

**U.S. Department of Labor
Office of Federal Contract Compliance Programs
Construction Compliance Check Letters**

OMB Number 1250-New

A. JUSTIFICATION

The U.S. Department of Labor’s (DOL) Office of Federal Contract Compliance Programs (OFCCP) is requesting Office of Management and Budget (OMB) approval of a new information collection. Following approval of this request, OFCCP will begin to conduct compliance checks of construction contractors. The compliance check is an investigative method to help contractors comply with OFCCP’s Affirmative Action Program (AAP) and recordkeeping requirements. An annual AAP is fundamental to maintaining an active system capable of providing ongoing equal employment opportunity through affirmative action and ensuring nondiscrimination. In addition, data and accurate records are fundamental to building and monitoring successful affirmative action efforts, as any contractor’s analysis of their personnel activity or progress in meeting aspirational placement goals is only as good as the data used to create the analysis.

If OFCCP determines during the compliance check that the contractor has not maintained AAPs and required records, OFCCP will provide individualized compliance assistance to help the contractor come into compliance and may place the contractor in a pool for a future compliance evaluation. Since the scope of a compliance check is narrower than the scope of a compliance review, OFCCP can reach more contractors without increasing agency resources and can reduce the individual burden on contractors.

This information collection request (ICR) contains two construction compliance check letters based on contract type, which will notify construction contractors that they have been selected to undergo a compliance check. The letters also will harmonize the types of compliance evaluations across OFCCP’s supply and service and construction programs as OFCCP already is authorized to conduct compliance checks in its supply and service program.¹ However, this ICR only covers the reporting requirements for the documentation that OFCCP will collect from construction contractors during a compliance check.²

¹ OFCCP’s supply and service program is approved by OMB under OMB Control No. 1250-0003.

² OFCCP’s construction recordkeeping requirements are covered under OMB Control Nos. 1250-0001, 1250-0004, and 1250-0005.

1. Legal and Administrative Requirements

OFCCP administers and enforces three equal employment opportunity laws³, which prohibit employment discrimination and set affirmative action requirements for contractors:

- Executive Order 11246, as amended (EO 11246),
- Section 503 of the Rehabilitation Act of 1973, as amended (Section 503), and
- Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, (VEVRAA).

These laws apply to contractors that meet certain jurisdictional thresholds, as described below.⁴

EO 11246 prohibits contractors from discriminating against applicants and employees based on race, color, religion, sex, sexual orientation, gender identity, and national origin. EO 11246 also requires contractors to take affirmative action to ensure that equal opportunity is provided to employment applicants and employees in all aspects of their employment.⁵ Additionally, EO 11246 prohibits contractors from taking adverse employment actions against employment applicants and employees for inquiring about, discussing, or disclosing information about their pay or the pay of their co-workers, subject to certain limitations. EO 11246 applies to contractors and federally-assisted construction contractors who hold a government contract in excess of \$10,000, 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 and notes in any amount.

Section 503 prohibits contractors from discriminating against employment applicants and employees on the basis of disability and requires contractors to take affirmative action to employ and advance in employment qualified individuals with disabilities. Its requirements apply to contractors with a government contract in excess of \$15,000.⁶ If the contractor has at least 50 employees and a single contract of \$50,000 or more, it must also develop a Section 503 AAP, as

³ OFCCP promulgated regulations implementing these programs consistent with the Administrative Procedure Act. These regulations are found at Title 41 of the Code of Federal Regulations (CFR) in Chapter 60. 41 CFR 60, available at <https://www.ecfr.gov/cgi-bin/text-idx?gp=&SID=b686ff45080d69713c00bf18b651cc37&mc=true&tpl=/ecfrbrowse/Title41/41chapter60.tpl> (last accessed April 6, 2020).

⁴ OFCCP’s jurisdictional thresholds are available at https://www.dol.gov/sites/dolgov/files/ofccp/posters/Infographics/files/JurisdnThresholds-7_ENGESQA508c.pdf (last accessed April 6, 2020).

⁵ Construction contractors comply with their affirmative action obligations by taking specific affirmative actions that are at least as extensive as the 16 affirmative action specifications found at 41 CFR 60-4.3(a)7. The 16 affirmative action specifications listed under Section 60-4.3(a)7 describe the required steps that construction contractors must take to ensure nondiscrimination and equal employment opportunity. Construction contractors are not required to develop an AAP under EO 11246. However, the affirmative action obligations of construction contractors are not limited to those found in the 16 steps.

⁶ Effective October 1, 2010, the coverage threshold under Section 503 increased from \$10,000 to \$15,000, in accordance with the inflationary adjustment requirements in 41 U.S.C. 1908. See Federal Acquisition Regulation; Inflation Adjustment of Acquisition-Related Thresholds, 75 FR 53129 (August. 30, 2010).

described in 41 CFR 60-741, Subpart C. Section 503 applies to businesses with federal construction contracts, but not to businesses with federally assisted construction contracts.

VEVRAA prohibits contractors from discriminating against protected veterans, namely, disabled veterans, recently separated veterans, active duty wartime or campaign badge veterans, and Armed Forces service medal veterans. VEVRAA also requires contractors to take affirmative action to employ and advance in employment qualified protected veterans. Its requirements apply to contractors with a government contract of \$150,000 or more.⁷ If the contractor has at least 50 employees and a single contract of \$150,000 or more, it must also develop a VEVRAA AAP, as described in 41 CFR 60-300, Subpart C. VEVRAA applies to businesses with federal construction contracts, but not to businesses with federally assisted construction contracts.

This ICR outlines the legal authority, procedures, burden, and cost associated with conducting a compliance check of construction contractor records. OFCCP's regulations at 41 CFR 60-1.20, 60-300.60, and 60-741.60 state that the agency may conduct a compliance evaluation to determine if contractors meet their obligations under the regulations. A compliance evaluation may consist of one or any combination of the investigative procedures listed in the regulations (a compliance review, an off-site review of records, a compliance check, and/or a focused review).

Construction contractors currently undergo compliance reviews, which are lengthier and more involved than a compliance check. Upon approval of this ICR, OFCCP anticipates it will schedule a portion of the construction compliance evaluations in the form of a compliance check to determine contractor compliance with the agency's regulations related to maintenance of AAPs and recordkeeping requirements. The narrower scope of a compliance check carries less burden on the contractor than a compliance review.⁸ OFCCP would still conduct some full compliance reviews, but the combination of compliance checks and compliance reviews will result in a net decrease in overall burden on contractors. Without the ability to conduct compliance checks, OFCCP will not be able to reduce the individual burden on construction contractors because the only way it can currently evaluate them is by conducting full on-site compliance reviews. With this proposed collection, OFCCP seeks to gain the option to conduct other types of compliance evaluations, as prescribed in the agency's regulations, to ensure that contractors meet their nondiscrimination and affirmative action obligations.

This ICR contains two collection instruments: (1) a compliance check letter for construction contractors that have a direct federal contract and meet the jurisdictional thresholds under all three laws and, (2) a compliance check letter for construction contractors that are federally

⁷ Effective October 1, 2015, the coverage threshold under VEVRAA increased from \$100,000 to \$150,000, in accordance with the inflationary adjustment requirements in 41 U.S.C. 1908. *See*, Federal Acquisition Regulation; Inflation Adjustment of Acquisition-Related Thresholds, 80 FR 38293 (July 2, 2015).

⁸ The information collected during the course of a compliance review is exempt from the PRA requirements, 5 CFR § 1320.4. Although OFCCP does not have a studied, precise burden calculation for how long compliance reviews take, the agency acknowledges that on-site reviews take many hours and often last multiple days.

assisted.⁹ EO 11246 applies to direct federal construction contracts and federally assisted construction contracts. Section 503 and VEVRAA only apply to direct federal contracts.

The proposed compliance check letter for construction contractors with direct federal contracts requests the following items:

- Examples of personnel records that list construction trade employment activity (applicants, hires, promotions, layoffs, recalls, voluntary terminations, and involuntary terminations), including the name or ID number, job classification, gender, race and/or ethnic designation for each employee or applicant.¹⁰
- Examples of payroll records for some construction trade employees working in the *(as appropriate insert either 1) the name(s) of Standard Metropolitan Statistical Area(s) (SMSA) or 2) the name(s) of Non-SMSA)* which is comprised of the following county(s) and/or county equivalents: *(insert all applicable county(s) and/or county equivalents)* during the specified review period. The payroll records should be submitted by project and include each employee's name or ID number, gender, race/ethnicity, hire date, trade(s), total hours worked in each trade and overtime hours worked in each trade (hours could include the sum of regular and overtime hours worked, with overtime hours listed separately, or regular and overtime hours each listed separately), wage rate(s) for each trade, apprenticeship status, and employment type (e.g., full-time, part-time, temporary, contract, per diem, day labor).¹¹
- Examples of job advertisements and postings.¹²
- Examples of accommodation requests received, if any.¹³
- A copy of the current Section 503 AAP.¹⁴
- A copy of the current VEVRAA AAP.¹⁵

The proposed compliance check letter for federally assisted construction contractors requests the following items:

⁹ A direct federal construction contract is an agreement or modification to an agreement entered into directly with the federal government through one of its agencies for the purchase, sale, or use of personal property or nonpersonal services, where the term “nonpersonal services” includes construction services. A federally assisted construction contract is any agreement or modification which is paid for in whole or in part with funds obtained from the federal government but where the government is not a party to the construction contract. Federally assisted contracts could be funded through, for example, a federal grant, contract, loan, insurance or guarantee.

¹⁰ 41 CFR 60-1.12(a) and (c).

¹¹ 41 CFR § 60-1.12(a) and (c)

¹² 41 CFR § 60-1.12(a), § 60-300.80, and § 60-741.80.

¹³ *Ibid.*

¹⁴ 41 CFR § 60-741.40 through § 60-741.47.

¹⁵ 41 CFR § 60-300.40 through § 60-300.45.

- Examples of personnel records that list construction trade employment activity (applicants, hires, promotions, layoffs, recalls, voluntary terminations, and involuntary terminations), including the name or ID number, job classification, gender, race and/or ethnic designation for each employee or applicant.¹⁶
- Examples of payroll records for some construction trade employees working in the *(as appropriate insert either 1) the name(s) of Standard Metropolitan Statistical Area(s) (SMSA) or 2) the name(s) of Non-SMSA)* which is comprised of the following county(s) and/or county equivalents: *(insert all applicable county(s) and/or county equivalents)* during the specified review period. The payroll records should be submitted by project and include each employee's name or ID number, gender, race/ethnicity, hire date, trade(s), total hours worked in each trade and overtime hours worked in each trade (hours could include the sum of regular and overtime hours worked, with overtime hours listed separately, or regular and overtime hours each listed separately), wage rate(s) for each trade, apprenticeship status, and employment type (e.g., full-time, part-time, temporary, contract, per diem, day labor).¹⁷
- Examples of job advertisements and postings.¹⁸
- Examples of accommodation requests received (e.g., accommodation request for pregnancy, childbirth, or related medical conditions and for religious observances and practices), if any.¹⁹

2. Use of Collected Material

OFCCP will use the material to determine contractor compliance with the agency's regulations related to construction contractor recordkeeping requirements and maintenance of AAPs.

3. Use of Information Technology

Pursuant to the Government Paperwork Elimination Act (GPEA), government agencies must provide the option of using and accepting electronic documents and signatures, and electronic recordkeeping, where practicable.²⁰ OFCCP fulfills the GPEA requirements by permitting electronic recordkeeping of contractors' documentation. Specific to this information collection, OFCCP encourages contractors to submit the requested information in an electronic format.

4. Description of Efforts to Identify Duplication

¹⁶ 41 CFR § 60-1.12(a) and (c).

¹⁷ 41 CFR § 60-1.12(a) and (c).

¹⁸ 41 CFR § 60-1.12(a).

¹⁹ 41 CFR § 60-1.12(a).

²⁰ Government Paperwork Elimination Act (Public Law 105-277, 1998), available at <https://www.govinfo.gov/content/pkg/PLAW-105publ277/pdf/PLAW-105publ277.pdf> (last accessed April 6, 2020).

The reporting requirements in this ICR result exclusively from EO 11246, Section 503, and VEVRAA and their implementing regulations. No duplication of effort exists because no other federal agencies administer and enforce these laws and implementing regulations.²¹

5. Impact on Small Businesses

Generally, OFCCP minimizes the impact of information collections on small businesses by exempting contractors with fewer than 50 employees from the requirement to create and maintain AAPs. OFCCP anticipates that the proposed construction compliance check will be especially beneficial to small construction contractors that would otherwise undergo a compliance review. By being able to utilize the compliance check for construction contractors and focus the evaluation on the maintenance of AAPs and records as the foundation of successful equal employment opportunity, OFCCP will be able to limit the individual burden imposed on small contractors.

6. Consequences of a Less Frequent Collection

Contractors are obligated to comply with all applicable regulations enforced by OFCCP. In order to carry out its mission, OFCCP must verify that contractors maintain records and documentation as prescribed in its regulations. OFCCP initiates compliance evaluations on an ongoing basis in order to review contractors' activity and records to confirm that they comply with their obligations.

7. Special Circumstances

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

8. Consultation Outside the Agency

Pursuant to the Paperwork Reduction Act of 1995, as amended, (PRA), OFCCP invited the public to submit comments on this proposed information collection. The Federal Register notice was published on April 8, 2019 (84 FR 13964). OFCCP received four comments on the ICR. After careful consideration, the agency presents below a summary of the comments and its responses.

Burden

Several of the comments OFCCP received discussed the burden associated with the construction compliance check letters and expressed that the burden that will be imposed by the proposed letters is too high for conducting a compliance check of records. Commenters also compared the

²¹ The Employer Information Report (EEO-1) is promulgated jointly by OFCCP and the Equal Employment Opportunity Commission (EEOC), see 41 CFR 60-1.7(a). That report is approved under OMB Control No. 3046-0007 through a collection that is sponsored by the EEOC but the data is shared with OFCCP.

letters to the compliance check letter and the scheduling letter of the supply and service program.²² In consideration of the comments, OFCCP made revisions to the letters to reduce some of the associated burden on construction contractors while still providing OFCCP with enough information to check contractor compliance. Specifically, OFCCP changed the proposed requests of documentation of all personnel records, payroll records, and accommodations received to providing only examples of the personnel records, payroll records, and accommodations. Limiting the requests to examples will prevent the need for contractors to retrieve, compile, and provide all the personnel records, payroll records, and requests for accommodations during the period under review. In the direct federal construction compliance check letter, OFCCP also removed the requests for documentation of the computations or comparisons described in 41 CFR 60-300.44(k) and 60-741.44(k) and for documentation of the most recently adopted hiring benchmark in 41 CFR 60-300.45(c). To further control the burden imposed on construction contractors, OFCCP limited the timeframe for which it can request information during a compliance check (see discussion below). The purpose of a compliance check is to determine if the contractor maintains the required records in accordance with OFCCP's regulations. Without maintaining these records, the contractor cannot confirm that they meet their affirmative action and nondiscrimination obligations. While every attempt has been made to keep contractor burden to a minimum, collecting insufficient information during a compliance check would compromise its purpose.

OFCCP disagrees that the burden that will be imposed on contractors is similar to that of a full compliance review of supply and service contractors, which is instigated by receipt of the scheduling letter. The scheduling letter and its accompanying itemized listing requests over 20 items and its estimated burden is approximately 28 hours.²³

Timeframes

One commenter requested that OFCCP specify the timeframe in the compliance check letters for which OFCCP will request information. The commenter asserted that doing so would prevent uncertainty and unnecessary burdens that may arise from longer timeframes. OFCCP clarified the language in both letters to indicate that it may not request more than six months of records from construction contractors during a compliance check.

Scheduling Methodology

Commenters requested that OFCCP publicly post, and include in this ICR, its methodology for selecting construction contractors for compliance checks and other types of compliance evaluations. OFCCP is committed to transparency in compliance activities.²⁴ As such, the agency plans to post the methodology it will use for selecting construction contractors for compliance evaluations on its website prior to using the compliance check letters, following their approval from OMB. By way of background, the methodology used to develop the scheduling list for supply and service contractors is not part of the supply and service ICR. The

²² Supply and Service Program, OMB Control Number 1250-0003

²³ Last approved on June 29, 2016, https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201602-1250-001 (last accessed April 6, 2020).

²⁴ Directive 2018-08, Transparency in OFCCP Compliance Activities, September 19, 2018.

methodology for creating the scheduling list may change from year to year but ICRs are typically approved for a three-year period. Therefore, it would not be appropriate to include the methodology as part of the ICR.

Electronic Submission of Information

Two commenters provided input on OFCCP's proposal to require construction contractors to submit information electronically during compliance checks. One commenter was in support of this proposal, citing that electronic disclosure would better serve the construction community due to the multiple work sites typically found in the industry, would be the least disruptive method, and would lead to reduced burden for both contractors and the federal government. The other commenter was in opposition of the electronic submission proposal and stated that OFCCP should permit construction contractors to submit paper records if that is the format in which they maintain their records as the only other option would be an onsite review of records. OFCCP reconsidered its proposal to only accept electronic submissions and will permit contractors to submit the requested documents in paper format if they choose to do so to allow for more flexibility.

Other

Commenters provided other recommendations related to the letters and the compliance check process such as adding clarity or removing questions.

One commenter suggested that OFCCP add the option to permit contractors to provide personnel records by name or identification (ID) number as it does with payroll records. The same commenter also asked that OFCCP clarify whether it seeks combined or separated out regular and overtime hours worked for employees and provided examples of how to present the information. OFCCP accepted both suggestions and revised the letters according to the suggestions in the comment.

Another commenter requested that OFCCP remove the question related to accommodation requests from the federally assisted compliance check letter as federally assisted construction contractors are not subject to Section 503. While it is correct that federally assisted construction contractors are not subject to Section 503 requirements, OFCCP clarifies that the question is not related to disability accommodations but accommodations for pregnancy, childbirth, or related medical conditions (41 CFR 60-20.5(c)) and accommodations to religious observances and practices (41 CFR 60-50.3). OFCCP revised the letters to provide more clarity in references to accommodations.

9. Gift Giving

OFCCP does not provide gifts or payments to respondents.

10. Confidentiality of Information

Some of the information contractors submit to OFCCP during a compliance evaluation may be considered business confidential information or personally identifiable information. OFCCP will treat records provided by the contractor as confidential to the maximum extent the information is exempt from public disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. 552. OFCCP will evaluate all information requests pursuant to the public inspection and disclosure provisions of FOIA and DOL's implementing regulations at 29 CFR Part 70. OFCCP notifies contractors, in writing, whose records are subject to a FOIA request. OFCCP makes no decision to disclose the information until contractors have an opportunity to submit objections to its release.

OFCCP safeguards and protects personally identifiable information it receives from contractors to the maximum extent allowable under the law in accordance with the Privacy Act of 1974, as amended (5 U.S.C. §552a). In addition, the regulation at 41 CFR 60-1.20(f) allows a contractor that is concerned with the confidentiality of personally identifiable information such as lists of employee names, reasons for termination, or pay data, to use alphabetic or numeric coding or an index. The coding or index for pay and pay ranges must be consistent with the ranges assigned to each job group for purposes of the compliance evaluation.

11. Questions of Sensitive Nature

As explained above, compliance checks are a type of compliance evaluation used to confirm that contractors maintain certain required records, in accordance with OFCCP's regulations. OFCCP will not request information of sensitive nature from contractors or any other parties during the course of a compliance check although data generally considered business confidential information or personally identifiable information may be part of the information submitted by the contractor during a compliance check. Such data will be subject to the protections outlined in paragraph 10 above.

12. Information Collection Hour Burden

OFCCP anticipates that it will conduct approximately 500 annual compliance checks of construction contractors. The following estimate breaks down the reporting burden for both direct contracts and federally assisted contracts.

Letter version: Contractor has a direct federal contract and meets the jurisdiction dollar thresholds for all three programs. OFCCP estimates that the construction contractors in this category will take 30 minutes to read the letter and instructions and 4.5 hours to retrieve and submit the required documentation. Therefore, the burden is calculated at 1,500 hours (5 hours x 300 contractors).

Letter version: Contractors whose sole coverage comes only from federally assisted construction projects. OFCCP estimates that the construction contractors in this category will take 30 minutes

to read the letter and instructions and 2.5 hours to retrieve and submit the required documentation. Therefore, the burden is calculated at 600 hours (3 hours x 200 contractors).

OFCCP obtains the average hourly rate of \$49.21 using an 80 percent and 20 percent split between Management Analyst and Human Resource Manager wages, respectively, according to data from the Bureau of Labor Statistics.²⁵ In order to estimate the total monetized burden on contractors, OFCCP adds an additional 46 percent to the hourly rate to account for overhead and fringe benefits.²⁶ Therefore, the hourly rate is calculated as follows: $\$49.21 + (\$49.21 \times 46 \text{ percent}) = \71.85 .

The total estimated burden for contractors resulting from this collection amounts to 2,100 hours or \$150,885 (2,100 hours x \$71.85).

Burden Summary Table

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response (Hours)	Total Annual Burden (Hours)	Hourly Rate	Monetized Value of Respondent Time
Direct Federal Contracts	300	Once	300	5	1,500	\$71.85	\$107,775
Federally Assisted Contracts	200	Once	200	3	600	\$71.85	\$43,110
Unduplicated Totals	500		500		2,100		\$150,885

13. Information Collection Cost Burden

OFCCP estimates that contractors will have some operating and maintenance costs associated with this collection. The agency prefers that contractors submit required documentation electronically but estimates that approximately 50 percent of contractors may send paper copies through the mail.²⁷

²⁵ Bureau of Labor Statistics, Occupational Employment Statistics, Occupational Employment and Wages, May 2019, available at https://www.bls.gov/oes/current/oes_nat.htm (last accessed April 6, 2020) (\$45.94/hr Management Analysts and \$62.29/hr Human Resource Managers). OFCCP believes that the contractor staff that will be involved in the gathering and submission of the data belong predominantly in the employment categories of Management Analyst and Human Resource Manager. The calculation uses an 80/20 split between Management Analyst and Human Resource Manager (\$49.21).

²⁶ Bureau of Labor Statistics, Employer Costs for Employee Compensation, available at <https://www.bls.gov/news.release/ecec.toc.htm> (last accessed April 6, 2020), fringe benefit and overhead costs are an additional 46% of wages.

²⁷ OFCCP does not have exact data on the number of paper submissions and encourages electronic submission of data but estimates that 50% of contractors may send paper copies through the mail.

OFCCP assesses a cost for the 50 percent of contractors that may send paper copies of the required documents through the mail. OFCCP estimates the average size of documentation in response to the letter for direct federal contracts to be approximately 100 pages and using a cost of \$.09 per page,²⁸ the agency calculates that the copying cost is \$1,350 (100 pages x 150 contractors x \$.09 per page).

OFCCP also estimates the average size of documentation in response to the letter for federally assisted contracts to be approximately 50 pages and using a cost of \$.09 per page, the agency calculates that the copying cost is \$450 (50 pages x 100 contractors x \$.09 per page).

In addition, OFCCP estimates an average mailing cost of \$7.75 per contractor,²⁹ using a USPS Priority Mail, flat rate envelope. Therefore OFCCP estimates that the cost of mailing the required documentation to OFCCP is \$1,938 (250 contractors x \$7.75).

The total estimated operating and maintenance cost for all contractors is an estimated \$3,738 (\$1,800 copying costs + \$1,938 mailing costs).

14. Cost to the Federal Government

OFCCP estimates the annual cost to the Federal Government as follows:

- OFCCP staff on the Senior Executive Services (SES) scale³⁰ and the General Service (GS)³¹ scale spent approximately 24 hours creating the compliance check letters. Using an average hourly salary of \$69.47³² of staff from various levels that were involved in the creation of the letters, the cost is \$1,667 (24 hours x \$69.47).
- OFCCP staff on the GS scale will spend approximately 4 hours reviewing documentation received in response to each direct contract letter. The burden is calculated as 1,200 hours (4 hours x 300 contractors). Using an average hourly salary of \$50.92³³, the cost is \$61,104 (1,200 hours x \$50.92).

²⁸ Based on the average copying cost at major paper supply stores as of April 6, 2020.

²⁹ United States Postal Service, Mail & Shipping Services, available at <https://www.usps.com/ship/mail-shipping-services.htm> (last accessed April 6, 2020).

³⁰ Senior Executive Service, Compensation, available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2018/executive-senior-level> (last accessed April 6, 2020).

³¹ “Salary Table 2018-GS Incorporating the 1.4% General Schedule Increase,” available at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/GS_h.pdf (last accessed April 6, 2020).

³² OFCCP includes an additional 46% of wages for fringe benefit and overhead costs. $\$47.58 \times 1.46 = \69.47 .

³³ “Salary Table 2020-GS Incorporating the 2.6% General Schedule Increase,” available at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/GS_h.pdf (last accessed April 6, 2020). Hourly rate based on Grade 12, Step 4, which represents an average salary for an OFCCP compliance officer plus an additional 46% of wages for fringe benefit and overhead costs. $\$34.88 \times 1.46 = \50.92 .

- OFCCP staff on the GS scale will spend approximately 2 hours reviewing documentation received in response to each federally assisted letter. The burden is calculated as 400 hours (2 hours x 200 contractors). Using an average hourly salary of \$50.92, the cost is \$20,368 (400 hours x \$50.92).

The cost to the federal government for the first year is \$83,139 (\$1,667 + \$61,104 + \$20,368) and \$81,472 (\$61,104 + \$20,368) for subsequent years. The average annual cost to federal government is approximately \$82,028.³⁴

15. Program Changes or Burden Adjustments

This is a new information collection.

16. Publication of Data for Statistical Use

OFCCP will not publish the data it collects under this information request.

17. Approval Not to Display the Expiration Date

OFCCP is not seeking approval to not display the expiration date.

18. Exception to the Certification Statement

OFCCP is not seeking exemptions to the certification statement.

B. STATISTICAL METHODS

This information collection does not use statistical methods.

³⁴ $(\$83,139 + (\$81,472 * 2)) \div 3 = \$82,028$