

## SUPPORTING STATEMENT

### **SECTION 503 OF THE REHABILITATION ACT OF 1973, AS AMENDED, 29 U.S.C. 793**

#### **RIN 1250-AA02**

#### **A. JUSTIFICATION**

The Office of Federal Contractor Compliance Programs (OFCCP) is responsible for administering three equal opportunity mandates that prohibit employment discrimination based on race, sex, color, national origin, religion, disability, or status as a protected veteran by federal contractors and require affirmative action to provide equal employment opportunities:

- Executive Order 11246, as amended (referred to as “EO 11246”),<sup>1</sup>
- Section 503 of the Rehabilitation Act of 1973, as amended (referred to as section 503),<sup>2</sup> and
- The affirmative action provisions of the Vietnam Era Veterans’ Readjustment Assistance Act of 1974,<sup>3</sup> as amended, 38 U.S.C. 4212 (referred to as section 4212 or “VEVRAA”).

EO 11246 prohibits federal contractors from discriminating against applicants and employees based on race, color, religion, sex, or national origin. EO 11246 applies to federal contractors and subcontractors, and to federally assisted construction contractors holding a Government contract of \$10,000 or more, or Government contracts, that have, or can reasonably expect to have, an aggregate total value exceeding \$10,000 in a 12-month period. EO 11246 also applies to Government bills of lading, depositories of federal funds in any amount, and to financial institutions that are issuing and paying agents for U.S. Savings Bonds.

Section 503 prohibits employment discrimination on the basis of disability, and requires contractors to take affirmative action to hire and promote qualified individuals with disabilities. Its requirements apply to federal contractors and subcontractors with a Government contract in excess of \$10,000.

Section 4212 prohibits employment discrimination against protected veterans and

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<sup>11</sup> The regulations implementing Executive Order 11246 that are applicable to supply and service contractors are published at 41 CFR parts 60-1, 60-2, 60-3, and 60-20, and 60-50.

<sup>2</sup> The regulations implementing section 503 are published at 41 CFR part 60-741.

<sup>3</sup> The regulations implementing section 4212 are published at 41 CFR parts 60-250 and 60-300. In a recent Notice of Proposed Rulemaking (NPRM), OFCCP has proposed rescission of part 60-250 as obsolete. See 76 FR 23358 (April 26, 2011).

requires contractors to take affirmative action to hire and promote protected veterans. For contracts of \$25,000 or more entered into or modified prior to December 1, 2003, the affirmative action provisions of section 4212 prohibit employment discrimination against special disabled veterans, Vietnam era veterans, recently separated veterans, and other protected veterans. For contracts of \$100,000 or more entered into or modified after December 1, 2003, the affirmative action provisions of section 4212 prohibit employment discrimination against disabled veterans, recently separated veterans, Armed Forces Service Medal Veterans, and other protected veterans.

OFCCP currently has divided the obligations under these authorities into two functional areas: construction and non-construction (also referred to as “supply and service”) contractors. The supply and service Information Collection Request (ICR) is approved by the Office of Management and Budget (OMB) under OMB No. 1250-0003. OMB No. 1250-0003 currently covers the recordkeeping and reporting requirements for EO 11246, section 4212 and section 503. The construction aspects of these programs are approved under OMB No. 1250-0001.

Pursuant to the issuance of a Notice of Proposed Rulemaking (NPRM) revising part 60-741, this ICR seeks approval of a new OMB Control Number for the recordkeeping and third party disclosure requirements of section 503 which are subject to the Paperwork Reduction Act of 1995 (PRA).

## **1. Legal & Administrative Requirements**

### **41 CFR Part 60-741--Affirmative Action And Nondiscrimination Obligations Of Federal Contractors And Subcontractors Regarding Individuals With Disabilities**

Regulations implementing section 503 are found at 41 CFR part 60-741. 41 CFR part 60-741 addresses the affirmative action and nondiscrimination obligations of contractors and subcontractors related to individuals with disabilities under section 503. It defines coverage, specifies clauses to be included in contracts, provides a procedure to ensure compliance by covered contractors, specifies certain reporting and recordkeeping requirements, and specifies the basic requirements for Affirmative Action Programs (AAPs) under section 503. The AAP is the contractor’s plan for implementing their affirmative action and nondiscrimination requirements.

OFCCP has issued an NPRM to revise part 60-741 that addresses several significant issues. First, the proposed regulations would strengthen the affirmative action provisions for Federal contractors, detailing specific mandatory actions a contractor must take to satisfy its affirmative action obligations, including mandating certain actions that are merely suggested in the existing regulations. Second, the proposed regulations would introduce a utilization goal for individuals with disabilities to assist in measuring the effectiveness of the contractor’s affirmative action efforts. Third, the proposal would address the

increased use of technology in the workplace by providing for the electronic posting of employee rights and contractor obligations under section 503 and updating the manner in which compliance evaluations are conducted. Fourth, the proposed regulations would increase data collection pertaining to individuals with disabilities as applicants and hires, including mandating that the contractor invite applicants to voluntarily self-identify as an individual with a disability pre-offer and post-offer and regularly survey its employees. These revisions are proposed to achieve the objective of increased employment opportunities for individuals with disabilities by Federal contractors.

In addition, the proposal includes revisions to the non-discrimination provisions of the regulations necessitated by the passage of the ADA Amendments Act (ADAAA) of 2008. The ADAAA amends the definition of “disability” under section 503 to the same extent that it amends the ADA, and became effective on January 1, 2009.

The relevant sections of this information collection are discussed in further detail below:

Section 60-741.5 describes the equal opportunity clause that contractors must include in federal contracts.

Section 60-741.40 requires the development and maintenance of a section 503 AAP for each establishment, by each contractor and subcontractor that has 50 or more employees, and a contract of \$50,000 or more.

Section 60-741.41 requires that the contractor make the affirmative action plan available to all applicants and employees upon request, and provide notice to that effect in multiple formats.

Section 60-741.42 requires that contractors invite all applicants and employees to voluntarily self-identify as individuals with disabilities.

Section 60-741.44 establishes the scope of the AAP requirements.

Section 60-741.45 requires the development and implementation of formal procedures for processing reasonable accommodation requests. (New)

Section 60-741.46 establishes a national goal for the employment of individuals with disabilities by contractors, sets out the process contractors will use to assess whether the goal has been met, and requires contractors to develop and implement action-oriented programs to correct any identified problem areas. (New)

Section 60-741.60 identifies the investigative methods OFCCP uses to evaluate a contractor’s compliance with the agency’s regulations. Evaluation of compliance

with section 503 is concurrent with evaluation of a contractor's compliance with EO 11246.

The regulations use the administrative hearing regulations at 41 CFR part 60-30. Detailed information about the proposed information collection requirements is provided in item 12.

## **2. USE OF MATERIALS**

The regulations at 41 CFR part 60-741 set forth the obligations of contractors and subcontractors under section 503. This includes the affirmative action and nondiscrimination obligations for all covered contractors and subcontractors as well as the specific requirements regarding written AAPs.

While significantly narrower in scope than the AAP required by OFCCP's EO 11246 supply and service program, the section 503 AAP nonetheless contains critical requirements with related recordkeeping obligations. These requirements include:

- Develop and include an equal opportunity policy statement in the AAP.
- Develop, implement and annually review personnel processes designed to ensure that individuals with disabilities are provided equal opportunity and that the contractor is engaged in outreach to appropriate sources.
- Review all physical and mental job qualification standards to ensure they are job-related and are based on business necessity.
- Develop and implement a formalized process for providing and tracking reasonable accommodations for physical and mental limitations.
- Develop procedures to ensure that employees are not harassed because of their disability.
- Develop procedures and practices to disseminate affirmative action policies, both internally and externally.
- Establish an audit and reporting system to measure the effectiveness of the AAP.
- Designate a responsible official to implement and oversee the AAP.

All recordkeeping requirements, such as tracking applicants and hires, are necessary to implement section 503 and assist both OFCCP and contractors in assessing the results of contractors' employment policies and practices as they affect individuals with disabilities. For example, during a compliance evaluation, OFCCP examines the contractor's affirmative action programs, supporting documentation, and documents related to personnel actions, employment policies and practices to determine whether the contractor is complying with its obligations not to discriminate in employment and to take affirmative action to ensure equal employment opportunity. These requirements are necessary to implement Federal contractors' obligations under section 503.

### **3. IMPROVED INFORMATION TECHNOLOGY**

In general, under OFCCP regulations each contractor designs its own methods for developing and reporting information. The vast majority of government contractors and subcontractors are repeat contractors. Since they are subject to the OFCCP regulatory requirements year after year, most have developed their computer systems to generate the data required by our regulations. They are free to change their systems as they wish as long as they can retrieve the required data.

OFCCP has not imposed a detailed master format for the AAP. Thus, each contractor designs its own AAP format to suit its particular business circumstances. The physical size of an AAP may vary depending on the size and complexity of the contractor's organization.

The regulations at 41 CRF 60-741.81 require that the contractor identify all format(s), including specific electronic formats, in which its AAP, records and other information are available, and submit any requested information in the appropriate format to OFCCP upon request.

This information collection also addresses the increased use of technology in the workplace by providing for the electronic posting of employee rights and contractor obligations under section 503.

We believe that advances in technology make contractor compliance with our recordkeeping and reporting requirements easier and less burdensome. However, in the absence of empirical data, we are unable to quantify the impact of improved information technology and thus, we do not include it in our calculation of burden hours.

### **4. DESCRIPTION OF EFFORTS TO IDENTIFY DUPLICATION**

The reporting and recordkeeping requirements contained in this request result exclusively from the implementation of section 503 or companion statutes such as EO 11246 and section 4212. These authorities uniquely empower the Secretary of Labor, and by a Secretary's Order, the OFCCP, to require the collection, analysis, and reporting of data and other information in connection with the enforcement of the laws and regulations requiring Government contractors to take affirmative action to ensure equal employment opportunity. No duplication of effort exists because no other Government agencies have these specific data collection requirements.

Where possible, OFCCP participates in information sharing and standardized requirements. Examples include our joint collaboration on and use of EEOC's EEO-1 Report, and our use of the Uniform Guidelines on Employee Selection Procedures created with EEOC, OPM, DOJ and DOL. See 41 CFR 60-3. While contractors maintain other employment data as a normal course of

business, AAPs are unique in that contractors create them specifically to meet the requirements of OFCCP regulations. These AAPs are not available from any other source. Each AAP and related documentation includes specific, unique data pertinent to the covered statute. Under section 503, OFCCP requires that contractors track, maintain and report data related to the disability status of their employees and applicants. This data is primarily collected through an invitation to voluntarily self-identify as an individual with a disability that contractors must provide to applicants at both the pre-offer and post-offer stage of the employment process and annually to employees. Contractors are also required to document all requests for reasonable accommodation as well as the responses to those requests. This disability-related data is not available from any other source, including other OFCCP programs. Therefore, no duplication of effort exists.

## **5. COLLECTION BY SMALL ORGANIZATIONS**

OFCCP's information collection does not have a significant economic impact on a substantial number of small entities. We minimize the information collection and recordkeeping burden on small businesses by exempting contractors with fewer than 50 employees from the AAP requirement. However, once OFCCP's authority covers a contractor, all of its employees must be accounted for in an AAP regardless of whether each of the contractor's establishments has at least 50 employees.

## **6. CONSEQUENCES TO FEDERAL PROGRAMS IF THIS INFORMATION IS COLLECTED LESS FREQUENTLY**

The requirements outlined in this ICR ensure that covered Federal contractors and subcontractors meet their equal opportunity obligations to individuals with disabilities as described in section 503. The nondiscrimination requirements and general affirmative action requirements of section 503 apply to all covered contractors. *See* 41 CFR 60-741.4. The requirement to prepare and maintain an AAP, the specific obligations of which are detailed at 41 CFR 60-741.44, apply to those contractors with a Government contract in excess of \$50,000 and 50 or more employees.

If this information is collected less frequently, it could compromise OFCCP's enforcement of section 503 and its implementing regulations. OFCCP reviews contractor compliance through its compliance evaluation process. *See* 41 CFR 60-741.60. In order to accurately determine compliance, both OFCCP and the contractor must be able to analyze contractor actions taken and results obtained. Additionally, the data collection frequency for this ICR mirrors that of OFCCP's other programs, particularly the EO 11246 supply and service program, as section 503 compliance evaluations are conducted concurrently with that program.

As noted under the supply and service ICR (OMB No. 1250-0003), the older the

data the greater the chances are that more qualified workers are victims of discrimination and that the discrimination continues for a longer period. A consequence of such older data may be that the scope of the violation, resulting harm and the overall burden of contractor compliance are greater.

## **7. SPECIAL CIRCUMSTANCES FOR THE COLLECTION OF INFORMATION**

The proposed regulations would impose a 5-year recordkeeping obligation in sections 741.44(f)(4) and 741.44(k). These requirements will enable the contractor and OFCCP to more effectively review recruitment and outreach efforts undertaken to ensure that the affirmative action obligations of paragraph (f) are satisfied.

## **8. CONSULTATION OUTSIDE THE AGENCY**

Prior to publishing the NPRM, OFCCP conducted multiple town hall meetings, webinars, and listening sessions with individuals from the contractor community, state employment services, disability organizations, and other interested parties to understand those features of the section 503 regulations that work well, those that can be improved, and possible new requirements that could help to effectuate the overall goal of increasing the employment opportunities for individuals with disabilities with Federal contractors.

In addition, OFCCP published an Advance Notice of Proposed Rulemaking (ANPRM) on July 23, 2010, at 75 FR 43116, requesting public comment on specific inquiries regarding potential ways to strengthen the section 503 affirmative action regulations. The comment period ended September 21, 2010, and all comments received were reviewed and given due consideration. Comments were received from trade and professional associations; disability and veteran advocacy organizations; employers; federal, state, and local government agencies; representatives of schools and organizations that provide education and/or vocational training; and from several private citizens. These written comments were generally reflective of the comments, suggestions and opinions expressed during the town hall meetings, webinars and listening sessions.

Of the 127 comments received, 80 provided substantive responses to at least some of the ANPRM questions. 51 of these were from the disability/advocacy perspective and 24 were from the contractor community. By and large, the contractor community asserted that changes to the affirmative action regulations were not needed, while disability and employment service organizations and agencies requested that OFCCP strengthen the existing affirmative action requirements and consider additional requirements.

Among the most significant inquiries in the ANPRM were two questions regarding the utility of establishing hiring goals for individuals with disabilities

similar to the requirements for minorities and women contained in the implementing regulations for EO 11246, and the data source(s) from which such goals could be derived. A third inquiry in the ANPRM asked about contractors' experiences with the disability employment goal programs of State or local governments. 57 commenters addressed this issue. Of these, 37 said that hiring goals "like those for race and gender" should be established. These commenters asserted that quantitative and measurable analyses similar to those for minorities and women were needed to make affirmative action for individuals with disabilities "more than a paperwork exercise."

The remaining 20 commenters, mostly contractors or contractor representatives, opposed the use of hiring goals in the section 503 context, asserting primarily that available disability data (including American Community Service (ACS) Census data) is not sufficiently comprehensive or robust to be used for this purpose. See the Preamble to section 60-741.46 for further discussion regarding disability data sources.

Another significant issue posed in the ANPRM was whether inviting applicants to self-identify as individuals with disabilities prior to receiving a job offer would enhance the contractor's ability to monitor the impact of their hiring practices and measure the effectiveness of their affirmative action efforts. 55 commenters addressed this question. Of these, 37 commenters said voluntary pre-offer self-identification of disability would have a positive effect on the employment of individuals with disabilities. Several commenters recommended that the contractor be required to invite voluntary self-identification at both the pre- and post-offer employment process stages to alleviate concerns that information about a hidden disability might be improperly used if provided before an employment offer was made. A few commenters recommended that individuals with disabilities be offered the additional option of self-identifying "for recordkeeping purposes only," rather than for purposes of receiving affirmative action. The remaining 19 commenters were against the idea of pre-offer self-identification for various reasons, including 3 commenters who erroneously asserted that it would violate the Americans with Disabilities Act (ADA) of 1990. See the Preamble to section 60-741.42 for a discussion of the permissibility under the ADA of disability-related inquiries in furtherance of an affirmative action obligation.

Support was also expressed among a significant number of commenters for strengthening the implementing regulations regarding contractors' use of linkage agreements with recruitment and/or training sources, and for adding a mandatory job listing requirement similar to the one in the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.

OFCCP anticipates additional formal input through submission of public comments to the agency's NPRM. OFCCP also maintains ongoing dialogue with



various stakeholder groups on a number of compliance issues, among them reporting and recordkeeping.

## **9. GIFTGIVING**

OFCCP makes no payments nor gives gifts to respondents.

## **10. ASSURANCE OF CONFIDENTIALITY**

While in general OFCCP makes no assurance of confidentiality for information collection, much of the collected data under this ICR is covered by the confidentiality provisions of the Rehabilitation Act. OFCCP therefore asserts that the information will be treated accordingly and only used for purposes consistent with those provisions. Furthermore, OFCCP has assured that contractors are advised of the applicable confidentiality requirements inherent in their compliance with section 503, including the requirement to maintain disability-related medical documentation in a separate confidential file from an employee's main employment record.

The disclosure of information obtained from a contractor by OFCCP will be evaluated pursuant to the public inspection and copying provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 552, and the Department of Labor's implementing regulations at 29 CFR part 70. OFCCP follows a policy of advising contractors when there has been a request for their documents. OFCCP makes no decision to disclose such documents until the contractor has had an opportunity to submit objections to the release of the document.

Furthermore, it is OFCCP's position that none of the data obtained during the course of a compliance evaluation is required to be released under FOIA until the agency action has been completed.

## **11. SENSITIVE QUESTIONS**

OFCCP has no set of standardized questions. However, section 503 does require contractors to ask applicants and employees to voluntarily self-identify as an individual with a disability, and whether a reasonable accommodation is required. This data is necessary to investigate for indicators of potential employment discrimination. Generally, a contractor informs its applicants and employees with disabilities that the data is collected and maintained strictly for affirmative action purposes and will otherwise be kept confidential. Race and sex data are not required under the section 503 regulations.

## **12. ESTIMATE OF INFORMATION COLLECTION BURDEN**

Where estimates are provided or assumptions are described, contractors and other members of the public are encouraged to provide data they have that could help OFCCP refine the estimates of the amount of time needed to fulfill specific requirements.

The estimates of this information collection burden are broken down into recordkeeping, reporting and third party requirements. The following is a summary of the methodology for the calculation of each of these burdens.

#### **a. Recordkeeping Burden**

- 60-741.5

- Contractor must provide Braille, large print, or other versions of the EEO poster so that visually impaired individuals may read the notice themselves (§4 of EO Clause). Contractors may obtain copies of the joint EEOC-OFCCP EEO poster in accessible formats, upon request, from EEOC.

- OFCCP used Bureau of Labor Statistics (BLS) Data, the “Employment status of the civilian population by sex, age, and disability status, not seasonally adjusted” for November 2010. This data shows 5,784,000 individuals with disabilities in the civilian labor force out of a total of 147,914,000. Since approximately 22% of the US workforce works for a federal contractor, OFCCP estimates that 22% of 5,784,000, or 1,272,480 disabled individuals, works for a federal contractor. Data on visually impaired employed individuals is not separated out from the total of employed individuals with disabilities, therefore, OFCCP estimates 10% of disabled individuals are visually impaired, for an estimated total of 127,248 visually impaired individuals working for federal contractors. This total would include disabled veterans who should not be counted twice. OFCCP had previously estimated 6,200 visually impaired disabled veterans. OFCCP has counted these hours in its Notice of Proposed Rulemaking (NPRM) revising the regulations implementing the Vietnam Era Veterans’ Readjustment Assistance Act, published at 76 FR 23358 (April 26, 2011). The calculations were as follows:

- The FY 2008 VETS-100 report identified 62,000 Special Disabled Veterans (SDVs). Not all SDVs will normally request and accommodation, therefore the estimate is 10% of the SDVs may request an accommodation due to visual impairment.

- Therefore,  $127,248 - 6200 = 121,048$ . OFCCP estimates that it takes 5 minutes for the contractor to receive the accommodation request and 5 minutes for recordkeeping and providing the notice in an alternative format, for a total of **10 minutes** per request.

Therefore, 10 minutes x 121,048 = 1,210,480 minutes / 60 = **20,175 total Federal contractor hours.**

- Posting of notice for employees working at a site other than the contractor's physical location. (§4 of EO Clause). OFCCP has counted these hours in its Notice of Proposed Rulemaking (NPRM) revising the regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act, published at 76 FR 23358 (April 26, 2011). A contractor would expend no additional hours under this NPRM, as the offsite notification for both section 4212 and section 503 occurs in the same EEO poster, which contractors may obtain, upon request, from OFCCP or EEOC. Therefore, no additional contractor burden exists for this paragraph.
  
- 60-741.41 Availability of affirmative action program
  - Contractor must inform employees who do not work at contractor's physical establishment regarding the availability of AAP for review. OFCCP has counted these hours in its Notice of Proposed Rulemaking (NPRM) revising the regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act, published at 76 FR 23358 (April 26, 2011). A contractor would expend no additional hours under this NPRM, as the offsite notification for both section 4212 and section 503 would occur in the same notice. Therefore, no additional contractor burden exists for this paragraph.
  
- 60-741.42 Invitation to self-identify
  - .42(a) and (b) -- The proposed regulation would require that the contractor invite all applicants to self-identify as a protected individual with a disability prior to and after an offer of employment. OFCCP provides mandatory text for the invitations to self-identify so that the contractor will not have the burden of creating these invitations. We estimate it will take **5 minutes** for the contractor to download and save the prescribed text of the invitations to self-identify into a separate document that it can store electronically, include it in electronic applications or print out to include in a hard copy application package as needed. Therefore, 5 minutes x 171,275 establishments / 60 = **14,273 total Federal contractor hours** adapting the self-identification forms for contractor use.

OFCCP estimates that protected individuals with disabilities will have zero burden complying with this proposal in the course of completing their applications for employment with a contractor and checking the appropriate boxes in the self-identification forms. No written documentation is required and the applicant need only check a box on a form already provided.

- .42(c) -- The proposed regulation would require that the contractor annually re-invite all employees to self-identify as an individual with a disability. We estimate it will take **5 minutes** for the contractor to download and save the prescribed text of the invitation to self-identify into a separate document that it can store electronically and transmit to its employees .  $5 \text{ minute} \times 171,275 \text{ establishments} / 60 = \mathbf{14,273 \text{ total Federal contractor hours}}$  adapting the self-identification forms for contractor use.

OFCCP estimates that protected employees with disabilities will have zero burden complying with this proposal in the course of completing the annual resurvey. No written documentation is required as the employee need only check a box on a form already provided.

- .42(e) -- Contractor must maintain self-identification data. The contractor was required to maintain some self-identification data prior to this proposed regulation. Reviewing the entire data collection process required under .42, we estimate that simply maintaining the completed self-identification forms, whether collected under (a), (b), or (c) of this section, will take 1 minute per contractor, or 171,275 minutes /60 = **2,855 total Federal contractor hours**. No additional contractor burden has been calculated for processing/analyzing the self-identification results as the only requirement under this paragraph is that the contractor maintains the data to provide to OFCCP upon request. Any burden imposed by the actual use/analysis of the data would be covered under the appropriate analysis sections such as .44(h) (Audit and Reporting System) and/or .44(k) (Data Collection Analysis).

- 60-741.44 Required contents of affirmative action program

- .44(a) Policy statement. Contractor must provide Braille, large print, or other versions of AA policy statement so that the visually impaired may read the policy themselves. OFCCP used Bureau of Labor Statistics (BLS) Data, the “Employment status of the civilian population by sex, age, and disability status, not seasonally adjusted” for November 2010. This data shows 5,784,000 individuals with disabilities in the civilian labor force out of a total of 147,914,000. Since approximately 22% of the US workforce works for a federal contractor, OFCCP estimates that 22% of 5,784,000 or 1,272,480 disabled individuals works for a federal contractor. Data on visually impaired employed individuals is not separated out from the total of employed individuals with disabilities, therefore, OFCCP estimates 10% of disabled individuals are visually impaired, for an estimated total of 127,248 visually impaired individuals working for federal contractors. This total would include disabled veterans who should

not be counted twice. OFCCP previously estimated that there are 6,200 visually impaired disabled veterans in its Notice of Proposed Rulemaking (NPRM) revising the regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act, published at 76 FR 23358 (April 26, 2011). The calculations were as follows:

The FY 2008 VETS-100 report identified 62,000 Special Disabled Veterans (SDVs). Not all SDVs will normally request and accommodation, therefore the estimate is 10% of the SDVs may request an accommodation due to visual impairment.

Therefore,  $127,248 - 6200 = 121,048$ . OFCCP estimates that it takes **5 minutes** for the contractor to receive the accommodation request and **5 minutes** for recordkeeping and providing this document in an alternative format, for a total of **10 minutes**. Therefore,  $10 \text{ minutes} \times 121,048 = 1,210,480 \text{ minutes} / 60 \text{ minutes} = \mathbf{20,175 \text{ total Federal contractor hours}}$  complying with this paragraph.

- .44(b) Review of personnel processes. Contractor must review personnel processes annually, and is required to go through a specific analysis for doing so which would include: (1) identifying the vacancies and training programs for which applicants and employees with disabilities were considered; (2) providing a statement of reasons explaining the circumstances for rejecting individuals with disabilities for vacancies and training programs and a description of considered accommodations; and (3) describing the nature and type of accommodations for individuals with disabilities who were selected for hire, promotion, or training programs.
  - The contractor needs to identify vacancies as part of the review. OFCCP counted these hours in its Notice of Proposed Rulemaking (NPRM) revising the regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act, published at 76 FR 23358 (April 26, 2011). A contractor would expend no additional hours under this NPRM, as the identified vacancies for both section 4212 and section 503 would be identical. Therefore, no additional contractor burden exists for this paragraph.
  - The contractor needs to identify training programs for individuals with disabilities applicants and employees. OFCCP counted these hours in its Notice of Proposed Rulemaking (NPRM) revising the regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act, published at 76 FR 23358 (April 26, 2011). A contractor would expend no additional hours under this NPRM, as the identified training programs for both section 4212 and section 503 would be

identical. Therefore, no additional contractor burden exists for this paragraph.

- For providing a statement of reasons explaining the circumstances for rejecting individuals with disabilities for vacancies and training programs and a description of considered accommodations, OFCCP estimates **30 minutes** per contractor per year, or  $30 \times 171,275 / 60 = \mathbf{85,638}$  **total Federal contractor hours.**

- For describing the nature and type of accommodations for individuals with disabilities who were selected for hire, promotion, or training programs. OFCCP used Bureau of Labor Statistics (BLS) Data, the “Employment status of the civilian population by sex, age, and disability status, not seasonally adjusted” for November 2010. This data shows 5,784,000 individuals with disabilities in the civilian labor force out of a total of 147,914,000. Since approximately 22% of the US workforce works for a federal contractor, OFCCP estimates that 22% of 5,784,000 or 1,272,480 disabled individuals works for a federal contractor. This total would include disabled veterans who should not be counted twice. OFCCP previously estimated that there are 62,000 disabled veterans in its Notice of Proposed Rulemaking (NPRM) revising the regulations implementing the Vietnam Era Veterans’ Readjustment Assistance Act, published at 76 FR 23358 (April 26, 2011). The calculations were as follows:

The FY 2008 VETS-100 report identified 62,000 Special Disabled Veterans (SDVs). Thus, there will be a total of 62,000 inquiries.

Therefore,  $1,272,480 - 62,000 = 1,210,480$ . OFCCP estimates 10% of referrals leading to an accommodation request, and **30 minutes** per accommodation request. Therefore, the hours would be  $30 \times 1,210,480 \times 10\% / 60 = \mathbf{60,524}$  **total Federal contractor hours.**

- .44(c)(1) Physical and mental qualifications. Contractor must review physical and mental job qualifications annually to ensure that they are job-related and consistent with business necessity. This provision exists in the current section 503 regulations (as well as the current section 4212 regulations); the only difference is that the proposed regulations call for the review to occur “annually,” rather than “periodically.” Therefore, all existing or previous contractors should have experience in performing the required review.

OFCCP counted these hours in its Notice of Proposed Rulemaking (NPRM) revising the regulations implementing the Vietnam Era Veterans’ Readjustment Assistance Act, published at 76 FR 23358

(April 26, 2011). A contractor's review of physical and mental qualifications would occur only once for both section 4212 and section 503. Therefore, no additional contractor burden exists for this paragraph.

- .44(c) Direct Threat. Contractor must document the results of its annual review of physical and mental job qualifications, and document any employment action taken on the basis of a believed "direct threat."

OFCCP counted these hours in its Notice of Proposed Rulemaking (NPRM) revising the regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act, published at 76 FR 23358 (April 26, 2011). A contractor's documentation of its review of physical and mental qualifications would occur only once for both section 4212 and section 503. Therefore, no additional contractor burden exists for this paragraph.

- .44(f) External dissemination of policy, outreach and positive recruitment.
  - .44(f)(1)(i) Contractor must list job openings with the nearest Employment One-Stop Career Center.

OFCCP counted these hours in its Notice of Proposed Rulemaking (NPRM) revising the regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act, published at 76 FR 23358 (April 26, 2011). A contractor would list the same job openings to comply with the section 4212 NPRM as it would for the section 503 NPRM. Therefore, no additional contractor burden exists for this paragraph.

- .44(f)(1)(ii) Linkages. Contractor must enter into linkage agreements with:
  - either a local State Vocational Rehabilitation Service Agency (SVRA) or an organization in the Ticket to Work Employment Network Directory;
  - one of the following organizations: (1) the Employer Assistance and Resource Network (EARN), (2) the nearest Employment One-Stop Career Center, established under the Workforce Investment Act (3) the nearest Department of Veterans Affairs Regional Offices, (4) any other local disability group, organization or Centers for Independent Living that provide services to individuals with disabilities; (5) placement or career offices of educational institutions; or (6) private recruitment sources; and
  - one or more of the disabled veterans' service organizations listed in the Employer Resources section of the National

Resource Directory (NRD), or any future service that replaces or complements it, other than the agencies listed above.

Therefore, each contractor must enter into 3 linkage agreements. Linkage Agreement means an agreement describing the connection between the contractor and appropriate recruitment and/or training sources. To assist contractors, OFCCP will provide a sample linkage agreement on its web page.

The contractor has a variety of ways to establish section 503 linkage agreements. The contractor can receive nationwide assistance from OFCCP Compliance Officers (COs) to help it establish the 3 linkage agreements. Secondly, during the normal course of an OFCCP compliance review, the CO will contact all appropriate linkage resources to obtain specific information on availability of applicants and potential trainees for positions in the contractor's labor force. If possible, the CO will arrange a meeting between the recruitment/referral resources and the contractor.

Where a resource indicates that it can provide applicants or trainees, the CO will include the contractor's commitment to utilize the linkage source along with other actions in the Letter of Commitment or in the Conciliation Agreement.

OFCCP estimates that 30% of the contractors, or 51,383, will accept OFCCP assistance to help set up their linkage agreements and it will take these contractors on average **1.5 hours** to establish one new linkage agreement. For the remaining 119,892 contractors, OFCCP estimates that establishing a new linkage agreement will take an average of **5.5 hours**. Beyond the first year after this rule becomes effective, it is estimated the contractor will set up one new agreement a year. It is estimated that maintaining a single, ongoing linkage agreement will take an average of **15 minutes** for all 171,275 contractors.

For those contractors setting up linkage agreements on their own, OFCCP estimates that on average, a contractor will establish one new agreement and maintain two ongoing agreements in a given year, which would be 5.5 hours + .25 hours + .25 hours = **6 hours**. If the contractor establishes linkage agreements with OFCCP's assistance, we estimate an annual average of 1.5 hours per contractor to establish a new linkage agreement and .25 hours to maintain each of the two ongoing linkage agreements, which would be 1.5 hours + .25 hours + .25 hours = **2 hours**. Therefore, 6 hours x 119,892 contractors = 719,352 hours, and 51,383 x 2



hours = 102,766 hours, for a total of **822,118 Federal contractor hours.**

However, NRD is also used as a resource in the section 4212 NPRM, and those burden hours are already counted under the section 4212 NPRM and should not be counted twice. To adjust the section 503 burden hours accordingly, OFCCP reduced the total of 822,118 hours by one-third, for a total of **550,819 Federal contractor hours.**

- .44(f)(3) Assessment. Contractor must document its review of outreach and recruitment efforts.

OFCCP estimates that documenting this required review of outreach and recruitment will take 10 minutes annually. OFCCP further estimates that 1% of federal contractors are first-time contractors during an abbreviated AAP year, therefore would not be able to complete an annual outreach and recruitment effort. Therefore, reducing the 171,275 by 1% (1,713 contractors) = 169,562 contractors, at 10 minutes each /60 = **28,260 total Federal contractor hours.** The burden and cost of actually conducting the review does not fall under the PRA, and is instead set forth in the sections on Executive Order 12866.

- 44(f)(4). Linkage Recordkeeping. Contractor must document (f)(1) linkage agreements and maintain these documents for 5 years.

Since establishing a linkage agreement includes its documentation, there is no additional burden for this paragraph beyond that already set forth in the burden calculation for .44(f)(1)(i) and (ii).

- .44(g)(3). Contractor must document internal dissemination efforts in (g), retain these documents as employment records subject to the recordkeeping requirements of § 60-741.80.

Since much of the documentation will occur during the preparation time, OFCCP estimates an additional **5 minutes** of recordkeeping per contractor, which means 5 minutes x 171,275 = 856,375 minutes /60 = **14,273 total Federal contractor hours.**

- .44(h). Audit and reporting system. Contractor must document the actions taken to comply with audit and reporting system, and retain these documents as employment records subject to the recordkeeping requirements of § 60-741.80.

Since much of the documentation will occur when conducting the

annual audit, OFCCP estimates an additional **5 minutes** recordkeeping burden per contractor, which means  $5 \text{ minutes} \times 171,275 = 856,375 \text{ minutes} / 60 = \mathbf{14,273 \text{ total Federal contractor hours}}$ .

- .44(i) Responsibility for implementation. Contractor must identify responsible official for AAP on all internal and external communications regarding the AAP.

OFCCP counted these hours in its Notice of Proposed Rulemaking (NPRM) revising the regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act, published at 76 FR 23358 (April 26, 2011). The same person will likely be identified for both section 503 and section 4212 regulations. Therefore, no additional contractor burden exists for this paragraph.

- .44(j) Training. Contractor must document its training efforts as set forth by the regulation, and maintain these documents as required by 60-741.80.

OFCCP estimates that much of the documentation will be included in the training preparation time. OFCCP estimates an additional **5 minutes** recordkeeping time per contractor, which means  $5 \text{ minutes} \times 171,275 = 856,375 \text{ minutes} / 60 = \mathbf{14,273 \text{ total Federal contractor hours}}$ . The burden and cost of the actual training preparation and conducting the training does not fall under the PRA, and is instead set forth in the sections on Executive Order 12866 and the Regulatory Flexibility Act.

- .44(k) Data collection analysis. Contractor must make several quantitative tabulations and comparisons using referral data, applicant data, hiring data, and the number of job openings; must maintain these records for 5 years.

(1) The number of referrals of individuals with disabilities that the contractor received from applicable employment service delivery system(s), such as State Vocational Rehabilitation Service Agencies and Employment One-Stop Career Centers;

(2) The number of referrals of individuals with disabilities that the contractor received from other entities, groups or organizations with which the contractor has a linkage agreement pursuant to paragraph (f)(1)(i).

(3) The number of applicants who self-identified as individuals with disabilities pursuant to § 60-741.42(a), or who are otherwise known to be individuals with disabilities;

(4) The total number of job openings and total number of jobs

filled;

(5) The ratio of jobs filled to job openings;

(6) The total number of applicants for all jobs;

(7) The ratio of applicants with disabilities to all applicants (“applicant ratio”);

(8) The number of applicants with disabilities hired;

(9) The total number of applicants hired; and

(10) The ratio of individuals with disabilities hired to all hires (“hiring ratio”). The number of hires shall include all employees as defined in § 60-741.2.

The calculations for #4, 5, 6, and 9 are already included in the Executive Order 11246 AAP. Therefore, there is no additional burden for #4, 5, 6, and 9.

The remaining calculations, for #1, 2, 3, 7, 8, and 10, OFCCP estimates at **10 minutes** each per contractor, or **60 minutes** recordkeeping time per contractor. Therefore, the total burden would be  $60 \text{ minutes} \times 171,275 / 60 = \mathbf{171,275 \text{ total Federal contractor hours}}$ .

- 60-741.45 Reasonable Accommodation Procedures

- .45(a) Development and implementation. Contractor must develop and implement procedures for processing reasonable accommodation requests.

OFCCP estimates that much of the documentation will be included in the development and implementation of these procedures. OFCCP estimates an additional **30 minutes** recordkeeping time per contractor, which means  $30 \text{ minutes} \times 171,275 = 5,138,250 \text{ minutes} / 60 = \mathbf{85,638 \text{ total Federal contractor hours}}$ . The burden and cost of the actual development and implementation does not fall under the PRA, and is instead set forth in the sections on Executive Order 12866 and the Regulatory Flexibility Act.

- .45(b) Designation of responsibility. Contractor must designate responsible official for implementing reasonable accommodation procedures.

That official should already be in place for current contractors. For 1% first time contractors,  $171,275 \times 1\% = 1,713$  contractors, OFCCP estimates **5 minutes** per contractor, or  $1,713 \times 5 \text{ minutes} = 8,565 \text{ minutes} / 60 = \mathbf{143 \text{ total Federal contractor hours}}$ .

- .45(c) Dissemination of procedures. Contractor must disseminate its reasonable accommodation procedures to employees, including off-

site employees, and applicants.

OFCCP estimates that it would take the contractor **15 minutes** to post the procedures on its website in an accessible format . Therefore, 15 minutes per contractor x 171,275 / 60 minutes = **42,819 total Federal contractor hours**.

- .45(d) Required Elements. A contractor's reasonable accommodation procedures must include specific required elements, including official contact information, processing requests for employees and applicants, timeframes, and a description of these processes. These burden hours are already included in .45(a) Development and Implementation.
- .45(e) Training. A contractor must train its managers and supervisors on reasonable accommodation.

OFCCP estimates that much of the documentation will be included in the training preparation time. OFCCP estimates an additional **5 minutes** recordkeeping time per contractor, which means 5 minutes x 171,275 = 856,375 minutes /60 = **14,273 total Federal contractor hours**. The burden and cost of the actual training preparation and conducting the training does not fall under the PRA, and is instead set forth in the sections on Executive Order 12866.

- 60-741.46 Utilization Goals

- Contractor must set a utilization goal of 7.4%.

Minimum Goal. OFCCP has established a utilization goal of 7.4% as a benchmark against which the contractor must measure the representation of individuals with disabilities within each job group in its workforce.

Since the goal is provided by OFCCP, OFCCP estimates 5 minutes recordkeeping time per contractor to document the goal requirement, which means 5 minutes x 171,275 / 60 = **14,273 total Federal contractor hours**.

Comparing incumbency to the goal: The contractor shall compare the percentage of its incumbent employees who are individuals with disabilities with the goal in paragraph (a) of this section on an annual basis. When making this comparison the contractor shall:

- (1) Use the job groups it established pursuant to 41 CFR 60-2.12 or part 60-4. Supply and service contractors under OMB Information Collection Request OMB Control No. 1250-0003 (Recordkeeping and Reporting Requirements-Supply and Service) have already established job groups so there are no additional hours associated

with developing job groups.

(2) Separately state the percentage of individuals with disabilities it employs in each job group. This rule requires contractors to invite all applicants to self-identify as individuals with disabilities prior employment (.42(a) and (b)). The burden for self-identification is listed at (.42(a) and (b)). Therefore contractors will know whether their applicants are individuals with disabilities. In addition, contractors must annually survey its employees so that any employee may self-identify as an individual with a disability. The burden hours for the survey are at (.42(c)). However, burden hours must be assigned to identifying the percentage of individuals within each job group.

- As this is a new requirement, OFCCP estimates that it will take **60 minutes** for contractors to complete the analysis the first year, and **30 minutes** for all subsequent years. Therefore,  $60 \times 171,275 \text{ federal contractors} / 60 \text{ minutes} = \mathbf{171,275 \text{ hours.}}$ ;  $30 \times 171,275 / 60 = \mathbf{85,638 \text{ hours.}}$

This task is informed by the results of several other proposed requirements, including the review of the effectiveness of contractors' outreach and recruitment efforts required by section 60-741.44(f)(3) and the review of physical and mental job qualifications required by section 60-741.44(c). The burden and costs associated with these requirements are listed and discussed separately.

Action-oriented programs. When the percentage of individuals with disabilities in one or more job groups is less than the goal established in paragraph (a) of this section, the contractor must develop and execute action-oriented programs designed to correct any identified problems areas. Entering linkage agreements with recruitment sources is considered action-oriented programs. This NPRM already requires contractors to enter into 3 linkage agreements, in order to increase the number of individuals with disabilities within their workforce. Burden hours have already been given for these programs under section (.44(f)(1)) and will not be duplicated for this action.

- 60-741.60 Compliance evaluations
  - .60(a)(3) -- Contractor must provide documents to OFCCP on-site or off-site at OFCCP's request, not at the contractor's option.

These hours are not included in the burden as they are excepted under 5 CFR 1320.4(a)(2) ("an administrative action, investigation, or audit involving an agency against specific individuals or entities").

- .60(c) -- New procedure for pre-award compliance evaluations  
These hours are not included in the burden as they are excepted under 5 CFR 1320.4(a)(2) (“an administrative action, investigation, or audit involving an agency against specific individuals or entities”).

- 60-741.80 Recordkeeping

- See new 5 year recordkeeping requirements in sections 741.44(f)(4) and 741.44(k).

No additional burden hours as they are included in the individual calculations above.

- 60-741.81 Access to records

- Contractor must provide off-site access to documents if requested by OFCCP. Such records are never requested except during the course of a specific investigation of a particular contractor.

Consequently, these hours are not included in burden as they are excepted under 5 CFR 1320.4(a)(2) (“an administrative action, investigation, or audit involving an agency against specific individuals or entities”).

- Contractor must specify to OFCCP all formats in which its records are available.

These hours not included in burden as they are excepted under 5 CFR 1320.4(a)(2) (“an administrative action, investigation, or audit involving an agency against specific individuals or entities”).

**Recordkeeping Burden Summary**

<b>Section of proposed regulation</b>	<b>One-time burden hours</b>	<b>Recurring burden hours</b>	<b>Total burden hours</b>
60-741.5		20,175	20,175
60-741.42	28,546	2,855	31,401
60-741.44		959,510	959,510
60-741.45	42,962	99,911	142,873
60-741.46	185,548	85,638	271,186
<b>Totals</b>	<b>257,056</b>	<b>1,168,089</b>	<b>1,425,145</b>

**b. Reporting Burden**

OFCCP has no reporting burdens under section 503.

**c. Third Party Disclosure Burden**

OFCCP has four third-party disclosure burdens, as follows:

- 60-741.5 Equal opportunity clause

- Contractor must state in all solicitations and advertisements that it is an EEO employer of individuals with disabilities (§7 of EO Clause). (This is a third party disclosure burden.) The contractor already must state that it is an EEO employer due to many state and federal requirements, including the Executive Order 11246 EEO requirements. This revision would simply require the contractor to add individuals with disabilities to the list of categories of protected EEO groups. OFCCP estimates **5 minutes additional burden per contractor**, or  $171,275 \times 5 \text{ minute} / 60 = \mathbf{14,273 \text{ total third party disclosure hours}}$ .
- Contractor must include the entire clause verbatim in Federal contracts (d). (This is a third party disclosure burden.) OFCCP estimates **5 minutes per contractor to download and incorporate the required text**, or  $171,275 \times 5 \text{ minute} / 60 = \mathbf{14,273 \text{ total third party disclosure hours}}$ .

- 60-741.44 Required contents of affirmative action program

- .44(f)(1)(iii) Contractor must send written notification of company AAP policies to subcontractors, vendors, and suppliers.

As the same provision exists in the section 4212 NPRM, and the creation of the notice is already counted there, OFCCP estimates that it would take the contractor an additional **5 minutes** to revise the section 4212 notification to include the required reference to section 503. Therefore,  $5 \text{ minutes per contractor} \times 171,275 / 60 \text{ minutes} = \mathbf{14,273 \text{ total Federal contractor hours}}$ .

- .44(g). Internal dissemination of policy. Contractor is required to undertake efforts to internally disseminate its EEO policy, including, if the contractor is a party to a collective bargaining agreement, meeting with union officials to inform them of the policy. (This is a third party disclosure burden):

The January 22, 2010, Bureau of Labor Statistics News Release states that in 2009, union membership was 12.3%. In its most recent Supply and Service (S&S) PRA Justification, OFCCP estimated **30 minutes** composition time for union notification. For this NPRM, we estimate 15 minutes preparation for this new notification requirement, as contractors party to a collective bargaining agreement already have a notification template in place. We also estimate **15 additional minutes** to meet with union officials as they are already required to meet with union officials in S&S. The total third party disclosure

burden hours would be  $171,275 \times 12.3\% \times 30 \text{ minutes} / 60 = \mathbf{10,533}$   
**total Federal contractor hours.**

The burden and cost of other requirements of .44(g) does not fall under the PRA.

**Third Party Disclosure Total**

53,352	Annual Total
53,352	Total Third Party Disclosure Burden Hours

The sum of the recordkeeping, reporting and third party disclosure burden in the Burden Change Summary is 1,478,497 hours.

1,425,145	Total Recordkeeping Burden Hours
	Total Reporting Burden Hours
53,352	Total Third Party Disclosure Burden Hours
<b>1,478,497</b>	<b>Total Recordkeeping, Reporting, and Third Party Disclosure Burden Hours</b>

**d. Annualized Cost of the Burden Hours to Contractors**

The estimated annualized cost to respondent contractors is based on Bureau of Labor Statistics data in the publication “Employer Costs for Employee Compensation” (September 2011), which lists total compensation for management, professional, and related occupations as \$50.07 per hour and administrative support as \$22.67 per hour. OFCCP estimates that 52% percent of the burden hours will be management, professional, and related occupations and 48% percent will be administrative support. We have calculated the total estimated annualized cost as follows:

Mgmt. Prof.	$1,478,497 \text{ hours} \times .52 \times \$50.07 =$	\$ 38,494,739
Adm. Supp.	$1,478,497 \text{ hours} \times .48 \times \$22.67 =$	\$ 16,088,413
Total annualized cost estimate =		\$ 54,583,152
Estimated average cost per establishment is: $\$ 54,583,152 / 171,275 = \$319$		

**13. ANNUAL OPERATION AND MAINTENANCE COST BURDEN TO RESPONDENTS**

OFCCP estimates that the contractor will have some operations and maintenance costs associated with this collection as follows:



- 60-741.5 Equal opportunity clause
  - Contractor must provide the EO poster for review by employees and applicants, including in alternative formats upon request such as Braille, large print, or other versions so that visually impaired individuals may read the notice themselves (§4 of EO Clause). OFCCP does not expect the contractor to incur any cost for this element as the poster may be acquired from OFCCP or, in alternative formats from EEOC.
  
- 60-741.42 Invitation to self-identify
  - OFCCP estimates that the contractor will have some operations and maintenance cost associated with the invitation to self-identify. The contractors must invite all applicants with the pre- and post-offer invitation, and must also survey its employees annually with an invitation to self-identify. Given the increasingly widespread use of electronic applications, any contractor that uses such applications would not incur copy costs. However, to account for contractors who may still choose to use paper versions, we are including printing and/or copying costs. Therefore, we estimate 1 page for the pre- and post-offer invitations printed for 60 applicants per year, and 1 page for the employee survey invitation printed for 60 employees per year. We also estimate an average copying cost of **.08** cents per page. The estimated total cost to contractors will be: pre- and post-offer --  $171,275 \times 1 \times 60 \times \$0.08 = \$822,120$ ; survey --  $171,275 \times 1 \times 60 \times \$0.08 = \$822,120$ ; **total cost**  $\$822,120 \times 2 = \mathbf{\$1,644,240}$
  
- 60-741.44 Required contents of affirmative action programs
  - Contractor must provide Braille, large print, or other versions of AA policy statement so that visually impaired may read the notice themselves (.44(a)). OFCCP estimates that the contractor will have some operations and maintenance costs associated with providing the AA policy statement. We estimate that the cost of an alternative format, such as Braille or audio, to be \$1.00 per contractor. The estimated total cost to contractors will be:  $\$1.00 \times 171,275$  federal contractor establishments = **\$171,275**
  
  - Contractor must provide its AAP to OFCCP during a desk audit. Contractor must provide its AAP to OFCCP during a desk audit. In light of the increased use of electronic formats and the proposed requirement, in section 60-741.81, that contractors provide records to OFCCP in electronic format, where available, we estimate that only 30 percent of contractors will be submitting paper copies of their AAPs. Given an average copying cost of **\$.08** per page and an average size of an AAP of 7 pages, the estimated total copying cost to contractors will be:  $7 \text{ pages} \times \$0.08 \times 1,501$  (5,004 FY 2009 Compliance Evaluations –

30% ) = **\$841** In addition, we estimate an average mailing cost of \$3.00 per contractor. The total mailing cost for contractors will be \$3.00 x 1,501 = \$ 4,503. The total estimated costs would be \$841+ \$4,503 = **\$ 5,344.**

**Operation and Maintenance Costs**

Contractor must provide Braille, large print, or other versions of EEO poster so that visually impaired individuals may read the notice themselves (§4 of EO Clause).	60-741.5	\$0
Contractor must post EEO poster for review by employees and applicants (§4 of EO Clause). provide Braille, large print, or other versions of AA policy statement so that visually impaired individuals may read the notice themselves (.44(a)).	60-741.5	\$0
Contractor must invite all applicants and employees to self-identify as an individual with a disability (.42(a)(b)(c)).	60-741.42	\$1,644,240
Contractor must provide Braille, large print, or other versions of AA policy statement so that visually impaired individuals may read the notice themselves (.44(a)).	60-741.44	\$ 171,275
Copying and mailing costs of AAPs (.44)	60-741.44	\$5,344
<b>Total O&amp;M Costs</b>		<b>\$1,820,859</b>

**Total Costs**

Total annualized cost estimate =	\$1,820,859
Estimated average cost per establishment is: \$ 1,820,859 / 171,275 = \$ 11	

**14. FEDERAL COSTS**

DOL associates no Federal costs with this information collection. Any costs related to evaluating compliance have already been addressed under the ICRs for the supply and service program (OMB No. 1250-0003) and the construction program (OMB No. 1250-0001).

**15. REASONS FOR PROGRAM CHANGES AND ADJUSTMENTS.**

OFCCP has proposed new regulations that will require information collections and increase the paperwork burden by an estimated 171,275 responses, 1,081,854 hours, and \$2,295,422 per year.

**16. PUBLICATION OF DATA**

OFCCP will not publish the data collected.

**17. APPROVAL TO NOT DISPLAY THE EXPIRATION DATE**

OFCCP does not seek approval not to display the expiration date.

**18. EXCEPTIONS TO THE CERTIFICATION STATEMENT**

There are no exceptions.

**SUPPORTING STATEMENT B—STATISTICAL METHODS**

This information collection does not employ statistical methods.