

U.S. DEPARTMENT OF LABOR
OFFICE OF THE DEPUTY SECRETARY
WASHINGTON, D.C.
20210

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The Honorable Tom Carper
United States Senate
Washington, DC 20510

Dear Senator Carper:

This is in response to your letter in which you requested information on the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP), its enforcement of Executive Order 11246, and a data analysis conducted by one of your constituents.

OFCCP regularly conducts "glass ceiling" audits – formally known as "Corporate Management Compliance Evaluations" (CMCE's) to ensure that women and minorities do not face discriminatory barriers to advancement into corporate management positions. OFCCP conducts CMCEs of federal contractors with 4,000 or more employees and more than one reporting subordinate establishment. Priority in scheduling CMCEs is given to eligible contractors that have not undergone a compliance evaluation in the recent past. The focus of a CMCE is on the federal contractor's obligation to make good faith efforts to extend equal employment opportunities to all levels of the workforce. Specifically, CMCEs determine whether there is any unlawful discrimination in the company's selection process for mid-level and senior corporate management positions.¹

Typically, CMCEs are initiated *sua sponte* by the agency, though such reviews could also be triggered by a complaint. By way of comparison, nearly all the investigative work of the Equal Employment Opportunity Commission is complaint-driven.

During OFCCP investigations, agency compliance officers examine how the employment practices of a company impact all employees, including minority and non-minority workers. In enforcing Executive Order 11246 (Parts II and III) for federal contractors which is the area of our jurisdiction, OFCCP examines whether a contractor is discriminating against *any* racial or ethnic group. When OFCCP finds workplace discrimination, it recovers lost earnings and secures jobs for affected workers.

In fiscal year 2005, OFCCP collected a record \$45,156,462 for 14,761 Americans who had been subjected to unlawful employment discrimination. This monetary recovery reflects a 42% increase over the recovery in fiscal year 2000 and a 56% increase over fiscal year 2001.²

¹ More information about CMCEs can be found by going to <http://www.dol.gov/esa/regs/compliance/ofccp/fags/cmcefacts.htm>.

² More information can be found on OFCCP's fiscal year 2005 results by going to <http://www.dol.gov/esa/ofccp/enforc05.htm>.