was never published in the Federal Register and does not hold the effect of law.)

Walter Lewis, Coordinator of the Model Cities M-5 Recruitment Training Project, said that the recruitment training program in the Model Cities area had met with little success because of the strict qualifications a trainee must meet before being accepted into some local unions. Mr. Lewis said that although the program was designed to train Model Cities residents to become journeymen or apprentices, very few had made it.

Representatives of civil rights organizations at the open meeting expressed their concern about the high rate of unemployment among blacks and other minorities, the low percentage of minorities in the construction industry and the unions, the lack of enforcement of the Executive order, and the amount of Federal funds being spent in the Baltimore area. They generally agreed that violations of both Federal and local non-discrimination laws are rampant and that little has been done to alleviate the problems.

One program designed to increase the number of minorities in registered apprenticeship programs is LEAP (Labor Education Advancement Program). It is funded by the U. S. Department of Labor, and initiated at the national level by the National Urban League and organized labor. LEAP is sponsored in Baltimore by the Baltimore Urban League and the Baltimore Building and Construction Trades Council.

Thomas Waters, LEAP's first director in 1967, explained that the Urban League had the dual responsibility of recruitment and training and it was difficult to do both. Mr. Waters said that the unions, the Apprenticeship Information Council, and the Bureau of Apprenticeship and

Training were cooperative, but contractors often expressed indifference and prejudice.

William Burke, a black former electrician's apprentice, charged that there was a great deal of discrimination in the unions and the apprenticeship programs. Most of the black apprentices were assigned work outside of Baltimore, he said. "They were jobs that were inaccessible unless you had an automobile...and the majority of us...could not afford an automobile."

Mr. Burke said that apprentice training was inadequate. "The black apprentice," he said, "swept up and became a 'gopher' (go for this or that)." He also alleged that instructors in the classes marked test papers of black apprentices more severely than whites.

According to Mr. Burke, whites were given the "cream" or higher paying jobs and the overtime work and blacks were steered into brick-laying, asbestos or carpentry which are lower paying. Blacks were not represented effectively by the union officials in their grievances, he said.

The selection process was also criticized by Mr. Burke:

I knew when I appeared before those six white gentlemen that I had one strike against me right there. . . I was told once by a member of the union that we have to convince certain members of the committee that we're doing the right thing. If that's the case, then they should dissolve their selection committee.

Black applicants also had an additional handicap in the inferior education they received in predominantly black schools, said Mr. Burke. "Our schools do not prepare us to pass these examinations." Mr. Burke

called the General Aptitude Test*"irrelevant and discriminatory."

Randolph Russell, a black electrical contractor, described his difficulty in obtaining major construction work because of his inability to obtain a performance bond. The general contractors would not intercede on behalf of black contractors, he said, and the Federal Government does not give the support that it should in these matters.

Mr. Russell said:

I am bidding on a \$60,000 job which I think I almost have, but my only hitch right now is bonding. I don't even think working capital would be as much of a problem if I could obtain a bond. I understand the Federal Government is subsidizing minority bonding now, but I can't make heads or tails of that. I can't find out who you are supposed to see.

Several months after the State Advisory Committee's open meeting in May 1972, the Legal Aid Bureau in cooperation with the National Employment Law Project filed a suit against six construction locals -- the Baltimore Building and Construction Trades Council, five contractors associations, six joint apprenticeship committees, and five building contractors. The suit charged racial discrimination by the defendants and sought to enjoin the unions and the joint apprenticeship committees from discriminating against qualified blacks in recruitment, training, membership, referral and representation. The Building and Construction Trades Council and the contractors associations were accused in the

* The General Aptitude Test Battery (GATB) is a standardized test which measures general aptitude including finger dexterity, verbal comprehension, mechanical comprehension, special perception, etc.

suit of having active knowledge of the discriminatory practices and having acceded to and participated in them. The suit also alleged that contractors have placed discriminatory job orders, failed to integrate their permanent work forces, and laid off workers discriminatorily. The suit further charged that the defendants have made no attempt to correct these discriminatory practices. The matter is pending in Federal Court in Baltimore.

THE CONTRACTORS, THE UNIONS, AND APPRENTICESHIPContractors

The Committee heard from Cal Solem, Executive Vice President of Associated General Contractors (AGC), the association of union contractors doing carpentry and cement masonry work; Leo Ruppert, Manager of the Mechanical Contractors Association, representing union contractors in the steamfitting and plumbing fields; Andrew V. Reid, Executive Secretary of the Maryland Chapter of the National Electrical Contractors Association of Maryland, the umbrella organization for unionized electrical contractors; and William Burgemeister, President of the Baltimore Chapter of the Associated Builders and Contractors (ABC) which represents primarily non-union contracting firms.

These representatives explained that they provide information and service to their members, and also serve as collective bargaining agents. Apprenticeship programs are also among their concerns.

Mr. Solem pointed out that AGC is a member of the Carpenters Joint Apprenticeship Committee (JAC), which has 200 carpenter apprentices of whom 19 percent, he estimated, are minority group members. He said that the cement masons have 50 percent minority apprentices, and 60 percent of their laborer's training program are minority members. His members' total work force including laborers was close to 50 percent minority, he said. Journeymen carpenters are paid \$8.50 an hour and laborers \$5.40 an hour, according to Mr. Solem.

Asked why the laborers and cement masons have such a high percentage of minority trainees, he replied, "the two areas... are

traditionally black trades." He further explained that the carpenters have a 4-year apprenticeship program, whereas the laborer's training program runs from 4 to 6 weeks. It should be noted, however, that laborers and cement masons are probably the lowest paid and are the jobs requiring the least skill training in the construction industry.

Mr. Ruppert explained that the Mechanical Contractors Association of Maryland served as the bargaining agent with two local unions, Steamfitters Union Local 438 and Plumbers Union Local 48. When asked about the number of minorities in the plumbers' and steamfitters' apprenticeship programs, he presented the following figures:

PLUMBERS LOCAL 48
APPRENTICESHIP PROGRAM
September 1971

<u>Year</u>	<u>Total</u>	<u>Minorities</u>
1st	15	1
2nd	21	3
3rd	11	2
4th	12	2
5th	<u>13</u>	<u>2</u>
	72	10

STEAMFITTERS LOCAL 438
APPRENTICESHIP PROGRAM

<u>September 1, 1971</u>			<u>May 1, 1972</u>	
Year	Total	Minorities	Total	Minorities
1st	48	12	40	10
2nd	39	2	36	2
3rd	23	2	23	2

STEAMFITTERS LOCAL 438
 APPRENTICESHIP PROGRAM
 (cont'd)

<u>September 1, 1971</u>			<u>May 1, 1972</u>	
Year	Total	Minorities	Total	Minorities
4th	25	2	25	2
5th	$\frac{20}{155}$	$\frac{0}{18}$	$\frac{19}{143}$	$\frac{0}{16}$

Mr. Ruppert said that LEAP was his primary source of recruitment. Asked if he felt that the present 5 year apprentice period for plumbers and steamfitters was too long, he replied:

...in view of the technological advances we've had in the last 7 to 10 years, we do not feel that we can cut down that 5 year apprenticeship program. Right now we are training people in the schools on subject matter that probably was not necessary 10 years ago....

This view was generally held by all representatives of the contractors' associations, most of whom said they felt that a shortening of the training program would result in inadequate preparation. They also agreed that it would take about a year for a person who met all the requirements to enter an apprenticeship program because of the limited number of slots available each year. According to Mr. Reid of the Electrical Contractors Association, 904 persons applied for 75 slots in the electrical apprenticeship program in 1971.

When asked what kind of difficulties were encountered in recruiting more minority members, AGC's Mr. Solem said:

Well, the competition is very difficult. This is a very highly sought program. To get young men who have a background in this -- taking shop

courses in school, they have relatives who are in the program. We even have fellows who have some college. So the competition for these positions is very keen.

Mr. Solem stated that the number of apprentices accepted during a given year was determined by the number of people leaving the trade and the number of jobs available. He said that the current economic situation was very poor and that there were not enough jobs for existing journeymen and apprentices.

Asked why there were no black contractors in the Associated General Contractors, Mr. Solem explained that the AGC was union-oriented and that no black contractors met this requirement.

Mr. Burgemeister said that the Associated Builders and Contractors had recently adopted an affirmative action plan and selection procedure that would increase minority participation. To participate in ABC's apprenticeship program, he said, an applicant must first get a job with one of the Association's members and then apply for the program. Of 203 persons in ABC's apprenticeship program, 83 were minorities. Mr. Burgemeister said that recent government restrictions had been placed on ABC's program, forcing them to register their apprentices and have applicants take the GATB test and an interview.

He explained:

...minority participation has not been good. We have advertised in local papers in the past, and we've had very little success. Now, through our affirmative action program, the response is a whole lot better of blacks applying...for the '72-'73 year. We have had 81 blacks, 1 Spanish, 1 East Indian, and 120 whites...a total of 203. We don't know what's going to happen now. Of

course, after this they have to go down and take the GATB test, and then return to the office for the interview, and then they will be placed in their status.

Mr. Burgemeister said another problem in the training of apprentices is the ratio of one apprentice to three journeymen stipulated in federally assisted contracts. "If the ratio were changed," he said, "we could train more people." Although the rationale for the one to three ratio is that there would otherwise be too many workers, Mr. Burgemeister said he had never heard of an overabundance of construction workers. He did not have precise figures concerning the number of minorities employed by non-union contractors.

The Baltimore Building and Construction Trades Council represents local unions in the building and construction trades in Baltimore. Edward J. Courtney, the Council's President, said his organization had started the first outreach program in the country in 1966 to recruit minority youth for apprenticeship. In 1971, the Council applied to the U. S. Department of Labor for a contract that would include journeymen training, but the Labor Department deleted that portion of the contract. The reason for its rejection was the union's refusal to designate how many of the trained journeymen each local would take and assure a job.

Mr. Courtney described a plan devised and signed by the locals and the Urban League to bid on housing construction and to train area residents as provided for in the 1968 Housing Act. This was undertaken because of the more stringent requirements in the outreach and apprenticeship programs with respect to education and age.

However, the project was abandoned because the contractors lost money, he said.

Mr. Courtney said that the Federal Government had done little to eliminate discrimination in the construction industry. He said that he felt that non-union training programs were of little value to minorities who wanted to become craftsmen.

There is only one way to train. . . and that is through an apprentice program. You're going to spend 3 years; you're going to spend 4 years. It can't be done on specific work. It can't be done on government work. . . You have to give the apprentice the mobility of training. When a job finishes here, he's got to go some place else. If you specify he's going to be trained on government work, he's never going to get the experience if he's an ironworker or steam-fitter to even work on a powerhouse because the government doesn't build them.

He also said that the Federal Government does not enforce the Davis-Bacon Act (40 U.S.C. 276a-276a-7). This Act stipulates that Government contracts for public works or buildings must require that construction workers be paid the "prevailing" wage rates as determined by the Secretary of Labor for the skills they are performing.

Asked if all union journeymen had been certified through the apprenticeship program, Mr. Courtney replied, "No". He explained that many journeymen had been non-union craftsmen before they were organized into craft locals. He said that not all black craftsmen come through the apprentice program, and that the ironworkers had just organized a program to certify journeymen workers. This program brought six whites and four blacks into the union as journeymen.

Mr. Courtney estimated that there might be approximately 300 apprenticeship positions for the coming year and noted that the trades have a contract with LEAP for 100. He said that all minority apprentices did not come from LEAP, that many were referred from other sources including the Job Corps, and that some "just walked in off the street."

Mr. Courtney told the Committee that non-union contractors have 80 percent of the Federal work in the Baltimore area, 70 percent in the State, and 60 percent in the city. In Baltimore, a union subcontractor can work for a non-union general contractor. His wages remain the same, but the union does not refer workers to non-union contractors.

Lawrence A. Miller, Coordinator of the Joint Apprenticeship and Training Committee for the electrical industry, explained that this committee operates in cooperation with the Maryland Chapter of the National Electrical Contractors Association and Local 24 of the International Brotherhood of Electrical Workers (IBEW).

Mr. Miller said that of the 75 electrical apprentices selected in 1971, eight were black. Asked if he felt that his program had been effective in recruiting minorities, he replied:

No, I don't feel that an ample job is being done. Not that we are not doing our part, or everything we could do. I think we are limited and we talked about this to everybody up to the president, about having necessary expertise.

He said that there was not enough staff available for making the necessary personal contacts, and that he felt the LEAP program had the same problem.

Mr. Miller pointed out that the minimum requirements for an electrician's apprentice at the present time are: age 18 to 24, a high school diploma with a minimum of one year of algebra, and a qualifying score on the S-72 section of the GATB. Applicants are interviewed by a six-man committee--three employer representatives and three union representatives--who weigh the following factors: general education including some background in mathematics and science, interest in the trade, adaptability, and understanding.

The following information, provided by Mr. Miller, shows the process by which the 75 apprentices were selected from 904 applicants;

ELECTRICIANS
APPRENTICESHIP PROGRAM, 1971

<u>Step</u>	<u>Total</u>	<u>Minorities</u>
Applications filed	904	134
Failed to take GATB	244	32
Failed S-72 part of GATB	161	45
No high school diploma	27	2
No high school transcript	11	0
Failed to show for interview	33	16
No longer interested	41	4
Deceased		1
Unable to locate		5
Interviewed	<u>387</u>	<u>29</u>
Accepted	75	8

Lawrence Thanner, Maryland State Director of the U. S. Department of Labor's Bureau of Apprenticeship and Training (BAT), explained that

BAT's function is to assist, promote, and establish apprenticeship programs in skilled occupations. According to Mr. Thanner, BAT apprenticeship standards spell out the responsibilities of the employer and the apprentice.

Nondiscrimination in apprenticeship, he said, is prohibited by Part 30 of Title 29 of the Code of Federal Regulations issued by the Secretary of Labor on December 13, 1963. These regulations state that apprentices must be selected without regard to race, color, religion or national origin. In April 1971, Title 29, CFR-30 was revised to provide for program sponsors to institute affirmative action as a means of getting minorities into their apprenticeship programs. This means that 30 days prior to receiving applications, notices must be sent to the school system, the employment service, and to minority community organizations. Mr. Thanner said that in Baltimore BAT uses the Urban League, the Opportunities Industrialization Center, and the Concentrated Employment Program as referral sources, and sends notices to the black press and radio stations.

According to Mr. Thanner, the Maryland Apprenticeship Training Council adopted an affirmative action program approved by the Federal Government on October 1, 1971. Mr. Thanner said that all apprenticeship programs in Maryland were required to submit their affirmative action plans to the Maryland Apprenticeship Training Council by April 8, 1972, and all construction apprentice programs had done so.

Louis Causey, Director of the Baltimore Apprenticeship Information Center (AIC), explained that AIC maintains and publicizes an up-to-date

compilation of apprentice information which is available through school guidance departments, the minority community, labor unions, employee associations, and employers. A major function of AIC, he said, is "promoting equal employment opportunities, apprenticeship programs, and other training programs."

According to Mr. Causey, AIC is also expected to determine "the qualifications of applicants by interviewing, counselling, testing, and referring the best qualified to available apprenticeship openings." But, he explained, "We don't do it quite that way; we refer all." It was not, however, to become involved in selection.

Mr. Causey described AIC as a catalyst to help minorities get into apprentice programs. He did not indicate how many minority group members had been admitted into apprenticeship programs because of AIC's role. His responsibility, he said, was to visit schools to publicize apprenticeship programs. "I'm expected to cover the whole State of Maryland," he said, "and advertise apprenticeship to the minority community and it's just an impossible situation."

Edward J. Frack, Director of Apprenticeship and Training of Maryland's Division of Labor and Industry, was unable to meet with the Committee. However, he sent the Committee an analysis of registered apprenticeship programs which appears in the appendix with his letter of transmittal.

LOCAL AND STATE GOVERNMENTS

The rules and regulations governing government contractors and subcontractors [41 C.F.R. 60-1. 5(a) (4) (1973)] exempt State and local governments from filing EEO-1 reports and from maintaining a written affirmative action program. These regulations state that only that subdivision or section of a State or local government which has a Federal Government contract is bound by the nondiscrimination provision. It is not applicable to any subdivision not participating in the work or under the contract or subcontract. This applies to both construction and non-construction contracts.

The Bureau of Inspections of Baltimore is part of the Department of Public Works and is responsible for the contracting of public buildings built by the city. These include such facilities as schools, libraries, police stations, hospitals, and recreation centers. It is also responsible for inspecting those public buildings which are bid through that agency.

William Butler, chief of the Bureau, told the Committee that contracts for city buildings primarily involve city funds, and are governed by the city ordinance which prohibits discrimination. "It is an after-the-fact kind of thing," he said, "We do not have a prequalification."

He explained that his office had been trying to work with some contractors to encourage affirmative action programs by word of mouth, and that he had worked with the Baltimore Community Relations Commission as well.

According to Mr. Butler, the problem with pre-qualification was who should be pre-qualified -- the general contractor or the subcontractors:

The way the contract is written, we have only jurisdiction with one party, the general contractor, and pre-qualification has been a real problem in this particular area. It has been useful in the utility trades, which in these particular contracts are part of the Corps of Engineers, another Bureau of Public Works. They do have pre-qualification, but their problem is simplified because they only deal with one person, where the construction industry has many, many trades that you have to deal with.

Asked if the prime contractor with a city contract was responsible for the activities of his subcontractors, Mr. Butler replied:

Yes, as far as the particular code and prohibition against discrimination, we say that he must make this a part of his contract with the subcontractor. This is definitely spelled out in that particular ordinance.

Mr. Butler said that on some projects the city of Baltimore had "a trainee classification for disadvantaged people." The Minimum Wage Commission had established such a category, he said, but to his knowledge it was not used by any governmental agency. He did not know, however, how many people who finished this training had found jobs.

Mr. Butler admitted that the city did not have an affirmative action policy to which it adhered, and did not monitor contractors to determine if they were, in fact, practicing a policy of nondiscrimination. A complaint is the only method of initiating an investigation of any contractor's employment practices, he said, and his department had only received two complaints of discrimination in

construction employment since 1951.

Marion Pines, of the Office of the Mayor of Baltimore, stated that her responsibility was to coordinate manpower training programs in the city. Although the construction trades emphasize apprenticeship training programs, she said, the city has no funds for these programs. A recent city employment program, funded by the U. S. Department of Housing and Urban Development (HUD), trained minority members to prepare them for entry into a construction apprenticeship program. According to Ms. Pines, HUD made no provision for the trainees to enter apprenticeship. She said she did not feel there was much point in committing \$350,000 to a training program in which people would end up as laborers. What is wanted is a pre-apprenticeship program, Ms. Pines said.

With respect to enforcing contract compliance, Ms. Pines said, "If the Federal Government is going to require the city to ensure contract compliance, they are going to have to give us the resources. . . . The city government does not have the resources. We have a Community Relations Commission and they are claiming that they are tremendously overworked in this area."

David Glenn, then Executive Director of the Baltimore Community Relations Commission, concurred that his staff of 44 was overworked. He explained that two divisions of the Commission, with nine members each, dealt with the problem of minority employment in construction. The Compliance Division, he said, had attempted to increase the number of minority group trainees by having contractors form a consortium

which would agree to make a certain percentage of training slots available to minorities in a given craft; for example, 60 percent of all apprentices would be minority. Such a plan, Mr. Glenn said, could be policed easily by the Commission to force affirmative action. The city could prohibit contractors from bidding on city jobs unless they were part of the consortium or met the objectives. In effect, he explained, the contractors would be pre-qualified. "The major problem is the lack of commitment on the part of elected officials on the city, State, or Federal level," Mr. Glenn said.

The Committee also met with James P. O'Donnell, Deputy Secretary of the Maryland State Department of Transportation, who said that from 1968 to 1972 the Maryland Port Administration and the State Highway Administration had programmed approximately \$149 million in construction money. More than \$77 million was spent in construction of primary and secondary highways in Baltimore and Anne Arundel Counties, and \$70 million for port construction. Mr. O'Donnell said that within the next 5 years as much as \$500 million will be allocated for phase I of the Baltimore Rapid Transit System. This, he said, should increase employment opportunities for minorities and for minority contracting firms as well.

Mr. O'Donnell admitted that although there is a clause prohibiting employment discrimination in all State contracts, there is no active contract compliance program which provides for the recruitment of minority workers or for on-site compliance reviews of contractors' work forces.

He said that his staff had made efforts to contact minority contractors who might be interested in State work. His department had also initiated discussions with private banking institutions in the Baltimore area, as well as with the Council for Equal Business Opportunity, to explore how financial constraints could be eased or eliminated for minority firms seeking surety bonds for contract work with the Department of Transportation.

Mr. O'Donnell did not know how many current State construction jobs were held by minorities. He acknowledged that the State has no mechanism to obtain this information or to enforce its non-discrimination clause yet, during the next 5 years when it will let a billion dollars worth of construction contracts.

Questioned whether his Department required specific goals and standards of contractors to ensure that they meet Federal and local requirements, Mr. O'Donnell replied:

We require whatever affirmative action plans that are required by Federal and local laws. We don't go beyond the requirements and necessities of the law.

FEDERAL ENFORCEMENT EFFORTS

The Committee received information from the following Federal agencies: the Department of Health, Education, and Welfare (HEW); the Department of Housing and Urban Development (HUD); the General Services Administration (GSA); the Equal Employment Opportunity Commission (EEOC); and the Office of Federal Contract Compliance (OFCC).

Department of Health, Education, and Welfare

Frank W. Baldau, Chief of the Department of Health, Education, and Welfare Operations Support Branch, Contract Compliance Division, Office of Civil Rights, said that his was one of the agencies requested by OFCC in mid-June 1971 to survey construction sites. This survey included 45 general contractors and subcontractors and more than 13 trades. Overall black employment with union contractors was 3 percent; with non-union contractors, 7 percent.

Mr. Baldau observed that Baltimore has a significant non-union employment pattern and, in fact, might be called the headquarters of the non-union construction industry. According to Mr. Baldau, union contractors are almost invariably the sole bidders on construction projects over \$6 million. Only occasionally is a project less than \$6 million constructed by union tradesmen. He said the fact that there was a substantial number of non-union contractors in the Baltimore area made little difference in the employment of minority construction workers.

Mr. Baldau admitted that HEW had done little in Baltimore. He said:

I guess our agency, as well as many others, given the territory and the volume of activity going on, and the staff availability certainly isn't able to cover a great number of cities, and one puts one's resources where they can be best utilized. I would say they can not be best utilized here given the situation in Baltimore at the present time.

In response to a letter from the U.S. Commission on Civil Rights in June 1972 on minority employment in the construction industry in Baltimore, the Deputy Director of the Office of Civil Rights of HEW, pointed out that HEW had in the past withheld funds from a contractor who was found in non-compliance. However, in doing so HEW did not have the full support of OFCC and other agencies with compliance responsibilities in the area:

Based on this . . . experience, it is my opinion that HEW alone, even with the leverage of \$50 to \$60 million of federally assigned construction cannot resolve the complex issues of minority group employment in the Baltimore area. . .

I suggest that the principal effort which needs to be made in resolving the problems of minority employment in the construction trades in Baltimore must be a total Federal approach. The Department of Labor, through OFCC, BAT, MDT, and other programs which DOL can coordinate offers the appropriate resources.

Department of Housing and Urban Development

The Director of the Equal Opportunity Division of HUD's Area Office in Baltimore, Barbara O'Banion, told the Advisory Committee of HUD's compliance reviews which were conducted at the same time that other Federal agencies reviewed their construction contractors:

Requests were made by certified mail to 350 contractors to appear for review. Of this number 100 were excused because they were identified as suppliers rather than construction contractors. Approximately 90 contractors had to be given second notices to appear. Twenty-five of

these claimed that the notices were not received. Only 20 of those 90 contractors who received second notices appeared for review; 45 of them never responded. Our recommendation to OFCC requested that these 45 contractors be issued show cause notices.

Bennett Stalvey, Director of OFCC's Region III, was asked if show cause orders were issued. He replied that they were not and explained that HUD does not have to wait for OFCC approval to issue a show cause order. He said the complaints were being reviewed but that he had no idea how long it would take.

HUD's review included 10 union prime contractors and subcontractors and 147 non-union prime contractors and subcontractors. The following is a tabulation of HUD's findings:

CONTRACTORS COMPLIANCE STATUS

<u>Status</u>	<u>UNION CONTRACTORS</u>		<u>NON-UNION CONTRACTORS</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
In Compliance	8	80%	102	69%
Not in Compliance	2	20%	45	31%

The following is a breakdown of the total employment of contractors reviewed by HUD:

UNION CONTRACTORS

<u>CRAFT</u>	<u>TOTAL EMPLOYEES</u>	<u>MINORITY</u>	<u>MINORITY %</u>
Electricians	173	8	4.6
Carpenters	59	11	18.6
Painters	400	0	0
Sheet Metal Workers	939	29	3

UNION CONTRACTORS

<u>CRAFT</u>	<u>TOTAL EMPLOYEES</u>	<u>MINORITY</u>	<u>MINORITY</u>
Iron Workers	263	27	10.2
Insulation Workers	<u>86</u>	<u>4</u>	<u>4.6</u>
TOTAL	1,920	79	4.1

NON-UNION CONTRACTORS

<u>CRAFT</u>	<u>TOTAL EMPLOYEES</u>	<u>MINORITY</u>	<u>MINORITY</u>
Electricians	202	7	3.3
Carpenters	482	43	8.9
Tile Workers	122	19	15.5
Floor Layers & Sanders	78	17	21.7
Operating Engineers	181	50	27.6
Roofers	86	34	39
Painters	120	19	15.7
Brick and Cement Masons	429	195	45.4
Plumbers	691	113	16.3
Sheet Metal Workers	124	9	17.2
Drywell Construction	154	22	14.2
Pipe Layers	28	27	96.4
Plasters and Lathers	31	4	12.9
Iron Workers	198	26	13.1
Acoustic Tile Workers	23	0	0
Aluminum Machanics	6	3	50
Welders	2	1	50

NON-UNION CONTRACTORS

<u>CRAFT</u>	<u>TOTAL EMPLOYEES</u>	<u>MINORITY</u>	<u>MINORITY %</u>
Boiler Makers	227	29	12.7
Gardeners	4	0	0
Elevator Workers	10	1	10
Insulation Workers	<u>42</u>	<u>29</u>	<u>69</u>
TOTAL NON-UNION	3,240	648	19.9

HUD submitted the following recommendations to OFCC:

- (1) The City of Baltimore should adopt a Hometown Plan for equal employment in the construction industry.
- (2) Failing to adopt a Hometown Plan, the U.S. Department of Labor should impose a Philadelphia-type plan on the city.
- (3) Those contractors remaining in non-compliance should be placed under a pre-award order establishing certain conditions to be met prior to the award of future contracts.
- (4) Those unions with total exclusion of minority members should be referred to the National Labor Relations Board and the Justice Department for possible court action to correct the exclusionary practices.

General Services Administration

John J. Brosnahan, Deputy Director, General Services Administration, Office of Civil Rights, explained that GSA is the largest Federal contractor having jurisdiction over direct Federal construction work. Recent GSA involvement in the Baltimore area had been minimal, he said. The one large contract outstanding was the annex to the Social

Security Building and there were smaller contracts -- one with the Small Business Administration and one with the Post Office.

Since there was no area-wide plan in Baltimore, Mr. Brosnahan said, GSA regulations call for the development of a pre-award contract with any contractor with an award over \$100,000. He said that in each potential contract an effort is made to develop an effective affirmative action program:

In the case of the Social Security Building we were able to include in the affirmative action program developed for that particular job, goals and timetables of the Washington Plan. . . . We were able to get the contractor to set a goal within those ranges for each of the trades. . . . We've kept a very close surveillance of that job on a monthly basis if not more frequent. But the contractors, primarily 'subs', have fallen below the goal. In each case the contract compliance officer has been able to get them back to the goal or in excess of it before the requirement to 'show cause'.

Equal Employment Opportunity Commission

The Equal Employment Opportunity Commission (EEOC) has responsibility for receiving and processing complaints of employment discrimination against employers and unions. It also collects data on employment and union membership by race. Walter Dickerson, Director of the Baltimore District Office of EEOC, told the Committee that 25 complaints had been filed with EEOC against construction contractors in the Baltimore area.

Office of Federal Contract Compliance

Although the Office of Federal Contract Compliance's national office was not represented at the open meeting, the director of

Region III, Bennett Stalvey, outlined OFCC's efforts in the Baltimore area:

. . . In June of 1970 Labor Secretary Hodgson, who had just become Secretary, designated 102 cities as target cities for some kind of hometown plan, or solution to this problem. Of course, Baltimore was one of those cities. We were assigned temporary personnel for a period of 30 to 60 days. One of them was assigned to Baltimore, and met here again with a number of contractors, associations, unions, and minority group organizations, and his assignment was to develop a hometown plan. The recommendation that came out of his review was that no hometown plan was needed, that the present efforts were examples of good faith, and that it would suffice to solve the problem. Then, that was all there was to that. The temporary assignment was concluded

In May of 1971, the director order the agencies again to review construction industries. And this was supplemented by additional orders to . . . expedite the reviews, and to complete the reviews. And I believe, . . . by the end of . . . November, the reviews were to be submitted, and they are currently being analyzed and reviewed, and whatever action that might be coming out of that is being contemplated. That's about the extent of it I am not aware of any other directive from our agency.

Committee members asked Mr. Stalvey what was the present status of these reviews and if any further action at all had been taken as a result of them. Mr. Stalvey replied that to his knowledge the reviews were at OFCC's national office and that no action had been taken.

Parren J. Mitchell

One of the participants at the open meeting was Maryland Congressman Parren J. Mitchell who said:

Despite the numerous surveys and studies, we have not solved the problem of discrimination in the construction industry or implemented a successful program. OFCC's promise of two years before, to develop an affirmative action program, has been broken, adding to the frustration of black Americans. Minority contractors are denied equal opportunity and are not being utilized by the Federal agencies. The tools are there. I think what is missing is . . . commitment.

Congressman Mitchell said the reasons for the continuing dismal picture were inadequate Congressional funding for enforcement, and lack of interest of Federal agencies in following through on their enforcement responsibilities. He cited, as an example of the lack of government commitment, the failure of the OFCC to develop an affirmative construction program in Baltimore.

Congressman Mitchell charged that "The promise was made and nothing has happened." He suggested that an involved coalition of citizens should develop an affirmative action plan for the city, and that the plan include the following provisions:

1. Every major builder should be required to establish goals for minority hiring (30 percent was proposed by Congressman Mitchell).
2. Black contractors should receive 30 percent of Federal and federally-assisted contracts.
3. A permanent review board should be established to ensure that an adequate number of minority workers are employed at each construction site.
4. There should be adequate provisions for terminating a contract if a contractor does not meet the requirements of the plan.

RECOMMENDATIONS

The Maryland State Advisory Committee to the U. S. Commission on Civil Rights has reviewed the statements made at the open meeting and the information collected during the course of its study and presents the following recommendations in the hope that they will help public agencies and private groups involved in the construction industry recognize their responsibilities to enlarge opportunity and end denial:

Federal Agencies

1. The Office of Federal Contract Compliance (OFCC) should implement an imposed plan in the Baltimore area immediately.
2. If an imposed plan is not implemented, OFCC should meet with all Federal agencies with construction compliance responsibility in the Baltimore area to request that new area-wide compliance reviews be conducted and to set a date for a meeting to discuss their findings and action to be taken.
3. The Department of Labor should establish a task force to review the degree to which the Bureau of Apprenticeship and Training is carrying out its responsibilities with respect to equal opportunity in apprenticeship and training as required under Title 29 of the Code of Federal Regulations, Part 30.
4. In view of the statements of the Federal contract compliance officers, the Committee urges all Federal agencies to

increase the funding and personnel assigned to this responsibility; enforce equal opportunity regulations with the same vigor that it would enforce construction specifications; and speed up the process of investigation and decision-making in compliance violations.

State Government

1. The State of Maryland should identify specific affirmative action steps that State contractors should take to ensure that they provide equal opportunity for minorities. This effort should include but not be limited to the following:
 - a. The State Human Rights Commission should be given the responsibility (and the necessary funding and personnel) to monitor the compliance status of contractors working under State contracts. If requirements are not met, the contracts should be cancelled and the contractors debarred.
 - b. In the event that an imposed plan is not immediately implemented, the State of Maryland should require bid conditions calling for specific minority goals by all contractors working in the State of Maryland. (If an imposed plan is implemented, the State of Maryland should work with the Federal agencies to see that its provisions are carried out.)

City Government

1. The City of Baltimore should seek more effective means of enforcing the prohibition of Section 10, Article 4, of the Baltimore City Code. The ordinance should be amended to require all contractors who do business with the city to submit affirmative action programs calling for specific

minority goals. As with the State and Federal machinery, the city should provide the necessary funding and personnel to ensure that the ordinance is enforced.

Private

1. Each contractor should designate an equal opportunity officer who will develop: 1) an effective affirmative action plan containing specific goals and timetables for minority utilization and procedures for maintaining records of current minority utilization and 2) a training program for minority group members.
2. The Joint Apprenticeship Committees, the unions, the contractors and their associations, together with the various organizations and institutions concerned with training or apprenticeship (the schools, the Bureau of Apprenticeship and Training, the State Apprenticeship and Training Council, the Apprenticeship Information Center, LEAP and the civil rights organizations) should convene a meeting for the purpose of reviewing the total process related to increasing the number of minorities training for construction trades. Issues to be considered should include: vocational education, publicizing apprenticeship requirements, the selection process, minority representation, pre-apprenticeship training, job placement, and dropouts.

APPENDICES

UNITED STATES GOVERNMENT

Memorandum

41

: Bennett Stalvey, Area Coordinator
Office of Federal Contract Compliance

DATE: September 1, 1970

: George D. Johnson *G. D. J.*
Bureau of Apprenticeship and Training

RE: Report on "Home-Town Solution" for Baltimore, Maryland

Preface:

Because of the limitation of time and the pressing request for results, this report is submitted as being incomplete.

In review of all available and current information and in consultation with the responsible recognized groups of the minority community, Baltimore Building Trades Council, and their affiliated contractor groups, it is the general belief that a "good faith" effort to fully integrate the organized Building and Construction Trades is currently being made, without need for any additional "paper promises" of so-called "home-town solutions". I support that position based upon the following information which is considered to be constructive affirmative action programming:

Located at 1100 Eutaw Street, Baltimore, Maryland, The Bureau of Employment Security, is an Apprenticeship Information Center. Established in 1964, the Baltimore AIC was one of the first in the country and it was totally endorsed and supported by the Baltimore Building and Construction Trades Union and the B.A.G.C.A. (refer to attachment #1)

In July of 1967 a joint contract funded by the Department of Labor was signed between the B.B.C.T. and the National Urban League, to establish an Apprenticeship Outreach Program, to place 30 minorities in the Building and Construction Trades, (first of its kind in the country to be funded by the Department of Labor). There are now 80 or more such programs patterned after their example. (refer to attachment #2)

Prior to the establishment of the Outreach Program, there were approximately 539 minorities in the B.B.C.T.U.,

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

excluding laborers. (refer to attachment #3, Survey Report conducted in 1967).

According to the latest report, the Outreach Program has placed a total of 210 minority apprentices in all of the various trades since 1967. (refer to attachment #4 - latest Outreach report). The expiration date of the current Outreach Program is December 31, 1970. However, it is my understanding that the contract will be renewed.

On June 5, 1970, a Journeyman Outreach Program was funded by the Department of Labor's Office of National Contracts, recognized as another vehicle for minority entrance into the Baltimore Craft Unions. The agreement has the endorsement of the City Fathers, the G.B.C.A. and all responsible minority community organizations. (refer to attachment #5)

In review of the agreement, I would be the first to admit that it leaves a lot to be desired, especially so since the entire program is tied into the availability of work in rehabilitation housing.* However, based upon first-hand knowledge of the community problems and personalities, I must in all good conscience recognize the efforts being put forth. The Building Trades Union has also initiated a plan to train Black contractors. (refer to attachment #6)

Appendix Report:

This report is being submitted as an appendix because of my obvious misunderstanding of the responsibilities of the Office of Federal Contract Compliance as defined in Executive Order #11246.

It seemed to have been my understanding that "the major responsibility for EEO compliance lies with various contractors who do or intend doing business (in excess of \$500,000) with government contracting agencies; and the principal role of the Department of Labor and its Office of Federal Contract Compliance is to see that they both adhere to the rules and regulations set forth in the Order." Based upon that assumption and led to believe that it was correct, I prepared an outlined plan of action. (refer to attachment #7)

In pursuit of the outlined objective, I submit the following statistical data and subsequent evaluation:

My pursuit of the Agency's EEO officers responsible for the Baltimore area revealed the following information:

H.U.D.

EEO Officer

Mr. Art Weiserker
1405 I Street, N. W.
Washington, D. C.

8-202-382-6795

Reports indicate that there is approximately \$167,000,000 worth of ongoing construction in the Baltimore area. However, it does not list the name and address of contractors. Request was made for names of contractors. (Refer to attachment #8)

H.E.W.

Mr. Timothy Burke
Office of Education
540 Pennsylvania Avenue
Room 310
Fort Washington, Pa.

215-597-9199

Telephone conversation with Mr. Burke revealed the same ongoing construction in the Baltimore area. However, he did not have the names and addresses of contractors available. Telephone request for names of contractors was made to Mr. Burke on August 14, 1970. Mr. Burke said that he would send them over in a few days.

D.O.T.

Mr. James Mooney
Baltimore, Maryland

301-962-4035

Mr. Mooney reported by telephone that the Department of Transportation list the following contractors engaged in ongoing construction projects in the Baltimore area:

Dewey Jorden, Inc.
604 Sley Avenue
Frederick, Maryland

Regal Construction, Inc.
RD 1496
Upper Marlboro, Maryland

M. J. Grove
Lime Company
Div. of Flintkoe
Lime Kiln, Md.

Reliable Construction Co.
Millersville, Md.

H. T. Campbell Corp.
Towson, Md.

Williams Construction Co.
P. O. Box 836
Baltimore, Md.

Sanford Construction Co.
210 Sycamore Street
Sanford, N. C.

A. Smith
Branchville, Md.

McLean Construction Co.
Baltimore, Md.

Contler Sand & Gravel Co.
Box 356
Laurel, Md.

J. Avezsa & Sons Inc.
General Contractors
1704 Pumphrey Road
Baltimore, Md.

Inter-State Bridge
P. O. Box 18
New Market, Md.

Allied Contractors Inc.
204 E. Preston Street
Baltimore, Md.

Wright Contracting Co.
Box 1580
506 College
Columbus, Ga.

P. Flanagan Sons, Inc.*
Baltimore, Md.

Whiting & Turner*
6229 N. Charles Street
Baltimore, Md.

S. J. Groves, Inc.*
40 Washington Avenue
Minneapolis, Minn.

Potts & Callahan, Inc.*
500 W. 29th Street
Baltimore, Md.

*Have labor agreement with the B.B.B.T.C.

When asked how does one check up on so many contractors to see if they are living up to EEO, Mr. Mooney stated that the State does most of the checking.

F.A.A.

EEO Officer

Mr. William Booker
Federal Building
Kennedy International
Jamaica, New York

212-995-3333

ports no ongoing construction in the Baltimore area.

Department of Defense EEO Officer

Mr. William Ruchers
U. S. Army Engineers
P. O. Box 1715
Baltimore, Maryland

301-922-3385

ne did not permit me to follow up on contracts.

G.S.A.

EEO Officer

Mr. John Yarbrough
18th & F Streets, N. W.
Washington, D. C.

202-343-2367

léphone report from John Yarbrough on August 12, 1970, revealed that
S.A. has on-going construction in the Baltimore area totalling 50,000,000.
e project is a new Social Security Building going up in Woodlawn,
ryland. The job is 90% completed. The contractor is the Perracci
nstruction Company* 2500 Woodbrook Avenue, Baltimore, Maryland,
-728-0700.

nion Contractor.

Post Office Department EEO Officer

Mr. DeWitt Harris
Custom House
Baltimore, Maryland

301-962-2886

Telephone conversation on August 24, 1970 revealed ongoing construction in Baltimore for a new Post Office Building at a cost of \$30,000,000 -- 54.4% complete. Contractor: McClosky & Co.*
Philadelphia, Pa.

EEO Officer reviews job twice a month to check EEO component of job. Has not been completely satisfied with Sheet Metal and Iron Worker component.

N.A.S.A.

EEO Officer

J. M. Hogan
NASA
Washington, D. C.

8=202-962-0561

Unable to contact.

Treasury (Mint)

EEO Officer

Mr. Edward O'Sullivan
Philadelphia, Pa.

Unable to contact.

Department of Commerce

EEO Officer

Mr. Norbert Fleckenstein
320 Walnut Street
Philadelphia, Pa.

215-597-9522

Reports no ongoing construction in the Baltimore area.

A.E.C.

EEO Officer

Mr. Robert Palmer
New York, New York

212-989-0100

Reports no ongoing construction in the Baltimore area.

S.B.A.

EEO Officer

Harriet Warfield
1 Decker Square
Bala Cynwyd, Pa.

215-597-3278

Reports ongoing construction in the Baltimore area.

Department of Interior EEO Officer

Daniel Geller
918 Emmet Street
Charlottesville, Va.

703-296-1275

Telephone report from Mr. Geller on August 5, 1970 revealed that the Department of Interior had ongoing construction projects in Baltimore with the following contractors:

Construction Engineering Corp. of
Baltimore

Leif Foundations, Inc.
Engleside Construction Co.
Liggon & Liggon, Inc.
Inter-County Construction Co.
Morrocco Construction Co.
Mechanical Utilities, Inc.
Norair Engineering Corp. (Union)
Marlboro Construction Co. (Union)

When asked how does one check up on so many contractors to insure EEO, Mr. Geller answered: "With one man and a part-time secretary to cover the whole region, it's just about impossible". However, he did add that most good faith contractors usually surface to the top.

Department of Agriculture

EEO Officer

Mr. William Layton
South Building
Washington, D. C.

202-RU 7-4142 (Unable to contact)

T.V.A.

EEO Officer

Mr. James Williams
112 Lupton Building
Chattanooga, Tenn.

615-265-3551

Unable to contact.

Veterans Administration

EEO Officer

Mr. George Holland
Veterans Administration Bldg.
Washington, D.C.

202-394-4120

Unable to contact.

O.E.O.

EEO Officer

Mr. Charles Dillon
1200 19th Street, N.W.
Washington, D.C..

202-382-6375

Unable to contact.

In review of the above statistical information relative to Federal ongoing Construction in the Baltimore area, it's significant to note that only 8 of the 29 contractors doing business with the Federal Dollars are using union labor. This is perhaps one of the reasons that the Baltimore Building Trades Council has indicated that they would welcome a "Philadelphia Plan," or any other type plan.

They contend that better than 75% of all the ongoing construction in the Baltimore area is being done by non-union contractors who pay their labor force about half of what the union workers are receiving for same work.

A further position of the union and the BGBCA is that in order for them to improve on their minority ratio commitments, they must receive a greater portion of the construction work in the Baltimore area; and recent unemployment figures for the Baltimore area has not done anything to brighten the construction employment posture. (refer to attachment #9)

It is to be noted that the success of the Journeyman Training Program and the proposed Black Contractor Development Program is contingent upon the hope that the Baltimore Housing Rehabilitation Program will go to the contractors, using union labor.

It is my understanding that as late as the week of August 25, 1970, 500 such houses have been awarded to union contractors and 500 more are supposed to be made available in the near future. The B.B.C.T.C. also view the Jobs Program as being a threat to their program. (refer to attachment #10)

Based upon all of the above information, most of the concerned responsible people in Baltimore think that they have the best "home-town solution" that is feasible at this time. I do, too.

ADDENDUM: Attachments Include:

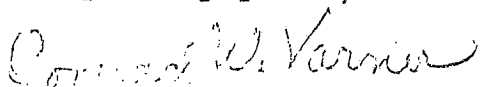
1. Directory of the B.B.C.T.C.
2. Directories of Contractors who have signatory agreements with the B.B.C.T.C.
3. Directory of Responsible Minority Group Organizations in the Baltimore area.
4. Directory of Apprentice Training Coordinators
5. Copies of 1968 EEO 3 Reports
6. Population Statistics - Baltimore, Md.

cc: J. B. Archer

The group we represent has also been seeking funds and technical assistance to conduct an apprenticeship training program in the building crafts and would like to know whether such a program has been carried out successfully in any large city. If so, please forward to us any study which you may have or the names of any persons whom you know who have conducted such a study.

We would appreciate any information you can supply us relating to these matters and would like to thank you in advance for your cooperation.

Very truly yours,



Conrad W. Varner
Attorney

CWV/mjm



STATE OF MARYLAND
DEPARTMENT OF LICENSING AND REGULATION

MARVIN MANDEL
GOVERNOR

JOHN R. JEWELL
SECRETARY OF LICENSING
AND REGULATION

DIVISION OF LABOR AND INDUSTRY
APPRENTICESHIP AND TRAINING COUNCIL
301 W. PRESTON STREET
BALTIMORE, MARYLAND 21201

HENRY MILLER
COMMISSIONER OF
LABOR AND INDUSTRY

WILLIAM R. WELSH
DEPUTY COMMISSIONER,
LABOR AND INDUSTRY

EDWARD J. FRACK
DIRECTOR OF
APPRENTICESHIP AND TRAINING
383-2255

NEW ADDRESS
203 E. BALTIMORE STREET
BALTIMORE, MARYLAND 21202

May 4, 1972

Mr. James H. Harvey, Chairman
Maryland Committee to the U. S. Commission on Civil Rights
Room G30A, Federal Building
31 Hopkins Plaza
Baltimore, Maryland 21201

Dear Mr. Harvey:

1. In Maryland there are seventy-four (74) registered apprenticeship programs which have five (5) or more apprentices currently registered. Affirmative Action Plans have been committed to by sixty-nine (69) of these programs and the other five (5) are substantially completed but have not been submitted for approval. All but two of the construction programs having five (5) or more apprentices have completed their Affirmative Action Plans. Percentage formally committed to Affirmative Action is 93.24. Within reasonable time, this percentage will amount to 100% either by full commitment or by the de-registration of non-compliers.

2. As of the end of March there were 261 programs having four (4) or less apprentices, making a total of 320 programs on the roll.

Attached hereto are statistics relating to status of programs as of December 31, 1971. Please note that construction worker trades are designated by (X) and the sub total so marked has been added. It should be noted that these figures reflect both organized trades and non-union counterparts. Firm statistics have not been divided as to union and non-union but some statistics available from the major organized portion of the construction industry can be assumed that the division would be better than 15% utilization in the union trades since the non-union minority composition is in the neighborhood of 5%.

A copy of the Maryland State Plan for Equal Employment in Apprenticeship is appended hereto for your information.

Sincerely,

Edward J. Frack
Edward J. Frack, Director
Apprenticeship & Training

REGISTERED APPRENTICES IN MARYLAND
December 31, 1971

	TOTAL	MINORITY
Airplane Mechanic	2	
Asbestos Worker*	25	4
Auto Body Repairman	13	2
Auto Transmission Specialist	1	
Automotive Machinist	4	
Automotive Mechanic	80	7
Auto Painter	1	
Auto Upholster	1	1
Blacksmith	5	
Boilermaker*	1	
Bookbinder	41	7
Bricklayer*	24	14
Business Machines Mechanic	26	3
Cabinetmaker	23	2
Carpenter (Construction)*	322	44
Carpenter (Maintenance)	9	1
Cement Mason*	25	13
Cook	12	10
Cavemaker		
Dental Technician	18	8
Diemaker		
Draftsman - Designer	2	
Drywall Mechanic*	13	2
Electrical Worker	87	8

25. Electrician (Construction)*	878	46
26. Electrician (Maintenance)	26	9
27. Electronic Technican	13	2
28. Electroplater	1	
29. Engraver	1	
30. Furniture Finisher	1	1
31. Glazier-Glassworker*	12	
32. Heavy-duty Equipment Mechanic	26	4
33. Instrument Repairman	1	
34. Ironworker*	156	18
35. Lather*	8	2
36. Linotype Operator	2	1
37. Lithographer	15	3
38. Locksmith	1	
39. Loftsmen	1	
40. Machinist	217	18
41. Mailer	15	2
42. Maintenance Mechanic	29	1
43. Meat Cutter	18	4
44. Metal Buffer	4	4
45. Metal Spinner	3	
46. Millwright*	30	1
47. Model Maker	6	
48. Molder	3	2
49. Operating Engineer*	99	12
50. Optical Technician	8	
51. Orth-prosthetic Technician	2	
52. Painter*	21	12
53. Paper-cutter	1	

	TOTAL	MINORITY
54. Pattern-maker	5	1
55. Photographer	1	
56. Pipefitter	28	7
57. Pipefitter (Maintenance)	44	4
58. Plasterer	5	2
59. Plumber	241	21
60. Plumber-Pipefitter	119	9
61. Printing Pressman	56	3
62. Printer	148	27
63. Rigger	1	1
64. Sheetmetal Worker	174	9
65. Shipfitter	27	4
66. Sprinkler Fitter	95	11
67. Steam - Fitter	152	18
68. Stone Mason	3	
69. Tile-setter	3	
70. Tool and Die Maker	58	3
71. Welder	<u>14</u>	<u>5</u>
Totals	3,507	393
MINORITY PARTICIPATION		10.98 %
Construction trades, Union and Non-Union	2,340	235 - 10.4 %

APPRENTICESHIP PROGRAMS

<u>NAME OF SPONSER</u>	<u>NO. OF APPRENTICES</u>	<u>NO. OF MINORITY</u>	<u>PERCTG</u>	<u>DATE APPR</u>
Asbestos Workers	30	8	26.6	4/6
ABC Assoc. Builders	499	25	5	3/28
Cement Masons	26	13	50	2/10/72
Carpenters	213	29	13.6	3/23/72
Electricians #24	204	20	9.8	3/2/72
Bricklayers	61	13	21.3	11/30/71
Ironworkers #16	77	11	14.3	4/20/72
Lathers	8	2	25	3/20/72
Non-Union Md. Drywall	15	6	40	5/4/72
Painters	4	1	25	3/28/72
Plasterers	5	2	40	3/20/72
Plumbers	66	10	15.2	3/4/72
Operating Engineers	99	11	11.1	4/20/72
Sheetmetal JAC	52	4	7.7	3/2/72
Sprinklerfitters	77	7	9.1	3/30/72
Steamfitters	<u>148</u>	<u>18</u>	<u>12.2</u>	4/20/72
TOTALS	1584	180	11.4	

U. S. DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON

JUL 19 1973

MEMORANDUM TO HEADS OF ALL AGENCIES

SUBJECT: Department of Labor Control of Construction
Industry Contract Compliance Program

Pursuant to sections 201 and 205 of Executive Order 11246, as amended, the Secretary of Labor has been delegated the sole authority and responsibility for establishing the rules, regulations and policies of the Federal Governments Equal Employment Opportunity Contract Compliance Program. Pursuant to this authority, the Secretary has delegated all but general rule making authority to the Director, Office of Federal Contract Compliance who has in turn, from time to time delegated compliance responsibilities to various compliance agencies. The agencies with delegated compliance responsibility are directed by section 205 of Executive Order 11246, as amended, to comply with the rules, regulations and orders of the Secretary of Labor and to otherwise cooperate with the Secretary in the implementation of the Contract Compliance Program.

While the cooperation of the compliance agencies has generally been favorable, there have been instances in which compliance agencies have acted in a manner at some variance with the established policies and directives of the Office of Federal Contract Compliance. In this regard, difficulties have recently been experienced involving the Office of Federal Contract Compliance's attempts to direct a unified construction industry contract compliance program. On April 10, the Director of OFCC circulated a Memorandum to the Heads of All Agencies restating that the EEO Bid Conditions are to be inserted as written in all applicable bid documents. The EEO Bid Conditions are issued by Order of the Secretary of Labor and the Director, OFCC and therefore all compliance agencies are mandated by section 205 of Executive Order 11246,

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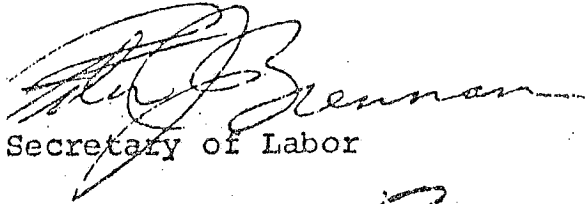
as amended, and 41 CFR §60-1.6(a) to use these OFCC-approved Bid Conditions. Any deviation from these Bid Conditions must receive the prior written approval of the Director of the Office of Federal Contract Compliance.

Another problem which has hindered the uniform implementation of the construction industry contract compliance program has been the attempts by certain State and local governments to supplement Federal EEO Bid Conditions with additional EEO requirements in conflict with the Bid Conditions. Accordingly, administering agencies are directed to inform their grantees that where there is a viable and effective hometown or imposed construction industry plan in operation in a geographical area, additional and/or supplementary State or local EEO requirements may not be applied to Federally-assisted construction projects. This policy is applicable to all present and future grants of construction assistance. However, should a problem arise with respect to a Federally-assisted construction project which has already commenced with supplemental EEO obligations appended by a State or local government, the Director of the Office of Federal Contract Compliance should be apprised of those circumstances.


While supplemental State and local EEO requirements for nonexempt Federally-assisted construction projects must be discouraged, State and local governments should be encouraged to otherwise enforce State FEP laws and monitor the progress made by contractors in fulfilling their EEO obligations. To this end, all relevant data such as the monthly utilization reports should be shared with the State or local government in order that they may have the opportunity to view and verify those data.

The above policy applies only to Federally-assisted construction projects. The Executive Order does not cover construction projects financed solely by State or local governments, and such non-Federally involved projects remain subject to relevant local law and regulation.

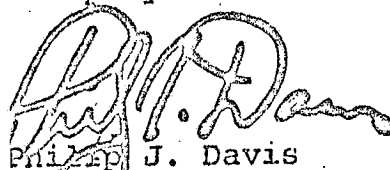
The Office of Federal Contract Compliance is keenly aware of the need to consult with the compliance agencies on a continuing basis in order to insure that the Contract Compliance Program is vigorously and uniformly administered and enforced. The spirit of cooperation shown by the majority of the compliance agencies has enabled the Contract Compliance Program to make significant strides towards the successful implementation of our national policy of equal opportunity in employment. We are confident that this cooperation will increase and that our joint efforts will lead to meaningful and positive results.



Arthur J. Brennan
Secretary of Labor



Bernard DeLury
Assistant Secretary for
Employment Standards



Philip J. Davis
Director, Office of
Federal Contract Compliance