

Justification for Nonmaterial/Nonsubstantive Change

Department of Labor Office of Federal Contract Compliance Programs

Supply and Service Program OMB Control Number 1250-0003

Background

In 2018, the Office of Federal Contract Compliance Programs (OFCCP) issued Directive (DIR) 2018-04, *Focused reviews of contractor compliance with Executive Order 11246 (E.O.), as amended; Section 503 of the Rehabilitation Act of 1973 (Section 503), as amended; and Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), as amended*, to introduce a comprehensive initiative aimed at examining compliance with specific portions of contractors' equal employment opportunity obligations. OFCCP recently announced that it will begin conducting focused reviews addressing disability and religious accommodations, as well as focused reviews addressing promotions. The goal of the accommodations reviews is to ensure that contractors are not discriminating against employees and applicants through denials of accommodation requests and to provide technical assistance and other guidance to contractors so they are better able to provide accommodations in all aspects required by equal employment opportunity laws. The goal of the promotions reviews is to examine whether contractors' promotion practices and procedures comply with their obligations under OFCCP's laws. One aspect of these reviews will be to examine whether discrimination occurs at the intersection of race and gender.

In conducting these reviews, Compliance Officers will examine a contractor's policies and procedures related to disability and religious accommodations and promotion practices, as identified in the focused review letters. For accommodations, they will specifically review documentation relating to accommodation requests and dispositions, with a particular emphasis on denial(s) of accommodation. Reviews will include interviews with managers responsible for or involved in the accommodation process as well as with affected employees and applicants. For promotions, Compliance Officers will conduct interviews with managers responsible for promotion decisions and, if applicable, with affected employees. They may also evaluate hiring and compensation policies, procedures, and data, as appropriate, to determine if qualified applicants are being steered into lower paying positions with limited upward mobility or otherwise prevented from advancing professionally.

Summary of Changes

In the currently approved collection, there are four collection instruments that are used to notify supply and service contractors that they have been selected to undergo a compliance evaluation: compliance review scheduling letter, compliance check letter, Section 503 focused review letter, and VEVRAA focused review letter. OFCCP proposes to incorporate the accommodations focused review letter and promotions focused review letter into the approved information collection. The accommodations focused reviews and promotions focused reviews will be scheduled in lieu of some of the 2,500 approved compliance reviews, which carry a burden of 28 hours. OFCCP estimates the burden for the accommodations letter to be 10 hours and the burden for the promotions letter to be 20 hours, which are both less than the 28 hours it takes for a full compliance review.

Changes in Burden

There are no anticipated changes in overall reporting burden to this collection. Utilizing the accommodations and promotions focused review letters in lieu of some of the full compliance review letters will result in a decrease of the overall burden of 70,000 hours (2,500 compliance reviews x 28 hours), which is currently approved (ICR Reference No. 201906-1250-001).