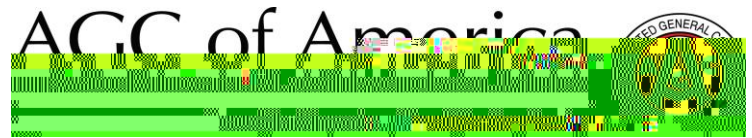


CHARLES L. GRECO, President  
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January 20, 2016

VIA ELECTRONIC SUBMISSION: <http://www.regulations.gov>

Adele Gagliardi  
Administrator  
Office of Policy Development and Research,  
Employment and Training Administration  
Room N-5641  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

(RIN 1205-AB59)

Dear Ms. Gagliardi:

On behalf of the Associated General Contractors of America (hereinafter "AGC"), thank you for the opportunity to submit the following comments on the U.S. Department of Labor's Notice of Proposed Rulemaking (NPRM) to update the equal opportunity regulations that implement the National Apprenticeship Act of 1937. The NPRM is soliciting public input to the Employment and Training Administration on apprenticeship programs and equal employment opportunity that was published in the Federal Register on November 6, 2015.

AGC is the leading association for the non-residential construction industry, representing more than 25,000 firms, including over 6,500 of America's leading general contractors and over 8,800 specialty contracting firms. In addition, more than 10,400 service providers and suppliers are associated with AGC through a nationwide network of chapters. 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. Most are small and closely held businesses.

AGC members and chapters administer and/or partner with numerous apprenticeship programs around the country and provide training across all trades involved in the construction industry. Many groups sponsor open shop training programs in some regions of the country and union apprenticeship programs in others. The NPRM will impact all training programs regardless of their affiliation with organized union labor groups.

If implemented as proposed, AGC believes the NPRM will increase paperwork and staff time in order for program sponsors to remain compliant. Should the agency decide to move forward with the implementation of a final rule, based on the sections provided in the NPRM, AGC would like to make the following recommendations.



The skill-set between the trades varies significantly so a "construction" labor market would set an accurate percentage based on each trade's requirements.

AGC has historically identified concerns with utilization goals for individuals with disabilities. The construction industry is a unique industry that is filled with safety-sensitive jobs that are very physical in nature. Because of this, the decision to accept an apprentice should be made on a case-by-case basis based on the individual's ability to perform the essential functions of a particular job safely, with or without a reasonable accommodation.



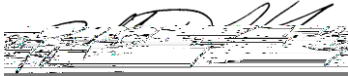
. The new data collected could be flawed as highlighted earlier.

Enforcement should be similar to outreach requirements for women and minorities where a program must only show a good faith effort.

AGC believes the cost estimate of the cost to comply is grossly underestimated. Complying with these proposed requirements will have a large impact on the administrative costs of the plan sponsors.

There will also be additional costs levied on the states and will take valuable resources from the states as they try and comply.

As mentioned earlier, requirements will be more onerous.

A handwritten signature in black ink, appearing to be "R. T. O'Leary", is written over a horizontal line. The signature is somewhat stylized and cursive.