

**NOMINATIONS OF RAJESH NAYAK,
TARYN MACKENZIE WILLIAMS,
AND DOUG PARKER**

HEARING
OF THE
**COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS**
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

ON

EXAMINING THE NOMINATIONS OF RAJESH D. NAYAK, OF MARYLAND,
TARYN MACKENZIE WILLIAMS, OF THE DISTRICT OF COLUMBIA, AND
DOUGLAS L. PARKER, OF WEST VIRGINIA, EACH TO BE AN ASSISTANT
SECRETARY OF LABOR

MAY 27, 2021

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C O N T E N T S

STATEMENTS

THURSDAY, MAY 27, 2021

Page

COMMITTEE MEMBERS

Murray, Hon. Patty, Chair, Committee on Health, Education, Labor, and Pensions, Opening statement	1
Burr, Hon. Richard, Ranking Member, a U.S. Senator from the State of North Carolina, Opening statement	3

WITNESSES

Nayak, Rajesh, Silver Spring, MD	6
Prepared statement	8
Mackenzie Williams, Taryn, Washington, DC	9
Prepared statement	10
Parker, Doug, San Francisco, CA	11
Prepared statement	13

ADDITIONAL MATERIAL

Statements, articles, publications, letters, etc.	
Murray, Hon. Patty:	
CWA Letter in support of the Doug Parker Nomination	31
CWA Letter in support of the Rajesh Nayak Nomination	32

QUESTIONS AND ANSWERS

Response by Taryn Mackenzie Williams to questions of: Senator Casey	32
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**NOMINATIONS OF RAJESH NAYAK,
TARYN MACKENZIE WILLIAMS
AND, DOUG PARKER**

Thursday, May 27, 2021

U.S. SENATE,
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,
Washington, DC.

The Committee met, pursuant to notice, at 10:06 a.m., in room 106, Dirksen Senate Office Building, Hon. Patty Murray, Chair of the Committee, presiding.

Present: Senators Murray [presiding], Casey, Baldwin, Kaine, Hassan, Rosen, Hickenlooper, Burr, Marshall, and Tuberville.

OPENING STATEMENT OF SENATOR MURRAY

The CHAIR. Good morning. The Senate Health, Education, Labor, and Pensions Committee will please come to order. Today we are holding a hearing on the nominations of Rajesh Nayak to serve as Assistant Secretary of Labor for Policy, Taryn Mackenzie Williams to serve as Assistant Secretary of Labor for Disability Employment Policy, and Doug Parker to serve as Assistant Secretary of Occupational Safety and Health. Ranking Member Burr and I will each have an opening statement and then I will introduce the witnesses. And after they give their testimony, Senators will each have 5 minutes for a round of questions.

Before we begin, I again want to walk through the COVID-19 safety protocols that are in place today. As you can see, we are in a large hearing room today and Senators remain six feet apart. But as I said at our last Committee meeting, I am talking with Senator Burr and Committee Members about how we are going to change these protocols going forward given the change in guidance from the Office of Attending Physician. So for all our Members' awareness, I expect that following the break, our hearings will look and operate more closely to how they did before the pandemic with accommodations for those who require additional safety measures.

Again, I just really want to thank all of our Clerks and everyone who worked through all of this to help us all stay safe and healthy. And again, while we are unable to have the hearing fully open to the public or media for in-person attendance, live video is available on our Committee website at help.senate.gov. And if anyone needs accommodations, including closed captioning, you can reach out to the Committee or the Office of Congressional Accessibility Services. We received Mr. Nayak's formal nomination on April 27th, his Of-

office of Government Ethics paperwork, including his public financial disclosures and ethics agreement on May 3rd, and his Committee paperwork on May 12th.

We received Ms. Williams' formal nomination on April 22nd, her Office of Government Ethics paperwork on April 30th, and her Committee paperwork on May 18th. And we received Mr. Parker's formal nomination on April 12th, his Office of Government Ethics paperwork on April 15th, and his Committee paperwork on May 14th. I would like to thank all of our witnesses for joining us today and also to welcome Mr. Nayak's wife, Rebecca, Ms. Williams' husband, Reggie, and mother Shirley, and Mr. Parker's wife, Lee, and her 2 month old daughter, Rose, who is really being great back there right now.

Thank you all for joining us today. If we are going to end this pandemic and build back stronger and fairer from the most unequal economic crisis in recent history, we have to address the problems COVID put a glaring spotlight on and the inequities that it has made worse, like job loss, that has disproportionately hurt women, workers of color, workers with disability, and workers paid low wages. We have to raise the Federal minimum wage and eliminate the sub minimum wage for tipped workers, youth workers, and workers with disabilities.

We have to make sure every worker has paid leave and quality, affordable childcare. And no worker has to choose between their family or their health and their paycheck. We have to eliminate bias and discrimination and ensure all workers get fair pay, equal opportunity, and the accommodations they need in the workplace. We also have to make sure workplaces are safe and not just against pandemics, but free from unsafe working conditions, environmental hazards, and sexual harassment and assault. And we need to protect and strengthen the right to form or join a union and collectively bargain for better working conditions, wages and benefits.

In short, we have a long list of big challenges ahead. And to tackle those challenges, we need committed, qualified leaders working with us at the Department of Labor, leaders who understand our economy is working great for those at the top, but not so well for everyone else, and who will do everything they can to change that. We need people like Mr. Nayak, Ms. Williams, and Mr. Parker. Mr. Nayak is currently a Senior Adviser at the Department and has previously served in the solicitor's office as Deputy Assistant Secretary for Policy and Deputy Chief of Staff. In those various roles, he has worked on a broad portfolio including workforce development, worker protection, counter trafficking, overtime pay, health and safety, retirement security and more.

He has also worked twice at the National Employment Law Project, including most recently as deputy CEO. As an advocate and a policymaker, he has shown time and again his commitment to empowering workers, supporting families, and advancing equity. I have no doubt that if confirmed as Assistant Secretary for Policy, he will do just that. Ms. Williams is a similarly excellent choice for the role of Assistant Secretary for Disability Employment Policy. Ms. Williams is a champion for people with disabilities, a reputation she has earned through her years of service at the Depart-

ment's Office of Disability Employment Policy, where she led agency efforts to build pathways to competitive, integrated employment for people with disabilities.

At the White House, where she served as a liaison to the disability community. At the Center for American Progress, where she led CAPS efforts to build anti-poverty programs. And even here on the HELP Committee where she worked for Chairman Harkin. When Ms. Williams testified before this Committee about health inequities and COVID-19 response a few months ago, her knowledge as an expert and passion and advocate for people with disabilities, qualities which make her so well suited to the role she is been nominated for, were on clear display.

Finally, we have Mr. Parker, who has worked to protect workers in his state throughout this pandemic as chief of California's Division of Occupational Safety and Health, starting with his move to swiftly issue health guidance back in February 2020, when there were only 13 cases of COVID-19 in the country. But his record fighting for workers well-being goes well beyond this pandemic. He has spent his career fighting for worker safety as an attorney for the United Mine Workers, a senior official at the Department of Labor's Mine Safety and Health Administration, during one of the best streaks of safety in the industry's history, and the Executive Director of WorkSafe, a workplace safety advocacy organization.

Mr. Parker is an extremely well qualified nominee to serve as Assistant Secretary of Occupational Safety and Health, and I look forward to working with him to protect workers, especially considering the dangers of this pandemic continues to pose. Which is why it continues to be so critical that OSHA issued an emergency temporary standard to protect all workers, especially frontline workers, from COVID-19. And OSHA ETS is long overdue and remains very necessary for the tens of millions of workers still at risk, and I urge the Administration to act now and issue a standard to ensure all workers are safe in their workplaces. It is a goal we all share, and it is clear the nominees before it share it as well. Given their excellent qualifications and the critical work at hand, I am pleased to support each of these nominees.

I hope after today's hearing, my colleagues on both sides of the aisle will work with me to get them quickly confirmed in a bipartisan way. I look forward to hearing from each of you about how we can make our economy truly work for working families in my state, in North Carolina, and across the country.

Now, before I turn it over to a Ranking Member Burr for his opening remarks, I ask unanimous consent to put in the record one letter in support of Mr. Nayak's nomination, and a letter in support of Mr. Parkers' nomination. So ordered.

[The following information can be found on page 31]

The CHAIR. Now I will turn it over to Senator Burr.

OPENING STATEMENT OF SENATOR BURR

Senator BURR. Madam Chair, thank you and, thank you for scheduling this hearing this morning to examine these Department of Labor nominees. Congratulations, Mr. Nayak, Ms. Williams, Mr. Parker, and welcome to your family members that are behind you.

These are important Labor policy positions. The role of Assistant Secretary for Policy will be involved in virtually every major decision to come out of the Department of Labor. The Disability Employment Policy Office plays a key role in helping get unemployed and underemployed Americans with disabilities back to work. The Occupational Safety and Health Administration, or OSHA, is tasked with the job of ensuring safe and healthful working conditions for workers.

As we consider our Nation's labor agenda going forward, we should recognize that America's fundamentals are in fact strong. The best way to keep these fundamentals strong is easy, it is pro-growth legislation and regulatory relief. It is support for workers in the ways that they want to work in a new economy. It is not tax increases, it is not increased regulation, and it is certainly not doing the bidding for trial lawyers, it is not coercing workers into unions that don't want to join or preventing the growth of a gig economy where workers decide their work life. There is no need to fundamentally restructure our Nation from a free market capitalism to pretend worker's paradise under the thumb of Washington.

The closures due to COVID-19 pandemic are beginning to end everywhere. Trillions have been spent, some of it with good effect. But now some want to spend trillions and trillions more, all in an effort to fundamentally change the fabric of this country. Trouble is, it gets a little hard to ask for trillions more when we haven't even really begun to spend much of the last round of funding and what we have spent outside of actual COVID response is, in fact, making things worse. While restaurants and businesses are desperate to hire workers, some want to pay people more money to stay home. Then they scratch their heads at the terrible unemployment numbers that we see.

Just last week, I was told the story of a carpenter who upgrades residential kitchens and bathrooms, that he has constant inquiries to take on new business, but he can't find crews to do jobs. The crew workers are making so much due to the increased unemployment just by staying at home. It made sense to provide extra benefits last year when businesses had to close, and people needed extra help because their jobs didn't exist. But let me remind everybody, the average across the country today for unemployment in their state and the enhanced benefit is \$15.42 cents an hour.

For most workers, they are not obligated to pay taxes on the first \$10,000 of it. For my employers in North Carolina today, they can't get workers that they need to clean rooms to rent at night and they are offering between \$16.00 and \$18.00 an hour because that is not enough to surpass what they can make staying home. We are also faced with the challenge of reopening the economy post COVID. America will safely open because of vaccines. Not because OSHA throws a new rule book at business owners. CDC just recently followed the science and updated the mask mandate. Science is what we should rely on when setting standards, and when the science changes so rapidly, we can't set a static and arbitrary standard for COVID-19 prevention as the Administration is considering doing.

Last week I wrote to Secretary Walsh and Acting OMB Director Young to stand down and not issue an emergency temporary stand-

ard. Employers and workers together have navigated COVID-19 together, making decisions based on the constantly changing science and guidance provided from CDC and the Department of Labor. However, the nominee for OSHA position did exactly the opposite of that. California state's OSHA put in place an emergency temporary standard in the midst of the pandemic. Instead of providing employers with clear operational guidance, I am told that the temporary standard resulted in confusion to employers as to how to comply.

California OSHA had to post 70 frequently asked questions to clarify the regulated community of what was expected of them. On May 20, California OSHA proposed to drastically scale back the requirements in the standard to align with the dramatic improvements made with a large number of vaccinated individuals and dramatic reductions in the infection rate. I hope the lesson that is learned here is that we shouldn't nationally just follow what California tried and found to be wrong. I hope the Administration changes course and listens to the concerns that I have raised. On the other hand, I would like to say that we got—we do, we have got some potential areas of great agreement.

We talk about disability employment policy. We can talk about how to build upon the bipartisan work already done in things like the Able Act to help the disabled and their families save for the future without endangering their current benefits. Senator Casey and I have worked on it for years. The nature of work has changed, and disability employment policy needs to change with it.

For example, virtual work can help people with disabilities use technology to erase outdated notions of disability for so many. We also need to help those with disabilities who are determined to return to work, but worried about the financial consequences of doing so. Lessons from ticket to work will help find newer and more effective strategies. We must incentivize a return to work for those who are willing.

We also need robust continuing disability reviews to make sure those who are unwilling but capable of work are not simply using up the resources of those who desperately need it. Everyone knows a disability benefit abuse story. There should be a bipartisan commitment to rooting all of that abuse out. It is just plain stealing from the most vulnerable in this country.

To our witnesses again today, I welcome you. I look forward to your testimony, to your answers, and to your approach to the management of these very important issues in your agency. I thank the Chair. I yield back.

The CHAIR. Thank you. I will now formally introduce today's witnesses. Rajesh Nayak currently serves as the Senior Advisor to the Secretary of Labor and is a trusted expert within his field. He grew up in south, central Illinois, earned his undergraduate degree in public policy from the University of Chicago, and later received his law degree from Yale. Prior to his time in the Government, he worked as an attorney at the National Employment Law Project, the Brennan Center for Justice at the NYU School of Law, and the Shriver Center in Chicago.

Mr. Nayak previously spent 7 years at the Department of—at the Labor Department during the Obama-Biden administration and

served in a range of senior roles, including Senior Counsel, Deputy Assistant Secretary for Policy, and Deputy Chief of Staff. After his time in the Obama administration, Mr. Nayak returned to NELP as the Deputy Executive Director. Mr. Nayak, thank you for joining us today.

Next, I will introduce Taryn Mackenzie Williams. She is the Managing Director for the Poverty to Prosperity Program at the Center for American Progress, where she is focused on a broad range of anti-poverty strategies. She attended Brown University, where she earned a bachelor's degree in public policy, then Harvard University, where she received a master's degree in education with the concentration and administration, planning, and social policy.

Ms. Williams has also previously served as the Research Coordinator for Leadership Programs at the Institute for Educational Leadership, the Director of Programs at the National Association of Urban Debate Leagues in Chicago, a Policy Advisor on the U.S. Senate Committee on Health, Education, Labor, and Pensions, Associate Director for Public Engagement, and liaison to the Disability Community at the White House, and as the Chief of Staff of the Office of Disability Employment Policy. Ms. Williams, thank you for joining us today.

Doug Parker is currently the Chief of California Division of Occupational Safety and Health, the state agency responsible for protecting workers safety. Mr. Parker received his bachelor's degree from James Madison University and his J.D. from the University of Virginia Law School. Prior to his Federal Government service, he worked as a staff attorney for the United Mine Workers of America and a partner at a labor and employment law firm in Washington, DC.

He also served in a number of roles in the Department of Labor's Mine Safety and Health Administration during the Obama administration and eventually rose to the position of Deputy Assistant Secretary for Policy. After leaving the Government, he served as the Executive Director of WorkSafe, a legal aid, nonprofit focused on worker health and safety. Mr. Parker, we are glad to have you joining us for this hearing as well.

I look forward to hearing from all of you today and working with you in the future. We will now begin your testimony. And Mr. Nayak, you may begin.

STATEMENT OF RAJESH NAYAK TO BE ASSISTANT SECRETARY OF LABOR FOR POLICY, SILVER SPRING, MD

Mr. NAYAK. Thank you for that introduction, Chair Murray, Ranking Member Burr, and Members of the Committee, I am honored to appear before you today as the nominee for the Assistant Secretary for Policy at the U.S. Department of Labor. I need to start by thanking President Biden and Vice President Harris for giving me the opportunity to earn your approval, and to Secretary Walsh for his support.

I also want to thank my family, starting with my wife, Rebecca, who is here today, and who always asks the tough questions about policy. And to my children, Lyla and Jay, who are a little too young to be here, but who keep me grounded by giving me the most im-

portant jobs like Daisy troop leader and lunch bag illustrator. I also need to thank my parents, Dharmadev and Chitra Nayak, immigrants who arrived here from India 50 years ago. They were newly married, and they didn't have much. My father went through medical school on scholarships and eventually found a home in Effingham, a small town in South Central, Illinois where I was born, spent my first 18 years, and made some of my best friends till today.

My parents worked hard to earn the trust of neighbors in a place where there were only handfuls of immigrant families. My dad cut short many nights at home to check on patients and my mom became an active in the community, in addition to all she did for my brother Mike and me. Thanks to that town and this Nation, my parents did well, helped us go to great schools, and gave us the chance to pursue dreams and opportunities that led me to sit before you today. I am proud of my AAPI heritage and thankful for the support of the broader Indian American community as the nominee for this position.

I have worked for most of my career focused on employment and labor policy. I spent nearly half of the past 15 years in Government, serving previously the Department as Senior Counsel, Deputy Assistant Secretary for Policy, and Deputy Chief of Staff. During that time, I was privileged to play a lot of different roles, as a lawyer, as a coordinator, as a manager. I saw the Department's work from many angles.

Most importantly, I got to work with amazing people. The career staff at DOL are smart, creative, and tremendously dedicated. I have seen teams go the extra mile time and time again to fulfill the Department's critical mission of promoting the welfare of this Nation's workers, job seekers, and retirees. It has been a highlight of my career to return to the Department this year on a temporary basis to help transition in a fantastic new team of leaders. It has been especially fulfilling to reconnect with those dedicated career staff.

As I hope is obvious, I fully support the Department's mission and staff and I care deeply about how our policy impacts workers, and especially workers who are too often left behind, be they workers of color, immigrant workers, or workers in small towns and rural communities like where I grew up who have lost their jobs due to industrialization. More recently, I was the Deputy Executive Director at the National Employment Law Project, an advocacy organization that is committed to protecting the rights of all workers. A common thread through my recent Government and nonprofit experience is that I have held management roles where I have had to make tough calls as a manager and where I have learned what it is like to be the employer myself who is notified about new policy and who has to figure out how to implement it.

I know how important it is for the Government to listen to employers, to hear out their concerns, to consider flexibilities, to make laws work in practice, and to give employers and workers alike the clear concrete guidance they need to understand their rights and responsibilities. I believe I have the skills and experience to find common sense solutions that consider the views of employers and workers like.

If confirmed, I will take seriously the responsibility to pursue a policy that reflects the input of a broad set of stakeholders and would appreciate the opportunity to hear from workers and their representatives, employers and industry groups, interagency colleagues, and Members of this Committee to find common ground and not to prejudge outcomes. Thank you, and I look forward to your questions.

[The prepared statement of Mr. Nayak follows:]

PREPARED STATEMENT OF RAJESH NAYAK

Chair Murray, Ranking Member Burr, and Members of the Committee, I'm honored to appear before you today as the nominee for the Assistant Secretary for Policy at the United States Department of Labor.

I need to start by thanking President Biden and Vice President Harris for giving me the opportunity to earn your approval, and to Secretary Walsh for his support. I also want to thank my family—starting with my wife, Rebecca, who always asks the tough questions about policy; and my children, Lila and Jay, who are a little too young to be here, but who keep me grounded by giving me important jobs like Daisy Troop Co-Leader and Lunch Bag Illustrator.

I also need to thank my parents, Dharmadev and Chitra Nayak—immigrants who arrived here from India 50 years ago. They were newly married, and they didn't have much. My father went through medical school on scholarships and eventually found a home in Effingham—a small town in South Central Illinois where I was born, spent my first 18 years, and made some of my best friends still today. My parents worked hard to earn the trust of neighbors in a place where there were only handfuls of immigrant families; my dad cut short many nights at home to check on patients, and my mom became active in the community, in addition to all she did for my brother Mike and me. Thanks to that town and this Nation, my parents did well, helped us go to great schools, and gave us the chance to pursue dreams and opportunities that led me to sit before you today. I'm proud of my AAPI heritage and thankful for the support of the broader Indian-American community as the nominee for this position.

I have worked for most of my career focused on employment and labor policy. I spent nearly half of the past 15 years in government, serving previously at the Department of Labor as Senior Counsel, Deputy Assistant Secretary for Policy, and Deputy Chief of Staff. During that time, I was privileged to play a lot of different roles—as a lawyer, as a coordinator, and as a manager. I saw the Department's work from many angles. Most importantly, I got to work with amazing people. The career staff at DOL are smart, creative, and tremendously dedicated. I've seen teams go the extra mile time and time again to fulfill the Department's critical mission of promoting the welfare of this Nation's workers, job seekers, and retirees.

It's been a highlight of my career to return to the Department this year on a temporary basis to help transition in a fantastic new team of leaders. It's been especially fulfilling to reconnect with those dedicated career staff.

As I hope is obvious, I fully support the Department's mission and staff, and I care deeply about how our policy impacts workers, and especially workers who are too often left behind, be they workers of color, immigrant workers, or workers in rural communities (like where I grew up) who have lost their jobs due to deindustrialization. More recently, I was the Deputy Executive Director of the National Employment Law Project, an advocacy organization that is committed to protecting the rights of all workers.

A common thread throughout my government and nonprofit experience is that I've held management roles where I've had to make tough calls as a manager, and where I've also learned what it's like to be the employer who is notified about a new policy, and who has to figure out how to implement it. I know how important it is for the government to listen to employers, to hear out their concerns, to consider flexibilities to make laws work in practice, and always to give employers and workers alike the clear, concrete guidance they need to understand their rights and responsibilities.

I believe that I have the skills and experience to find common-sense solutions that consider the views of employers and workers alike. If confirmed, I will take seriously the responsibility to pursue policy that reflects the input of a broad set of stakeholders, and would appreciate the opportunity to hear from workers and their rep-

representatives, employers and industry groups, interagency colleagues, and members of this committee to find common ground, not to prejudge outcomes.

Thank you, and I look forward to your questions.

The CHAIR. Thank you, Mr. Nayak.
We will turn to Ms. Williams for her testimony.

STATEMENT OF TARYN MACKENZIE WILLIAMS TO BE ASSISTANT SECRETARY OF LABOR FOR DISABILITY EMPLOYMENT POLICY, WASHINGTON, DC

Ms. WILLIAMS. Chair Murray, Ranking Member Burr, and Members of the Committee, it is a privilege to appear before you as you consider my nomination for Assistant Secretary for Disability Employment Policy. I want to thank President Biden and Vice President Harris for the honor of this nomination. I share their commitment to advancing the rights of people with disabilities.

I also want to acknowledge my aunts, cousins, family and friends for their love and encouragement. My husband, Reggie, who has been by my side for more than 20 years, including today, thank you for always supporting me, and my mom, who believe so strongly that I should be able to shape my own destiny. From childhood, you taught me to find my own voice and learn to advocate for myself, first with doctors, then with teachers and classmates, and finally with colleagues. You shared that it wouldn't be easy as a Black woman in this world, that there would be times I faced discrimination, times that I would fail, but that I should never give up on my journey to find my way in this world. How my mom raised me has shaped who I am and my career in disability policy.

The conviction that everyone, including people with disabilities, should have the opportunity to not just learn and earn, but also to advocate for themselves and fully participate in all aspects of community life. As I reflect on my career, there are key moments that have made me who I am today. At the age of 22, newly out of graduate school, I was denied health insurance by my small nonprofit employer for my preexisting condition of ulcerative colitis. I was fortunate that I was still young enough to qualify for my mother's insurance. Shortly after I underwent emergency surgery for complications from that condition. I wondered whether I would be able to keep my job.

In 2008, I cycled in and out of emergency rooms with more complications. It was then that I asked for my first set of accommodations from my employer. I was terrified and certain that my career could be over. But colleagues who are also members of the disability community reached out to me. Within the community, that young woman who had grown up with a chronic condition became an adult who understood how many of my fears and aspirations were shared by millions of people with disabilities living in this country. I am sharing these moments with you because they helped define my understanding of the struggles and barriers that so many disabled people and their loved ones face each day.

I know firsthand how challenging it can be to work as a person with a disability and to wonder whether my requests for accommodations will be accepted or if knowledge of my disability will

cause others to question whether I am suited for a job. I spent 6 years at nonprofits focused on research, policy, and practice to improve educational opportunities for all students, and particularly those from disadvantaged backgrounds. I then went on to a decade of service as a career public servant at the Department of Labor's Office of Disability Employment Policy, as a policy adviser on the Youth Policy Team, Director of the Youth Policy Team, and as Chief of Staff. I also took on detail assignments, working with the Senate Help Committee and with the White House as a liaison to the disability community. Fundamental to my approach is a firm belief that we must heed what advocates with disabilities tell us they need in order to be successful.

This is the disabilities communities mantra, nothing about us, without us. My past 2 years leading a team working on anti-poverty issues has only deepened my firm commitment to working on behalf of people with disabilities, many of whom are low income, to advance policies to address the economic insecurity of individuals, families, and communities. ODEP's research, evidence based policies and practices, and experts' technical assistance will play a critical role in ensuring that people with disabilities are part of our economic recovery.

Now, more than ever, we must work with the Federal Government in states, with the private sector, and in partnership with people with disabilities, members of their families, and service providers to build a better future. I am honored by this nomination and the opportunity to once again work alongside the exceptional staff at the Labor Department who are committed to advancing employment opportunities and ensuring fair treatment in the workplace for all workers, including people with disabilities. Thank you.

[The prepared statement of Ms. Williams follows:]

PREPARED STATEMENT OF TARYN WILLIAMS

Chair Murray, Ranking Member Burr, and Members of the Committee. It is a privilege to appear before you as you consider my nomination for Assistant Secretary for Disability Employment Policy.

I want to thank President Biden and Vice President Harris for the honor of this nomination. I share their commitment to advancing the rights of people with disabilities.

I also want to acknowledge my aunts, cousins, family and friends for their love and encouragement. My husband Reggie who has been by my side for more than 20 years, including today: Thank you for always supporting me.

My mom who believed so strongly that I should be able to shape my own destiny. From childhood, you taught me to find my own voice and learn to advocate for myself. First with doctors, then with teachers and classmates, and finally with colleagues. You shared that it wouldn't be easy as a Black woman in this world, that there would be times I faced discrimination, times that I would fail, but that I should never give up on my journey to find my way in this world. How my mom raised me has shaped who I am and my career in disability policy—the conviction that everyone, including people with disabilities, should have the opportunity to not just learn and earn but also to advocate for themselves and fully participate in all aspects of community life.

As I reflect on my career, there are key moments that have made me who I am today. At the age of 22, newly out of graduate school, I was denied health insurance by my small nonprofit employer for my preexisting condition of ulcerative colitis. I was fortunate that I was still young enough to qualify for my mother's insurance. Shortly after, I underwent emergency surgery for complications from that condition. I wondered whether I would be able to keep my job. In 2008, I cycled in and out of emergency rooms with more complications. It was then that I asked for my first set of accommodations from my employer. I was terrified and certain that my career

would be over before it really got started. But colleagues who were also members of the disability community reached out to me. Within the community, that young woman who had grown up with a chronic condition became an adult who understood how many of my fears and aspirations were shared by millions of people with disabilities living in this country.

I am sharing these moments with you because they helped define my understanding of the struggles and barriers that so many disabled people and their loved ones face each day. I know firsthand how challenging it can be to work as a person with a disability and to wonder whether my request for accommodations will be accepted or if knowledge of my disability will cause others to question whether I am suited for a job.

I spent 6 years at nonprofits focused on research, policy, and practice designed to improve educational opportunities for all students and particularly those from disadvantaged backgrounds. I then went on to a decade of service—as a career public servant—at the Department of Labor’s Office of Disability Employment Policy as a policy advisor on the Youth Policy Team, Director of the Youth Policy Team, and as Chief of Staff. I also took on detail assignments—working with the Senate HELP Committee on Disability Policy and with the White House as an Associate Director of Public Engagement and Liaison to the Disability Community.

Fundamental to my approach is a firm belief that we must heed what advocates with disabilities tell us they need in order to be successful. This is the disability community’s mantra: nothing about us, without us. My past 2 years leading a team working on anti-poverty issues has only deepened my firm commitment to working on behalf of people with disabilities, many of whom are low-income, to advance policies to address the economic security of individuals, families and communities.

ODEP’s research, evidence-based policies and practices, and expert technical assistance will play a critical role in ensuring that people with disabilities are part of our economic recovery. Now more than ever, we must work across the Federal Government, in states, with the private sector, and in partnership with people with disabilities, members of their families and service providers to build a better future.

I am honored by this nomination and the opportunity to once again work alongside the exceptional staff at the Labor Department who are committed to advancing employment opportunities and ensuring fair treatment in the workplace for all workers, including people with disabilities.

Thank you.

The CHAIR. Thank you, Ms. Williams.

We will turn to you, Mr. Parker, for your testimony.

**STATEMENT OF DOUG PARKER TO BE ASSISTANT SECRETARY
OF OCCUPATIONAL SAFETY AND HEALTH, SAN FRANCISCO,
CA**

Mr. PARKER. Thank you. Chair Murray, Ranking Member Burr, and Members of the Committee, thank you for the opportunity to speak to you today. It is my privilege and honor to be before you as the Committee considers my nomination to be the Assistant Secretary of Labor for Occupational Safety and Health. I want to thank President Biden for the opportunity to serve our Nation in this important role.

I also want to thank my family. I am incredibly appreciative for the love and support of my wife, Lee Phillips, who has joined me here today in the Committee room with our 2 month old daughter, Rose. Our other daughter, Evelyn, has been enjoying Washington, DC this week while I prepare for this hearing and is staying with friends. I would also like to thank my parents, who both grew up in western North Carolina during the Depression and instilled in me the values of community, family, justice, and faith that have guided me throughout my life.

My mother was planning to watch these proceedings from the home where I grew up in Lynchburg, Virginia, but recently had a

fall and is in rehab. My older brother, Michael, who has always supported me in my career in life, is following the hearing from his home in Germany. My father, who passed away in 2017, began his career working for an electric utility in Southern West Virginia where my brother and I were born. He cared deeply about the health and safety of his fellow employees. His very first act as a supervisor back in the 1950's was to hold an employee safety breakfast. He was proud of a career spanning more than 30 years in which no employee suffered a major injury at work. I think he would be very proud today to see the opportunities I will have, if confirmed, to thoughtfully address the health and safety of America's workers.

Both of my parents instilled in me the value and dignity of work. While I was in high school, I spent my summers making tomato stakes in our garage that I would sell to save money for college. It was a small family business that began as my brother's Future Farmers of America Project. After college and a couple of years working in Washington, DC, I returned home to help my father start another small business, manufacturing and selling specialized tools for the electric utility industry. I worked mostly in sales, but filled in as needed as a security guard, a typist, a general laborer, or whatever else needed to get done.

I appreciate the challenges faced by small business owners whose financial risk taking and innovation is what drives growth and opportunity in this country. I then decided to apply for and attend law school, where my interest in labor law and worker's rights took shape. As a labor lawyer and legal aid advocate, I have had the privilege of working on behalf of coal miners, warehouse workers, hotel housekeepers and health care workers. As a public servant, both at the Federal Mine Safety and Health Administration, or MSHA, and the California Division of Occupational Safety and Health, CAL OSHA, I have demonstrated my ongoing commitment to the health and safety of workers.

During my time at MSHA, I helped to improve the agency's use of its available enforcement tools to bring mines with poor safety records into compliance, efforts that helped to usher in the safest period for miners in our Nation's history. At CAL OSHA, I have led the agency through the past 14 plus months of the COVID-19 pandemic. Early in the pandemic, we proactively developed guidance, model programs, and training tools to help employers put COVID-19 prevention plans in place.

We have provided compliance assistance to thousands of employers. When employers have failed to adequately protect workers from exposure to COVID-19, we have taken action. And in November, the CAL OSHA Standards Board adopted an emergency temporary standard to train workers, implement controls to limit transmission, and contain workplace outbreaks when they do occur. In both of these Government roles, maintaining a dialog with stakeholders has been a top priority for me.

One of my first actions at CAL OSHA was to reinstate our stakeholder advisory committee. And I understand how important it is to hear input on the issues facing our workplaces. If confirmed, I will maintain that commitment to stakeholder dialog. We do not have to choose between a strong economy and good, safe jobs. Lis-

tening to and learning from stakeholders is how we can ensure both. Thank you and I look forward to your questions.

[The prepared statement of Mr. Parker follows:]

PREPARED STATEMENT OF DOUG PARKER

Chair Murray, Ranking Member Burr, and Members of the Committee,

Thank you for the opportunity to speak to you today. It is my privilege and honor to be before you today as the Committee considers my nomination to be the Assistant Secretary of Labor for Occupational Safety and Health. I want to thank President Biden for the opportunity to serve our Nation in this important role. I also want to thank my family. I am incredibly appreciative for the love and support of my wife, Leigh Phillips, who has joined me here today in the Committee room with our 2 month old daughter Rose. Our other daughter, Evelyn, has been enjoying Washington, DC this week while I prepare for this hearing, and is staying with friends.

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In both of these government roles, maintaining a dialog with stakeholders has been a top priority for me. One of my first actions at Cal/OSHA was to reinstate our stakeholder advisory committee, and I understand how important it is to hear input on the issues facing our workplaces. If confirmed, I will maintain that commitment to stakeholder dialog. We do not have to choose between a strong economy and good, safe jobs; listening to and learning from stakeholders is how we can ensure both. Thank you and I look forward to your questions.

The CHAIR. Thank you very much, Mr. Parker. Thank you to all of you again. We will now begin a round of 5 minute questions. I ask my colleagues to please keep track of the clock and stay within those 5 minutes. The mission of the Department of Labor is to, “foster, promote, and develop the welfare of the wage earners, job seekers and retirees of the United States, improve working conditions, advance opportunities for profitable employment and ensure work related benefits and rights.”

Yet we know that during the previous administration, the Department of Labor didn’t fulfill that mission. It took a series of actions that seriously undermined workers’ rights and it moved in the wrong direction as it finalized rules on joint employer, independent contractor status, tip protection, and the overtime threshold. And the Department failed workers and their families by refusing to issue rules to protect workers and neglecting to vigorously enforce the laws that are on the books.

Now we have a Department of Labor with leadership committed to carrying out the Department’s mission to promote the welfare of all workers and secure their benefits. So this morning, I would like to hear from each of you how your previous experience will contribute to the Department’s mission and help you carry out the duties of your job, if confirmed. I will start with Mr. Nayak.

Mr. NAYAK. Thank you, Chair Murray, and thank you for the time to meet the last couple of days. If I am fortunate to be confirmed, I would be tremendously excited to take on the role of Assistant Secretary for Policy. As you know, I have a long history in labor and employment policy, including 7 years of the Obama administration. I am excited to help advance the President’s and Vice President’s agendas when it comes to workers, and the Secretary’s vision for the Department.

But in rulemaking in particular, the Department does have to keep an open mind and not prejudge outcomes. The Assistant Secretary for Policy can help ensure the Department is running a process that improves policy. If I am fortunate enough to be confirmed, I envision taking on a few priorities. First, ensuring the Department is producing high quality economic analysis. Second, promoting stakeholder engagement, hearing a range of views, both in the notice and comment rulemaking period and beyond from a variety of stakeholders.

Third, assessing equity, understanding the impact of everything the Department does on stakeholders who otherwise might be left behind. Depending on the context that could be women, people of color, people with disabilities, immigrants, or a very diverse world of small business owners. I would be excited to have the chance to play this role for the Department.

The CHAIR. Thank you.

Ms. Williams.

Ms. WILLIAMS. Thank you for that question. Senator, I got my start in public service as a policy adviser at the U.S. Department of Labor working on issues related to youth and young adults as they transitioned into the workforce. In the decade of service that followed, I wore many different hats, but in all of them focused on issues affecting people with disabilities and did it with expertise grounded in data, evidence based practice, and the development

and implementation of policies that could break down barriers to disability, inclusion, and employment.

If confirmed to this role, I would approach it with the fierce commitment to collaboration that has been the hallmark of the work that ODEP has done in the past. ODEP is uniquely positioned to leverage its expertise as it works across the Department, the broader Federal Government, in states, with employers both public and private, with service providers, family members, and most importantly, with people with disabilities themselves.

The CHAIR. Thank you.

Mr. Parker.

Mr. PARKER. Thank you very much, Madam Chair, for the question. I began my career after law school as an attorney, both at the Mine Workers and then in private practice representing unions and workers, and I had the opportunity not only to see how a wide range of industries worked, but also to see the human cost of unfair working conditions and unsafe working conditions for workers. And really understand from some of the workers that I worked with individually, the impact on their families, if they lost their job, if they were injured, if they were one of the retirees who I represented while they were struggling to get health insurance back from the coal company where they worked, understanding the impacts on that.

I have a very strong commitment that is grounded in that very personal experience for me. During my time in public service, I worked at the Mine Safety and Health Administration to inform—reform our enforcement programs there, our whistleblower program and others. And in CAL OSHA, I have had similar experiences in reviewing the systems in place at the agency and really responding in a crisis situation to the COVID-19 pandemic. And I believe these leave me well qualified to be the Assistant Secretary.

The CHAIR. Thank you to each one of you.

Senator Burr.

Senator BURR. Thank you, Madam Chair. I warn all of you, I don't think you are going to have a prepared answer for my questions. Mr. Parker, California OSHA, which you led, issued a standard with little success. For example, NPR wrote, hardly—excuse me NPR pointed out that California's approach to COVID was arbitrary, capricious, and not data driven, lacking the nuance and incentives which outcomes the same or worse—outcomes were the same or worse of other states.

Now, the President has said by July the 4th, America is going to be back to normal. The Centers for Disease Control and Prevention changed their guidance 2 days after testifying before this Committee and said, if you are fully vaccinated against COVID-19, you can resume activities without wearing a mask or staying six feet apart. My question is sort of simple, why issue a standard that becomes rigid and unchanging when the sciences we have learned from Dr. Lewinsky and Dr. Fauci is constantly evolving and being updated regularly?

Mr. PARKER. Senator, thank you for the question and it is an important one. It is true that in California we did issue an emergency temporary standard, we identified a compelling need to do so, but it wasn't where we began. We began with offering compliance as-

sistance to employers, understanding that they needed assistance in figuring out how to address COVID-19, a new and novel hazard in the workplace. So we put out dozens of compliance documents. We put out, I think we sent a letter to every employer in the state reminding them of the guidance that we put up and how they could receive compliance assistance from us. We—

Senator BURR. NPR is not a conservative news outlet. We would agree with that, wouldn't we? Let me just restate what they said that what you did in California was arbitrary, capricious, not data driven, lacking nuances and incentives, and the outcomes were the same or worse than other states. So I appreciate your litany of things that you went through. Do you regret that you did it, and would you do the same thing in the role at the Department of Labor as it relates to this standard?

Mr. PARKER. I don't regret what we did, Senator, because I believe that it saved lives in California and did contribute to the improvement in the situation from being one of the hardest hit states to the state now with one of the lowest rates. I don't—I am not familiar with the NPR article or story that you are referring to. I do know that those very issues were alleged in a lawsuit seeking to overturn the emergency temporary standard, and they were soundly rejected by the courts in California.

Senator BURR. Let me ask you a couple of yes or no answers—questions. Reports show that the teachers union had a significant input in return to school guidance recently issued by the CDC. Media reports suggest that union officials are outraged that OSHA has not issued an emergency temporary standard. If you are confirmed, can you assure me that you will make sure no union has been provided a draft of an emergency temporary standard or any other guidance issued by OSHA?

Mr. PARKER. I can assure you that we won't issue any kind of document like that if it is not permitted, and if it were permitted, we would do it on an even handed basis with stakeholders.

Senator BURR. If you are confirmed, can you assure me that no union will influence the decision to issue an emergency temporary standard or any other guidance at OSHA?

Mr. PARKER. I can assure you that we would not give unions any greater influence than other stakeholders and we would follow the rules and procedures that are in place for the rulemaking process.

Senator BURR. If you are confirmed, can you assure me that no union will influence the contents of an emergency temporary standard or other guidance issued by OSHA?

Mr. PARKER. Again, Senator, to the extent that we would seek input from stakeholders, it would be even handed.

Senator BURR. Well, I appreciate your answers. Let me just say that when a left of center news outlet says that the decisions you made were not driven by anything that had to do with data and that they were capricious, it concerns me as to what the process will be to determine what this temporary standard is going to be. If in fact those who have interest in this one way or the other are influencing that decision, that would not be looked at very kindly on this Committee. I appreciate your answers. Thank you, Madam Chair.

Mr. PARKER. I understand, Senator. Thank you.

The CHAIR. Senator Casey.

Senator CASEY. Thank you, Chair Murray. I want to thank the panel for being here today and also for your willingness to do public service. I am going to be directing my questions to Ms. Williams. I wanted to thank you for the participation that you had in our, I guess it was March, the—back in March, the hearing we had on COVID-19 and health disparities. And I remember engaging with you there.

I appreciate your work on disability policy issues, an area where we share a lot of common interests and as well as issues around work and people with disabilities. You had mentioned that many people with disabilities are low income, and we know that. In fact, about a quarter of adults with disabilities have annual incomes below the Federal poverty level. You also mentioned lack of economic security for people with disabilities and the need to ensure that they are not left behind as we recover from both the pandemic and then the ensuing economic calamity.

You also know that, and we have talked about this in other contexts, the labor force participation rate, the—I think for women at one point in 2020 was the lowest in a third of a century. We know for people with disabilities, that labor force participation rate has been very low as well. So I guess on, just two broad questions. One is, how would you address both low employment? That is one question. And then also underemployment for people with disabilities.

Ms. WILLIAMS. Thank you for that question, Senator. And thank you for your continued commitment and championing of inclusion of people with disabilities and disability employment. It is absolutely the case that people with disabilities often live in poverty. There is a saying and also research that shows that disability can be both a cause and consequence of poverty.

As part of that, we know that workers with disabilities continue to be unemployed, underemployed, and entirely out of the workforce at unacceptable rates. I think now, particularly as we emerge from the pandemic and we are confronting the collective effort to rebuild our economy, there is an urgent need for disability employment policies that enable people with disabilities to pursue careers, to attain good jobs, and to achieve economic security. I think this is particularly the case now because of the pandemic.

But frankly, we have had data available since 2009 that shows that there is work to be done to really address the unfinished business of the ADA, and that is achieving economic security for people with disabilities. The mission of ODEP is to develop and influence policies and practices that increase both the number and the quality of jobs and employment opportunities for people with disabilities. And its core strength is working with Federal partners in the Department of Labor, across the Federal Government with partners such as the Department of Education, Health and Human Services, the Social Security Administration, all Departments that play a key role in supporting people with disabilities and helping to eliminate barriers that they face.

ODEP works closely with these Federal partners. It also does that work in states and localities, with employers, both private and public sector, and with service providers. If I were confirmed to this role, I would continue to leverage ODEP's expertise, its leadership,

its experts who are world class in the areas that cross-cut with disability employment, in order to ensure that people with disabilities are prioritized and our economic recovery. I think we can do this. I know we can do this. And I would commit to working with you, Senator, and Members of the Committee, to continue to work on this urgent crisis related to disability employment.

Senator CASEY. Thanks very much. I think I will submit a question for the record about sub-minimum wage. I know it is an area that you have spent a good deal of time on. We know that since 1986, Congress eliminated the requirement to pay people with disabilities at least half of the minimum wage. We have gotten bipartisan efforts here in Congress to finally address the so-called special certificates and sub-minimum wage. But I am out of time, but I will submit a question for the record. Thanks very much.

The CHAIR. Thank you.

Senator Marshall.

Senator MARSHALL. Okay, thank you, Madam Chair. And again to our guests today, thank you for being here. My first question to Mr. Parker. On April 26th, OSHA transmitted an emergency temporary standard related to the COVID-19 to the White House Office of Management and Budget for review and approval. A lot has changed in the past several months. Every American has had an opportunity to get the vaccination.

We are approaching herd immunity. And I am telling you, my phone is just blowing up from small business owners especially regarding this. I think of—the people that work outside the construction industry where there is really no outbreak, so they can really go back to one of those outside jobs that I am aware of. It is certainly so hard as one size fits all.

Every county is different in what is going on in one county versus a different county, versus a different state. The emergency temporary standard, the bar for that says that COVID currently presents a grave danger, which is simply not true anymore. Thank God for the vaccinations, right. And so many people have already had the virus as well, conferring immunity. Do you think that we still need that temporary standard, emergency to every standard out there, or do you think we can retract that now?

Mr. PARKER. Thank you for the question, Senator. I know that in California we have, as the Ranking Member noted, have been working on a reauthorization of our emergency temporary standard, and we have scaled back significant elements of it in order to reflect the evolving science, to take into account issues like the number of—the availability of vaccines, which wasn't the case when we initially issued our emergency temporary standard back in November in California.

We have recently requested that our standards board, who is the body that is actually responsible for approving and issuing the emergency temporary standard, at CAL OSHA we just make recommendations, but we have recommended that be paused so that we could consider whether aspects of the recent CDC guidance on face coverings should be included and if so, to what extent.

We have been focused on ensuring that we act quickly to adopt the latest science and that we have spent a lot of time listening to stakeholders and trying to address issues of complexity, issues of

confusion that they might have had in our initial role. In fact, I personally chaired 4 days of meetings with stakeholders to get their feedback on these issues.

Senator MARSHALL. What type of stakeholders would that be? Like business owners or—

Mr. PARKER. Yes. Well, it was a mix, but the vast majority were business owners and representatives of trade and other business.

Senator MARSHALL. Based upon what you know today, do you feel that COVID currently presents a grave danger to employees?

Mr. PARKER. I believe that if Federal OSHA were to issue an emergency temporary standard, that they would be able to satisfy that legal standard based on precedent. But I am not an expert on that precedent. But I do believe that they could meet that legal standard. Yes, Senator.

Senator MARSHALL. Are you saying the vaccines don't work? That we don't we shouldn't have faith in the vaccinations?

Mr. PARKER. Not at all, Senator. I believe that science is definitely, as the CDC has recently recognized, something that we can rely on and is a key element in our society's fight against COVID-19. But when you look at—and we have made tremendous progress, don't get me wrong. But when you look at the fatality and infection rates among those who are not vaccinated, those have not improved over the last several months. And so there is still a substantial number of people in society and in the workforce who have yet to get a vaccine. And I just believe that we need to finish the fight before we stop—

Senator MARSHALL. Do you realize the mixed message you are sending to people? One of the reasons for vaccine hesitancy, one of the reason for people not going back to work is because of what you are talking about right now. You are sending a mixed message. You are basically, your actions are saying that the vaccine don't work, and it is not safe for you to come back to work when we know there are at least 97 percent effective. So I am just—you are sending a really big mixed message here.

Mr. PARKER. Well, Senator that is certainly not my intent. And I strongly encourage people to get the vaccine and will work to incentivize vaccinations as we—in California as we look to the next version of our emergency temporary standard.

Senator MARSHALL. Thank you so much. I yield back.

The CHAIR. Senator Baldwin.

Senator BALDWIN. Thank you, Madam Chair. I want to continue in this vein of discussion with regard to standards from OSHA to help guide employers and workers during a pandemic. I happen to believe that it was outrageous that early on in this pandemic under the previous administration, that there were never enforceable standards issued, even emergency temporary standards.

In fact, everyone could only rely on suggestions and guidance from CDC and some from the Labor Department, but mostly from CDC. And last Congress, I was the Ranking Member of this Committee—Committee on—Subcommittee on Employment and Workplace Safety. And in that role, I took the lead on legislation to require OSHA to set an emergency temporary standard for employers operating during the COVID-19 pandemic. Workers and business

owners have been waiting for clear, enforceable standards to keep their workers and their customers safe from COVID 19.

I want to make clear my position on this issue. But ask you, Mr. Parker, how did you reach out to both businesses and workers in California to benefit from their wisdom and input to help with the establishment of the original emergency temporary standard?

Mr. PARKER. Well, thank you, Senator, for the question. When we issued our original emergency temporary standard, we were very much working against the clock. We had to put something in place as soon as we could in order to combat the spread and transmission of COVID-19 in workplaces in California. And as such, we were working as—it is contemplated, when preparing an emergency temporary standard, without the same level of notice and comment and stakeholder input that one would normally receive because it is in fact done on an emergency footing.

However, we also promised to stakeholders that as soon as the standard was issued, that we would immediately begin seeking input from stakeholders to ensure that we considered their views, considered their input, and their ideas when we developed the next iteration of the emergency temporary standard. We had the opportunity under the law that was in place to leave our emergency temporary standard, as it was for over a year in California.

But instead, within a month of issuing that standard, we had a daylong stakeholder meeting to take input on the next iteration of the rule. And then again, in February, I hosted 3 days of stakeholder hearings to go line by line through the rule and to gather stakeholder input, ideas, and comments. And we also took plenty of comments in writing. So that is how we reached out to stakeholders and took their views into account.

We also, I have to say, worked strongly with the California Department of Public Health, in lockstep in fact, making sure that we were reviewing one another's documents, that we were collaborating, that we were on the same page in terms of our interpretation of science and what we thought would be a thoughtful and cautious and protective approach on behalf our workers.

Senator BALDWIN. Thank you. Thank you for that response. I appreciate the ability to meet with you. Earlier this week, we talked about meatpacking and food processing plants, and the spread of COVID in our Nation had a devastating impact on the workers at some of those facilities.

In Wisconsin, the Milwaukee Journal Sentinel reported that 1 in 14 migrant workers at a green bean canning plant in Gillette, Wisconsin died as a result of COVID-19. In addition to failing to issue an emergency temporary standard, OSHA consistently failed to conduct serious investigations of unsafe workplace conditions during the pandemic. Moving forward, how do you think OSHA should tackle this problem and help workers who are reporting unsafe working conditions?

Mr. PARKER. Thank you, Senator, for the question. It is critically important that OSHA have the ability to respond to these types of complaints. It has certainly been a challenge in California, given the huge number of complaints that have overwhelmed our system and we have had to develop a triage process to make sure that we

were allocating our resources as best we could to help the most workers as possible.

I would take a similar approach. I am appreciative that we are no longer in quite the same level of overwhelming, complaints received, and so we have more flexibility. And I would hope that would be the case at Federal OSHA as well.

Senator BALDWIN. Thank you. And Madam Chair, I yield back.

The CHAIR. Thank you. A vote has just been called, and what I am going to do is call on Senator Braun and Senator Kaine. Senator Kaine, if you could stay until I get back and then turn it over to whoever is next on online. So I will be back in about 5 to 10 minutes.

Senator Braun.

Senator BRAUN. Thank you, Madam Chair. Enjoyed talking to all three of you yesterday evening and thanks for the input. I am going to direct my question to you, Mr. Parker. California would be emblematic in a way of just kind of being trend setting in many areas. In the case of being a business friendly environment, I would say you have got the reputation as maybe being one of the toughest places to hang your shingle out, especially from that point of view of being an entrepreneur.

I know my company got there about 10 years ago and really found it to be kind of in that category of wanting to shoo you away rather than even to work with you to see how you might improve your operation and had the great benefit of being able to compare it. We were such a little company for so many years and then exploded in growth over the last 20 years. And we have to say that it is a tough business climate.

I want to continue on the line of questioning that Senator Burr gave you about being arbitrary and capricious, I think as it related to the COVID navigation. Do you—here, in Indiana, and I assume you had something similar to this in California, did you actually declare that certain businesses were essential or nonessential? Was that something that was done in California?

Mr. PARKER. Thank you, Senator, for your question. And I am sorry to hear about the challenges you faced as you brought your businesses to California. Declaring certain businesses as essential or not essential was not the function of CAL OSHA, but the State of California did declare certain businesses essential.

Senator BRAUN. I knew that wasn't the case specifically to your domain, but it would be emblematic of kind of a general attitude. And in Indiana, where it is a better business climate and we have got a lot of entities moving into the state, and I think the proof in the pudding is that in California, many are going away from it. In the long run, whether it is through a declaration that you are essential or non-essential—and many states did do that.

My observation would have been that it was assuming that businesses did not want to keep their employees safe and their customers safe. And I think Senator Baldwin cited some instances in packing plants which were true. My observation there was, due to the uncertainty of the COVID kind of how it was going to navigate over the last year and a quarter, that was maybe warranted. I also noticed that companies quickly did what would make sense for the

safety and health of their employees and their customers, almost without exception.

In our State of Indiana, which has got a good business climate. It still has got bureaucratic by saying you are essential or not. It should have been who can remain open and keep their employees safe, not categorizing a business one way or the other. So in your new post, do you think OSHA in general has been, and related to your experience in California, over-the-top, overbearing? Have you noticed that businesses are the exception to the rule that would treat their employees in a way that wouldn't keep them safe?

Do you think the heavier hand of Government sometimes needs to be lightened so that you don't have a result like we did in navigating through COVID, where we can't tell the difference in which approach ended up with better results other than it hurt businesses? And I think it is reflective in many states like California, where the outcome was very bad on the commerce side and no better on the safety side.

Mr. PARKER. Senator, in California, our approach was to begin with compliance assistance, not with, as you say, the heavy hand of enforcement. We understood that businesses were in need of assistance to know what they needed to do. And we had businesses and associations banging on our door asking us, what do we need to do? And I give those businesses a lot of credit for wanting to do the right thing.

I do believe that represents the majority of the businesses in the state. Our approach to regulation was to develop a rule that would allow businesses to operate as safe as feasibly possible. So we did not approach the issue in terms of who is open and who is not at CAL OSHA. We wanted to put rules of safety in place for any business that was continuing to operate.

Senator BRAUN. I am glad to hear that point of view. And I think that in my experience of being an entrepreneur, a CEO for 37 years prior to becoming a Senator, that in many instances, and especially looking at the differences between states, and generally speaking on the Federal Government, that sometimes a regulatory reach is way over the top when it then generalizes across all businesses. And in my observation, the businesses that don't do things well are the exception rather than the rule. Thank you.

Senator KAINE. Thank you, Senator Braun. And to the witnesses, congratulation for your nominations. Mr. Parker, I have to acknowledge you are James Madison and UVA grad, and as a reward for that, I am not going to ask you more questions. You have been getting a lot of airtime this morning. I am going to direct my questions at Mr. Nayak and Ms. Williams. And it is sort of one topic and maybe you could kind of each take 2 minutes on the topic.

As you pointed out, for example, how COVID had a disproportionately tough effect on folks with disabilities in the employment space. But I wonder whether some of the strategies that we have embrace during COVID, remote work and using technology and employers finding, wow, employees can do work in ways we might have thought nontraditional and be super productive. I wonder if the COVID experience might have taught us some things that might open up some opportunities for folks who struggle with dis-

abilities to actually, get more deeply involved in exactly the kind of jobs they want.

I would love to hear you talk about that. And I am going to direct a similar question to Mr. Nayak. I worry a lot about folks who are ex-offenders, who are often really tough to employ. Virginia has one of the lowest recidivism rates in the Nation, but it is still way too high at 23 percent. One of the reasons we are low is that we in recent years have tried to do more to equip people when they are incarcerated with skills that will enable them to get employment later. But I found an interesting thing occurring as I recently traveled around Virginia.

People are talking about, it is tough to get folks back to work. I am starting—I wouldn't have hired ex-offenders before, but I am starting to do that now, and I am finding that I am able to get some really good workers. So I am wondering maybe for each of you, has the COVID experience and maybe coming out of it, learning to work in new ways, it is hard to find great people to work.

It might open the aperture of employers to hire in new ways and might have opened up some opportunities for folks with disabilities and folks who have been incarcerated. Ms. Williams, do you want to start first, maybe?

Ms. WILLIAMS. Thank you for that question, Senator. And it is true that the pandemic has had a devastating impact on people with disabilities, and that we need to continue to prioritize the needs of people with disabilities and our economic recovery efforts, both at the national level and also at the state level. But I also think, as you point out, that we have an opportunity. And perhaps it is more than an opportunity.

Perhaps we have a duty to use what we have learned during the pandemic, the different ways that we have had to learn how to work and how to move, not only throughout the country, but throughout the globe to take steps to build a workforce that is more inclusive of people with disabilities. Throughout the pandemic, ODEP I know has leverage its expertise, particularly in the area of accommodations and remote workplace policies, to ensure that people with disabilities could stay connected to employment.

I think a lot of employers are finding that those policies are universally applicable to their workplaces. So I do think we have an opportunity to learn, and I do think that ODEP has an opportunity to leverage its expertise and the collaborative partnerships it has developed to help build that workforce of the future.

Senator KAINE. Thank you for that. And Mr. Nayak, about our ex-offender community.

Mr. NAYAK. Yes. And thank you so much, Senator, for that question. It is a really excellent one. I think one thing we have learned in this pandemic for sure is just how different communities are impacted differently by, the same events. And that has not an intentional thing. It is just something that is kind of built into our world. Our workforce development system is so important. It can provide real opportunity to connect people with jobs and to help Americans who want more training, get that training.

Putting those two together, I do think that going back to thinking about who is impacted by our workforce system, how we can do better outreach to various communities, including people who

have criminal records, who are in need of opportunities, and really working with, engaging with both employers and organizations, workers and worker organizations to think about—and civil rights organizations and others, to think about how to really connect folks with those opportunities.

In rural areas, as you said, there are folks who need jobs and there are folks who are looking for jobs. The workforce system is just a really, vital connector to help people get the skills and resources they need, to get into apprenticeship programs, to get into other programs aimed at dislocated workers and others.

As Congress looks at reauthorizing the Workforce Innovation and Opportunity Act, I feel like there are a lot of lessons from the pandemic and from the last almost, half decade of employment WIOA, it will be really important to build in, along with the stakeholder results.

Senator Kaine. Thank you for that. And should you be confirmed, I would really like to work with you on this issue with the ex-offender community. Oftentimes, these issues, they get put into kind of a criminal justice mindset and then they may be more Judiciary Committee, but I think they are really appropriate for this Committee, too.

If you are going to deal with a population that has had difficulty finding the best work, the time to really make headway is when the unemployment rate starts to drop, because then employers are really looking for good workers and may be more willing to, consider folks that 2 years ago they weren't looking to hire. So I would love to work with you should you be confirmed on this. And now I believe I will. Oh, and the Chair is back.

The Chair. Thank you very much.

Senator Hassan.

Senator HASSAN. Thank you, Madam Chair and Ranking Member Burr. Thanks to our nominees for being here today. Thank you for being willing to serve and to your families for supporting you in this. As our economy continues to recover from the pandemic, we need strong leadership at the Department of Labor who will ensure safe workplaces for all workers. And I have a couple of questions that really follow-up on some of the things Senator Kaine was just talking about. I want to start with a question to Mr. Nayak. Some workers are going to face permanent dislocation as a result of the pandemic.

We obviously need to support high quality workforce development to help them get back to work in good paying jobs and help businesses get the skilled workers that they need. This Committee is working on bipartisan solutions to update and expand key workforce laws. And the President has included substantial support for workforce development in the American jobs plan. I have long supported something called career pathway programs.

These programs use industry partnerships with higher education to help workers who have fallen out of the labor force to make sure that they can receive educational credentials while they are also earning an income.

To support these efforts, I introduced the Gateway to Careers Act with Senators Young, Kaine, and Collins, a bipartisan bill to expand career pathway programs as well as provide wraparound sup-

ports for learners who face barriers to completion, supports like helping access affordable housing or covering transportation costs.

Mr. Nayak, following up a little bit on your answer just now to Senator Kaine, how could the Department of Labor help scale up workforce development efforts, including career pathway programs, so that our most vulnerable workers can reenter the workforce and help our economy recover from the pandemic?

Mr. NAYAK. Thank you so much, Senator, for that question. I think it is really important to think about how these excellent proposals to increase the workforce training program and to scale up, can be informed by a lot of different sources.

One clearly, like if legislation like that were to pass, it is really important for the Department to, in implementing it, get stakeholder input. The Department should be talking with folks like you and your colleagues, but also business and industry groups, workers and worker organizations, and Governors, folks who have been involved on the ground, have seen these projects working, to talk about what worked, what didn't, how to get it to scale.

I think that any sort of effort that doesn't include those stakeholders is going to be a little less likely to succeed. The other thing that I found really important in my time in the Department previously was really working hard to engage across agencies. Understanding that, the Department of Labor has a really important place to play in the workforce system, but so does the Department of Education, so does the Department of Commerce, so does the Department of Health and Human Services.

Building those interagency relationships, building those networks together where we can all work together with our stakeholders and think about actually scaling up these programs is really vital. If I am lucky enough to be confirmed, I would love the chance to continue the conversation.

Senator HASSAN. Well, I would look forward to that as well. And that interagency collaboration is really critical as when we are talking about providing wraparound supports to people, too. So I would look forward to that. Ms. Williams, I want to talk with you a little bit, and I appreciated your statement just now. Not only that making our workforce more—a more inclusive place is the right thing to do, it is our duty to do.

We have discussed today that there is a lot of work to do to ensure that workers with disabilities have access to competitive, integrated employment opportunities. And I emphasize competitive and integrated here. Workers with disabilities often require supports and services from employment specialists and direct support professionals to succeed in the workplace.

While direct support professionals play a critical role, they are often difficult to hire and retain because their wages are low. We don't recognize the work as we should, and there are other workforce challenges involved, too. So, Ms. Williams, can you explain the importance of supporting direct support professionals to increase employment opportunities for workers with disabilities?

Ms. WILLIAMS. Thank you for that question, Senator. And you are right, it is absolutely critical that we support direct service professionals in their efforts to really help prepare talent, all talent,

but particularly in this case, talent with disabilities to be ready for the workforce.

When I started at ODEP, one of the very first things that we worked on was related to helping to grow the knowledge, skills, and abilities of direct service providers and professionals in the area of disability inclusion. And in fact, it was when I left the Department, one of the last things that I did was to continue to work with those professionals because they are a critical tool for the support of disability inclusion. And I commit to continuing that work.

Senator HASSAN. Well, thank you very much. And I know I am over time. I will just urge my colleagues to learn more about the work that direct support professionals do. They are some of the most creative and committed people I have ever known. And if we can boost their wages, we really could make a big difference for a lot of people. And Mr. Parker, I had a question for you, which I will submit for the record. Thank you, too, for your willingness to serve.

The CHAIR. Thank you.

Senator Rosen.

Senator ROSEN. Thank you, Chair Murray, Ranking Member Burr. And like everyone else has said, I am so appreciative of all the nominees for your time today, for your work, and for your willingness to serve not just our Nation, but our country's workers. And so I want to talk a little bit about the blind and visually impaired.

Ms. Williams, I appreciate you being here today and sharing so much about your personal experience, which helps us to understand the barriers that people with disabilities and chronic illness face when it comes to employment and training. And as you likely know, orientation and mobility training is part of vocational rehabilitation for workers who are blind or visually impaired.

Just this week, my office learned from advocates in my state that there is not a single orientation and mobility specialist in Northern Nevada. The only specialists in the state or in Las Vegas. A travel from Reno or a more rural area of our State to Southern Nevada is not only time consuming, but it can be very expensive.

Ms. Williams, can you talk about how the Department can coordinate with the Rehabilitation Services Administration or other offices or agencies to better serve workers with disabilities in areas where there just aren't access to vocational services like our rural areas, probably across the country?

Ms. WILLIAMS. Thank you for that question, Senator. And ODEP has a long history of coordinating with Federal partners to promote work-based learning experiences and to ensure that all youth and adults with disabilities get access to the training that they need.

That collaboration has included close work and partnerships with the Department of Education and specifically RSA, the Vocational Rehabilitation System, the Department of Health and Human Services, and also working very closely with the Social Security Administration, all key actors in the delivery of supports and systems to all youth and adults with disabilities.

If confirmed to this role, I would commit to continuing on that long history that ODEP has of collaborating with partners, both in other Federal Departments, but also with our own Department, with the Employment and Training Administration, to ensure that

all youth and adults with disabilities, including those who are blind and visually impaired, are getting access to the supports that they need in order to get connected to the workforce and to be on a pathway into, not only just a good job, but to a career.

Senator ROSEN. Thank you. I would like to move on now to Mr. Nayak and talk about the role of the Department in the economic recovery. Now, you worked at Department of Labor from 2010 to 2017, so you began your time there during the midst of the last economic recession. So I would like to ask you a few questions based on your experience, because the economic recovery is uneven across the country.

In Nevada, our unemployment rate in April was still at 8 percent because our economy rely so heavily on tourism, which depends on consumer confidence to travel, including international travel. So how can the Department focus its resources on supporting workers in specific geographic areas or sectors that are hardest hit?

Mr. NAYAK. Thank you, Senator, for that question. The pandemic has upended our economy and our workforce just as it has all our lives. And while I say our I want to acknowledge the study after study has shown that people of color and Black and immigrant communities in particular have borne the economic brunt of the pandemic's effects, just as Black Americans have borne the brunt of the health effects. But you ask a really good question about thinking about bringing us out.

I think a lot of us are deeply concerned about how women in particular have been impacted by the pandemic. One study suggested that mothers work hours have fallen four to five times as much as fathers, and women's unemployment increased by 2.9 percent more than men.

I know the Biden administration is very concerned, and the kinds of investments in the American jobs plan and the American families plan, from childcare to paid family leave and medical leave, are key to really giving women the chance to reenter the workforce.

Again, I put in a plug here for the workforce system because how those investments are distributed, thinking about ways to target them geographically in the right way is a key part of getting those investments out into the workforce.

Senator ROSEN. Well, thank you. And I look forward to working with you, if you are confirmed, to apply the lessons you learned from the last recession, an economic downturn, coupled with the current statistics that we have now to move our country forward. Different states, different areas may have different challenges and we have to respond in the most appropriate ways that will work best. Thank you, Madam Chair.

The CHAIR. Thank you.

Senator Hickenlooper.

Senator HICKENLOOPER. Thank you, Madam Chair, and I want to thank all of the participants today for not just your time today, but for your public service. And I wanted to ask a question of Mr. Nayak first. I have been—I started out in small business and I have been really focusing on the small business industry and the sector partnerships and working to try and figure out how to create apprenticeship training programs for the specific workforce needs

of individual small businesses, such as promoting apprenticeships through regional training networks for employers' required skills or partners act would do.

I am also interested in expanding access to these types of businesses, especially in rural areas, with less access to traditional resources, and sometimes in densely but underserved urban neighborhoods as well. Would you be willing to help and make a commitment and help us work on these things with not just myself but our colleagues to again build some muscle into these partnerships and create better access for rural businesses and to better train tomorrow's workforce?

Mr. NAYAK. Thank you, Senator, for that question. I really enjoyed having the chance to talk with you about the importance of workforce development efforts earlier this week. I am excited about proposals like yours to create and expand industry and sector based partnerships because they can help launch new apprenticeship and training programs. We know that apprenticeships and other work based learning programs are a win-win. They allow folks who participate to earn while they learn and get training, and a foot in the door to bolster their future opportunities.

Meanwhile, employers get workers with the training and the specialized skills that they need to hit the ground running. And as a bonus, these programs can, as you are suggesting, be targeted to populations in most need. That might be out of school youth, dislocated workers, or that may be thinking about actually building up the workforce in more rural areas. This is another place where I think stakeholder input is really vital.

The Department should be engaging with members and our colleagues, but also with, again, business and industry groups, really thinking about workers and workers' organizations, and Governors. I know from our conversation that you and your colleagues, Governors had some really important lessons learned here. If I am lucky enough to be confirmed, I would absolutely love the chance to continue that conversation.

Senator HICKENLOOPER. Great. I appreciate that. We also talked a lot about stackable credentials, and I think I will skip that question and put it into the record. But I really did enjoy your perspective that we can do more to support those, some of the innovative programs, through community colleges and different industry sectors to create those stackable credential platforms that really well serve the needs of kids. I will just submit that full question. We have so little time.

Mr. Parker, the number of OSHA inspectors has fallen to really the lowest point in probably 50 years. And it would take OSHA 106 years to visit every workplace once. A recent OIG report pointing out that the whistleblower investigations has fallen below the numbers that OSHA itself said was numbers that would be needed to run the program.

How will you assure that the agency has staff and training to make sure that they can carry out OSHA's mission? And how can we in the Senate help make sure that you are able to fill this mission?

Mr. PARKER. Thank you, Senator, for the important question. It is a critical issue in OSHA that it have the sufficient number of

inspectors available to conduct its important work. We have faced a similar issue in California, so I bring that experience of evaluating systems to determine how we can be more effective in doing hiring to the table and addressing this issue at Federal OSHA.

It would involve working closely with the Department of Labor and the Office of Administration and Management to evaluate the process and identify the issues, be they in the area of recruitment, be they in the area of delays in the hiring process, or prospective employees simply not accepting positions at OSHA.

I would have to be in the role and learn more in order to figure out how best to address it. But I am committed to doing so, and I believe it should be the top priority, if confirmed. I also think it is important not to disregard administrative support vacancies that may be occurring in the agency because that is a way to immediately develop increased productivity in the inspectorate that is present currently.

Senator HICKENLOOPER. I appreciate that and appreciate your candor. Again, I thank all the all the participants in the panel for your time and your service. And yield the floor back to the Chair.

The CHAIR. Thank you very much. I have a few more questions I want to ask you. And I will start with Ms. Williams. The Office of Disability Employment Policy has an important role in promoting quality employment opportunities for people with disabilities.

Though the pandemic has caused significant disruption in many workplaces, it has also led to a number of employers adopting inclusive workplace policies like telework, flexible schedules, assistive technology. Talk to us about what lessons we can take from this pandemic to make workplaces more equitable and inclusive moving forward, especially for our workers with disabilities.

Ms. WILLIAMS. Thank you for that question, Senator. I think as we emerge from the pandemic and think about what employers need to help not only rebuild the economy, but to ensure that they have access to the best talent, we have an opportunity to really learn from the experiences of private and public sector employers throughout the pandemic.

ODEP has, as part of the work that it does, a number of employer focused technical assistance centers that have worked to develop evidence based practices and policies in the areas not only of accommodation policy, but also in the areas of accessible technology, ensuring that people with disabilities are able to access to technology throughout the employment process, and in working directly with employers, large size employers, midsize employers, and small businesses to ensure that from the recruitment to the hiring to the retention and advancement processes that they have in place, people with disabilities are included.

As I look to how we might rebuild, I want to ensure that we are leveraging those partnerships that we already have with employers, and that we are taking a critical eye toward the lessons learned from the pandemic, including around accommodations for policies such as workplace flexibility and use of technology, because I truly think that will help us to close the ongoing gap that exists in the workforce between workers with disabilities and workers without disabilities. And if I may, I would add that those policies

that we are talking about would not just support people with disabilities, but as we have found out throughout this pandemic, they are policies that can support everyone in ensuring that they can stay connected to work.

The CHAIR. Thank you. I totally agree with that. Thank you for that answer. The past year has shown us how reliant we all are on our front line workers, many of them who have been left behind by policies that have not kept up with the challenges that workers face on the job. Too many of our front line workers, especially women and workers of color, lack adequate protection and rights.

It is really essential that we address these problems as we now recover from this pandemic by strengthening workers' rights and raising wages and expanding access to paid leave for all workers. And I want to hear from each of you, if confirmed, how you will work to ensure that our frontline workers have the workplace protections and supports they need. And I will start with you, Ms. Williams.

Ms. WILLIAMS. Thank you for that question, Senator. Again, I think it is so critical as we move out of the pandemic and we think about rebuilding our country and rebuilding the economy, that we are paying particular attention to the experiences of front line workers and to the inequities that continue to exist in our country and in the workforce.

For individuals who are multiple marginalized, that includes people with disabilities, that includes people with disabilities who are also people of color. I think if we are focused on their experiences, and as leaders if we are committed to meeting and listening to the experiences of all stakeholders, then we can bring to bear all of our resources or evidence based practices, our policy development in order to ensure better outcomes in our workforce.

The CHAIR. Thank you.

Mr. Parker.

Mr. PARKER. Thank you, Madam Chair. When I began at CAL OSHA, I commissioned two studies, one of them was to determine how many inspectors were needed for the agency to fully carry out its mission and all its essential and required duties to protect not only the safety but the health of workers.

Then the other study that I commissioned in partnership with our ALRB, our Agricultural Review Board, was to look at how we could do a better job conducting outreach with immigrant low wage workers, particularly in the agricultural sector. And I think that those two approaches that were recommended out of those studies illustrate the things that we have to do at OSHA.

One, we have to be able to build trust with the communities that are most affected by worker health and safety issues, and most affected by injury, illness, and death. And then we also have to be able to deliver the goods once those workers have the trust in us to come forward and take the risks that are involved in complaining about a work that is unsafe or to find out more information about how they can have a better workplace.

The CHAIR. Thank you.

Mr. Nayak.

Mr. NAYAK. Thank you, Madam Chair, for the question. I really appreciate that the President has made equity a cornerstone of his

administration. And it is important for all of us to think about how policies impact everyone, including folks who are too often left behind. And that includes, as we have learned over the last year, especially many of those frontline workers.

Again, though, depending on the context, that might be workers of color, immigrants, people with disabilities and women, even workers in rural communities like the place I grew up that have been hit hard by deindustrialization. That is one reason why I favor more analysis and really considering a lot of options.

One part of the Assistant Secretary for Policy in the Office that is very exciting to me is ASP the home of the Department's Chief Evaluation Office, which conducts rigorous, relevant evaluations in an independent and transparent way. The CEO's role is to help assess whether the Department's programs are effective, for example, in the workforce system.

They want to use evidence from evaluations to inform future looking policy and practice. And if confirmed, I would be excited to work with that Office to build more equity analysis into their work.

The CHAIR. Thank you. Thank you to all of our witnesses. I really appreciate your being here and look forward to working with each and every one of you on these important goals. I want to thank all of my colleagues who joined us today for a very thoughtful discussion.

Mr. Nayak, Ms. Williams, Mr. Parker, thank you for taking time to be here today as well and answer all of our questions. For any Senators who wish to ask additional questions, questions for the record will be due tomorrow, May 28th, 5 p.m.

The hearing record will remain open for 10 business days for Members who wish to submit additional materials for the record. The Committee is adjourned. Thank you.

ADDITIONAL MATERIAL

COMMUNICATION WORKERS OF AMERICA,
May 26, 2021.

Hon. PATTY MURRAY, *Chair*,
Senate Committee on Health, Education, Labor, and Pensions,
428 Dirksen Senate Office Building,
Washington, DC.

DEAR CHAIR MURRAY:

On behalf of the officers and members of the Communications Workers of America (CWA), I am writing in strong support of the nomination of Doug Parker to serve as Assistant Secretary of Labor for Occupational Health and Safety. Parker's years of experience have demonstrated that he can restore dignity and respect for the Nation's workers and employers' respect for our basic worker safety laws.

Millions of workers depend every day on OSHA to ensure that employers fulfill their legal obligations to comply with OSHA standards. The pandemic is not over—workers still need protections and there must be enforceable workplace mitigation measures in place to fully stop the spread of COVID-19. The pandemic has shown just how important it is that workers have a strong advocate for safety and health leading OSHA.

Parker has proven to be a seasoned leader who can bring OSHA back to its proper role as the chief enforcer of essential workplace safeguards against workplace injury and disease. He is currently the Chief of California's Division of Occupational Safety and Health (Cal/OSHA), where he has developed and implemented an emergency regulation to prevent workplace transmission of COVID-19. Prior to his time at Cal/OSHA, he served as the Deputy Assistant Secretary for Mine Safety and Health and the Executive Director for Worksafe, a California-based non-governmental organiza-

tion advocating safety, health and justice for workers. His previous experience with worker health and safety issues will serve him well at OSHA.

I strongly urge you to support and swiftly confirm Doug Parker as the next Assistant Secretary of Labor for Occupational Safety and Health. Thank you for your consideration.

Sincerely,

DAN MAUER,
DIRECTOR OF GOVERNMENT AFFAIRS,
COMMUNICATIONS WORKERS OF AMERICA (CWA).

COMMUNICATION WORKERS OF AMERICA,
May 26, 2021.

Hon. PATTY MURRAY, *Chair,*
Senate Committee on Health, Education, Labor, and Pensions,
428 Dirksen Senate Office Building,
Washington, DC.

DEAR CHAIR MURRAY:

On behalf of the officers and members of the Communications Workers of America (CWA), I am writing in strong support of the nomination of Rajesh Nayak to serve as Assistant Secretary for Policy at the Department of Labor (DOL).

Nayak has had a long career at DOL, currently serving as Senior Advisor and previously serving in various capacities during the Obama-Biden administration for seven years. During his time at DOL, he helped enact landmark rules advancing workers' rights to overtime pay, health and safety, and retirement security, overhauled the department's enforcement of workplace protections and coordination with state regulatory agencies and advised the Secretary of Labor on the Department's workforce development, worker protection, and counter-trafficking programs. Outside of working for the Executive Branch, he has focused his career on building worker power. He worked as an attorney at NELP, the Brennan Center for Justice at NYU School of Law, the Shriver Center in Chicago and has been a Fellow at the Labor & Worklife Program at Harvard Law School.

In short, Nayak is extremely qualified for this new position at the Department of Labor and has demonstrated his dedication to uplifting and defender worker rights. Under the leadership of Secretary Walsh, DOL is working to reverse the anti-worker policies passed under the last Administration and is focused on promoting a worker-friendly agenda that supports the right to organize, strengthened safety and health on the job, and higher wages. These important policies require staff with experience and desire to give working families a voice in the development of policy—all qualities Nayak possesses.

I strongly urge you to support and swiftly confirm Rajesh Nayak as the next Assistant Secretary for Policy in the Department of Labor. Thank you for your consideration.

Sincerely,

DAN MAUER,
DIRECTOR OF GOVERNMENT AFFAIRS,
COMMUNICATIONS WORKERS OF AMERICA (CWA).

QUESTIONS AND ANSWERS

RESPONSE BY TARYN MACKENZIE WILLIAMS TO QUESTIONS OF SENATOR CASEY

SENATOR CASEY

Since 1938, the Fair Labor Standards Act has allowed people with disabilities to be paid below the minimum wage. When the act was first passed, it allowed people with disabilities to be paid as low as half the Federal minimum wage. In 1986, Congress eliminated the requirement to pay people with disabilities at least half of the minimum wage rate. That has resulted in some workers with disabilities being paid pennies an hour. I and my colleagues in the House, Chairman Bobby Scott and Congresswoman McMorris Rogers, have introduced legislation to phaseout the use of the special certificates that allow businesses to pay people with disabilities below minimum wage.

Question 1. Ms. Williams, do you agree that phasing out certificates that allow business to pay people with disabilities below the minimum wage is good policy? If so, how do we make sure people with disabilities are supported during the transition from subminimum wage to competitive integrated employment?

Answer 1. I share the President's commitment to legislation that would phaseout subminimum wages for people with disabilities. And, if confirmed as the Assistant Secretary of ODEP, I would commit to working with you, other Members of Congress, and with stakeholders in the disability community as we explore options to reform the Section 14(c) certificate program. Although the Department's Wage and Hour Division administers the program, I would commit to doing what ODEP has in the past. That is, contributing its expertise to support the successful transition of workers with disabilities to competitive integrated employment (CIE).

Since 2012, ODEP has provided technical expertise to 27 states to help align policy and funding to increase CIE. Five years ago, ODEP expanded its efforts to include assistance to service providers that hold certificates to help them move toward competitive integrated employment. At this time, there is a robust network of 2700 state representatives, advocates with disabilities, and service providers working together to share practices and implement policies that ensure that workers with disabilities are supported in this transition out of subminimum wage and into CIE. If confirmed, I would commit to leveraging ODEP's expertise and ongoing technical assistance efforts to address this issue.

[Whereupon, at 11:41 a.m., the hearing was adjourned.]

