

**SUPPORTING STATEMENT**

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

**OMB No. 1250-0002**

**A. JUSTIFICATION:**

**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 38 U.S.C. 4212, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended. These programs require affirmative action by Federal contractors and subcontractors and prohibit discrimination on the basis of race, color, sex, religion, national origin, status as a qualified individual with a disability or protected veteran. No private right of action exists under the three programs that are enforced by the U.S. Department of Labor (DOL), i.e. a private individual may not bring a lawsuit against an employer (or prospective employer) for noncompliance with its contractual obligations under the laws enforced by OFCCP. 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. DOL investigates the complaint but retains the discretion whether to pursue prosecution. If a complaint filed under Executive Order 11246, as amended, involves discrimination against only one person, the OFCCP may 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 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) 38 U.S.C. 4212, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.

The authority for collecting complaint information under this statute is 38 U.S.C. 4212(d). 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 Section 503 (d) of the Act. 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 the complaint investigation. If the complaint is complete, jurisdiction established, and it states a case of alleged discrimination under one of OFCCP's programs, then a complaint investigation is initiated. Without a standardized form, inefficient use of resources would result because of frequent incomplete information.

**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 electronically interactive in October 2003 and is available on the Internet for downloading or electronic submission at [http://www.dol.gov/ofccp/regs/compliance/pdf/revcc\\_4.pdf](http://www.dol.gov/ofccp/regs/compliance/pdf/revcc_4.pdf).

**4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION**

Information collected on the complaint form is unique to the individual complainant and no duplication is possible.

**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 November 19, 2010 (75 Fed. Reg. 70948) (referenced hereinafter as “the Notice”) which requested comments on OFCCP’s Information Collection Request (ICR) associated with its Complaint Form (CC-4). Based on the Notice, OFCCP received no comments (0). See OFCCP Docket ID: OFCCP-2010-0003 at <http://www.regulations.gov/#!searchResults;rpp=10;so=DESC;sb=postedDate;po=0;s=OFCCP-2010-0003>.

**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 and/or in the course of presenting possible disclosure to opposing counsel. A Privacy Act disclosure statement is included on Form CC-4. The confidentiality assurance is addressed in the DOL/ESA-2 SORN, 67 FR 16868 (April 8, 2002).

**11. SENSITIVE QUESTIONS**

Page 2 of the CC-4 Form requires a description of the disability and, therefore, may 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**

During the last two fiscal years (FY 2009 and FY 2010), OFCCP received 488 complaints and 717 complaints for a two year total of 1,205 complaints. Therefore, on average, OFCCP receives approximately, 602 fiscal year complaints 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 771 hours on those who file complaints.

OFCCP complainants span workers across various industries and pay scales. In the absence of more specific date, the DOL has used the October 2010 average hourly rate for production or nonsupervisory workers on nonfarm payrolls of \$19.18 to determine respondent costs. (See *The Employment Situation, December 2010*, p. 41, Table B-8, [http://www.bls.gov/news.release/archives/empisit\\_01072011.pdf](http://www.bls.gov/news.release/archives/empisit_01072011.pdf)). It is estimated that the value of respondents time is \$14,787.78. (771 hours x \$19.18).

**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 **44¢** for stamps + 3¢ for envelopes = **47¢** x 602 = **\$282.94**. Therefore, it is projected that the filing of 602 complaints will cost **\$283, rounded**.

**14. ESTIMATE OF COST TO FEDERAL GOVERNMENT**

The cost to the Federal Government receiving the forms, reviewing them for jurisdiction, and determining their disposition is estimated at **\$36,198.26**. This is based on one hour submission times the average hourly rate (from the Office of Personnel Management FY **2010** Salary Table for DCB) of a GS-11/10 professional and a GS 5/10 clerical (602 x **\$21.22**=\$12,774.44 plus **\$38.91** x 602 = **\$23,423.82** = **\$ 36,198.26**).

**15. CHANGE IN BURDEN HOURS**

OFCCP is amending the complaint form to add the word “retaliation” as a basis of discrimination that is not predicated on race, color, religion, sex, national origin, disability, or veteran status. Adding “retaliation” to the form will not increase burden.

Based on an increase in the number of complaints received since the last Clearance, we estimate an annual complaint volume of 602. There has been an increase in the burden hours from 760 to 770 an adjustment of +10 hours.

<u>Responses</u>	<u>Burden Hours</u>	<u>Cost</u>
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Current	594	760	\$261
Proposed	<u>602</u>	<u>771</u>	<u>\$283</u>
Adjustment increase:	+8	+11	+\$22

**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 the waiver from the requirement to display the expiration date.

**18. EXCEPTION TO THE CERTIFICATION STATEMENT**

There are no exceptions to the certification statement.

**SUPPORTING STATEMENT B—STATISTICAL METHODS**

This information collection request does not employ statistical methods.