

**JUSTIFICATION FOR NONMATERIAL-NONSUBSTANTIVE CHANGE FOR
1235-0007**

The DOL seeks approval of a non-material/non-substantive change that incorporates additional regulatory citations and revises the timing of the employee list contained in OMB Control number 1235-0007. Executive Order 13495, “Nondisplacement of Qualified Workers Under Service Contracts” establishes a general policy for the Federal Government concerning service contracts and solicitations for performance of the same or similar services at the same location. It requires the inclusion of a contract clause requiring the successor contractor and its subcontractors to offer those employees employed under the predecessor contract, whose employment will be otherwise terminated as a result of the award of the successor contract, a right of first refusal of employment under the successor contract in positions for which they are qualified.

To facilitate compliance with the Executive Order, 29 CFR 9.12(e) requires the contractor to provide a certified list of the names of all employees working under the contract and its subcontracts 30 days before contract completion. Where there are no changes to the workforce before the contract is completed, the contractor may use the list submitted, or to be submitted, to satisfy the requirements of the contract clause specified at 29 CFR 4.6(1)(2) to meet this provision. The Department anticipates that a large portion of contractors will fall into this category and will therefore not be required to submit a second certified list. In those cases where the submission of a second list is necessary, however, the Department anticipates that difference between the two certified lists will usually be minimal. Thus, the DOL does not anticipate this change will materially add to the public burden.