

Note to Reviewer

On January 3, 2005, OMB approved the previous Information Collection Request for three years. OMB Terms of Clearance recommended the Office of Federal Contract Compliance Programs (OFCCP) increase the percent of respondents submitting electronically and report back to OMB upon next submission.

In response to the OMB Terms of Clearance, for Fiscal Year (FY) 2006, the OFCCP's electronic complaint submissions increased by 19%. The OFCCP will continue to publicize the capability of submitting the electronic CC-4 Form as a means to file an official complaint.

The enclosed CC-4 Form was modified to reflect changes required by the Jobs for Veterans Act (JVA) to the categories of veterans entitled to file a complaint of discrimination with the OFCCP. The CC-4 Form continues to list the categories of veterans covered under the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA) prior to enactment of the JVA, as some veterans in those categories may still be eligible to file a complaint with the OFCCP.

SUPPORTING STATEMENT

**DEPARTMENT OF LABOR
OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS
COMPLAINT FORM CC-4**

OMB No. 1215-0131

**1. EXPLAIN THE CIRCUMSTANCES THAT MAKE THE
COLLECTION OF INFORMATION NECESSARY**

The Office of Federal Contract Compliance Programs (OFCCP) administers three equal employment opportunity programs: Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended, and the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), as amended. These programs require that Federal contractors and subcontractors provide equal employment opportunity to applicants and employees without regard to race, color, sex, religion, national origin, or status as a qualified veteran or individual with a disability. No private right of action exists under any of the three programs. However, any employee or applicant for employment with a Government contractor may file a complaint with the Department of Labor alleging discrimination by completing Complaint Form CC-4, Complaint of Discrimination in Employment under Federal Government Contracts. The Form CC-4 is used to file a complaint under all three laws enforced by OFCCP. If a complaint filed under Executive Order 11246, as amended, involves discrimination against only one person, the OFCCP will normally refer it to the U.S. Equal Employment Opportunity Commission (EEOC). Such referrals are made under a Memorandum of Understanding between the two federal agencies. Complaints that involve groups of people or indicate patterns of discrimination are generally investigated by the OFCCP. The Program also investigates all individual or group complaints filed under the disability and veteran laws.

- a) Executive Order 11246, as amended.

The authority for collection of complaint information is Section 206 (b) of the Executive Order. The implementing regulations which specify the content of this information collection are found at 41 CFR 60-1.23 (a).

- b) The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.

The authority for collecting complaint information under VEVRAA is 38 U.S.C. 4212(b). The implementing regulations which specify the content of this information collection are found at 41 CFR 60-250.61(b).

c) Section 503 of the Rehabilitation Act of 1973, as amended.

The authority for collecting complaint information under this statute is 29 U.S.C. § 793(b). The implementing regulations which specify the content of this information collection are found at 41 CFR 60-741.61(c).

2. INDICATE HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED

The complaint information is utilized by the OFCCP field personnel as the first step in the initiation of a discrimination complaint investigation. If the complaint states a case of alleged discrimination under one of OFCCP's programs and jurisdiction is established, then a complaint investigation is initiated. A standardized form for collecting complaint information promotes efficient use of agency resources by ensuring that individual complaint filers provide the information required to initiate a discrimination complaint investigation.

3. DESCRIBE WHETHER, AND TO WHAT EXTENT, THE COLLECTION OF INFORMATION INVOLVES THE USE OF AUTOMATED ELECTRONIC, MECHANICAL, OR OTHER TECHNOLOGICAL COLLECTION TECHNIQUES OR OTHER FORMS OF INFORMATION TECHNOLOGY

In accordance with the Government Paperwork Elimination Act (GPEA), the complaint form is available on the Department's website with information regarding its use and where it should be mailed. The CC-4 was made electronically interactive in October 2003 and is available on the Internet for downloading or electronic submission at <http://www.dol.gov/esa/regs/compliance/ofccp/pdf/pdfstart.htm>. The CC-4 also can be accessed thru DOL's on-line forms library at <http://www.dol.gov/library/forms/FormsByNum.asp>. When potential complainants call or write the OFCCP concerning a complaint they are informed that they can file their complaint electronically.

4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION

Information collected on the complaint form is unique to the individual complainant.

5. COLLECTION OF INFORMATION IMPACT ON SMALL BUSINESSES OR OTHER ENTITIES

Complaints are made solely by nonbusiness entities, usually individuals. This information collection does not have a significant economic impact on a substantial number of small entities.

6. CONSEQUENCES TO FEDERAL PROGRAMS IF THIS INFORMATION WERE COLLECTED LESS FREQUENTLY

There is no schedule for collection of this information. This information is collected solely on an “as needed” basis.

7. SPECIAL CIRCUMSTANCES FOR THE COLLECTION OF INFORMATION

There are no special circumstances for the collection of this information.

8. CONSULTATION OUTSIDE THE AGENCY

OFCCP published a Notice in the Federal Register on July 20, 2007 (72 Fed. Reg. 139, page 39849) (referenced hereinafter as “the Notice”) which requested comments on OFCCP’s Information Collection Request (ICR) associated with its Complaint Form CC-4. No comments were received.

9. GIFTGIVING

No payments or gifts are provided to respondents.

10. ASSURANCE OF CONFIDENTIALITY

Confidentiality is maintained except that a copy of the complaint form, appropriately edited to comply with the Privacy Act, may be provided to the contractor and the information may be used in the course of settlement negotiations with the contractor. A Privacy Act disclosure statement is included on Form CC-4.

11. SENSITIVE QUESTIONS

Page 1 of the CC-4 Form requires a description of an individual’s disability and, may, therefore, be considered a sensitive question. This is necessary to establish jurisdiction under Section 503 of the Rehabilitation Act of 1973, as amended. As noted in number 10, Privacy Act compliance is assured.

12. ESTIMATE OF INFORMATION COLLECTION BURDEN HOURS

Based on recent experience, it is estimated that 594 individual complaints are filed annually. It is also estimated, based on the agency’s experience and history of processing complaints, that it will take an average of 1.28 hours for a complainant to transcribe the necessary information and transmit the completed form. Therefore, it is projected that the collection of information will impose an aggregate burden of 760 hours on those who file complaints.

Because the wage rates of complainants is unknown, the Federal minimum wage rate is used to calculate the value of the burden hours. It is estimated that the total cost to respondents for the aggregate burden hours is \$4,446 (760 hours x \$5.85 minimum hourly wage rate).

13. ANNUAL OPERATION AND MAINTENANCE COST BURDEN TO RESPONDENTS

There are no capital or start-up costs associated with filing a complaint. The actual out-of-pocket cost is estimated at 41¢ for stamps + 3¢ for envelopes per filed complaint. Therefore, it is projected that the total annual costs of filing the information collection is \$261.36 (44¢ x 594 complaints) = \$261.36.

14. ESTIMATE OF COST TO FEDERAL GOVERNMENT

The cost to the Federal Government of receiving the forms and reviewing each form for completeness, and to establish jurisdiction, is estimated at \$31,855. This is based on one hour of review time multiplied by the average hourly rate from the FY 2007 Salary Table for DCB of a GS-11/10 professional and a GS 5/10 clerical (\$11,244 (594 hours x \$18.93) plus \$20,611 (594 hours x \$34.70) = \$31,855).

15. CHANGE IN BURDEN HOURS

Based on a decrease in the number of complaints received since the last clearance, OFCCP estimates an annual complaint volume of 594. This results in a reduction of burden hours from 1,085 to 760, an adjustment of - 325 hours, and a reduced annual cost burden of \$ 77.84 (\$339.20 - \$261.36 = \$77.84).

	<u>Responses</u>	<u>Burden Hours</u>
Current	848	1,085
Proposed	<u>594</u>	<u>760</u>
Adjustment decrease:	-254	-325

16. STATISTICAL USES AND PUBLICATION OF DATA

OFCCP will not publish the data collected as a result of the items contained in this request as statistical tables.

17. APPROVAL TO NOT DISPLAY THE EXPIRATION DATE

This ICR does not seek to waive the requirement to display the expiration date.

18. EXCEPTION TO THE CERTIFICATION STATEMENT

There are no exceptions to the certification statement.