

**DEPARTMENT OF LABOR
VETERANS' EMPLOYMENT AND TRAINING SERVICE
Federal Contractors Veterans' Employment Report VETS-4212
OMB No. 1293-0005**

SUPPORTING STATEMENT

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Veterans' Employment and Training Service (VETS) is responsible for administering the reporting requirement under the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA), 38 U.S.C. 4212(d). VEVRAA obligates Federal contractors and subcontractors that are subject to the statute's affirmative action provisions in 38 U.S.C. 4212(a) to report annually to the Secretary of Labor on their employees and new hires who belong to the specific categories of veterans protected under the statute. VETS promulgated two sets of regulations to implement statutory reporting requirements under VEVRAA before and after amendment in 2002 by the Jobs for Veterans Act, (JVA) (Pub. L. 107-288).

VEVRAA requires contractors to report the number of employees in their workforces and new hires during the reporting period, by job category and hiring location, who are "qualified covered veterans." 38 U.S.C. 4212(d)(1). The statute defines "covered veteran" as any of the following veterans: disabled veterans, Armed Forces service medal veterans, veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized, and recently separated veterans. 38 U.S.C. 4212(a)(3). The JVA reporting requirements are implemented by the regulations in 41 CFR Part 61-300 and are applicable to Government contracts of \$150,000 or more entered into on or after December 1, 2003. In addition, a contract that was entered into before December 1, 2003, is subject to the part 61-300 regulations if it was modified on or after December 1, 2003, and meets the contract dollar threshold of \$150,000 or more.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The information collected is to be used by the Department of Labor for compliance monitoring and, in accordance with a mandate contained in 38 U.S.C. 4212(d), to make a database available of contractors that have complied with the requirements of 38 U.S.C. 1354(b). Under 31 U.S.C.

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1354(a)(1), an agency is prohibited from obligating or expending funds to enter into a contract with a contractor that was required to comply with the reporting requirements in 38 U.S.C. 4212(d) the preceding fiscal year, but failed to do so. The agency may award the contract once the contractor submits the report required by 38 U.S.C. 4212(d) for the fiscal year concerned.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

In order to comply with the Government Paperwork Elimination Act (GPEA) claimants have the option of submitting the report electronically. The VETS-4212 Form can be submitted in paper form or electronically using the Web at <https://vets4212.dol.gov/vets4212>. The Web site allows a Federal contractor to enter information and electronically transmit the report to VETS. The Federal contractor receives an e-mail conformation notice. In Fiscal Year (FY) 2017, approximately 98 percent of the Federal Contractors Veterans' Employment Report VETS-4212 were filed electronically. Electronic submission of the VETS-4212 reduces the amount of time required enter information from a hardcopy thus streamlining the reporting process.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The information is submitted by the Federal contractor and is unique and not kept by other known agencies. The information is not collected by VETS in any other information collection.

5. If the collection of information impacts small businesses or other small entities; describe any methods used to minimize burden.

Small businesses and entities are required by 38 U.S.C. 4212(d) to furnish the same information as large entities to document and record affirmative action to employ and advance in employment qualified covered veterans.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If Federal contractors were permitted to respond less frequently than on an annual basis, the Department of Labor would not comply with the requirements of 38 U.S.C. 4212(d). Requiring contractors to annually submit information on veterans' employment, as prescribed by 38 U.S.C. 4212(d), also enables Federal agencies to comply with 31 U.S.C. 1354. The Congress' rationale for this reporting requirement was that it signals to Federal contractors the importance of their

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affirmative action obligations to disabled veterans; active duty wartime or campaign badge veterans; Armed Forces Service Medal veterans; and recently separated veterans.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;**
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- * requiring respondents to submit more than an original and two copies of any document;**
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances that would cause the information to be collected or kept in any manner inconsistent with 5 CFR 1320.5.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

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VETS published a Federal Register Notice (85 FR 74390) on Friday, November 20, 2020, providing a period of 60 days for the public to submit comments on the proposal to extend the information collection request that is currently approved under OMB Control No. 1293-0005 (VETS-4212 Form) and VETS has received one comment generally in support of the requested extension to the VETS-4212 Form.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No elements of confidentiality are involved. The data collected on the VETS-4212 Report will not identify any individual by name, social security number, or other form of personally identifying information.

11. Sensitive Questions

Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary; the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No data collected is of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

*** Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

*** If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**

*** Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of**

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contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.

VETS estimates that approximately 378,000 VETS-4212 Forms will be filed annually. The total burden is estimated to be approximately 128,520 hours per year (see table below)

Estimated Annual Burden Hours Table	
	Total VETS-4212 Reporting
Total Respondents	21,000
Recurring Annual Responses (Avg. 18 Reports per Contractor)	21,000 x 18 = 378,000
Total Number of VETS-4212 Forms Filed	378,000
Percent of Paper Forms	2%
Number of Paper Forms	7,560
Percent of Electronic Forms	98%
Number of Electronic Forms	370,440
Total Forms	378,000
Burden Hours	
Paper 40 Min/Form	5,040
Electronic 20 Min/Form	123,480
Total Annual Burden Hours	128,520

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

*** The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

*** If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10),**

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utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

*** Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices.**

The information contractors report about their veterans' employment is collected and maintained in the normal course of business and to comply with other Federal requirements (e.g., Office of Federal Contract Compliance Programs Recordkeeping and Reporting Requirements under the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, approved under control number 1250-0004.) There are no requirements for contractors to have any kind of equipment to be able comply with this collection of information.

In addition, VETS recognizes that the approximately 420 contractors that file paper versions of the proposed VETS-4212 Report will have operational costs to cover paper and mailing expenses. Agency experience indicates that a contractor that mails responses will send responses for each individual location and will do so in a single mailing; consequently, for purposes of this ICR, the agency has counted each mailing as transmitting 18 responses. VETS estimates that it will cost contractors approximately \$.08 for an average of 18 pages per contractor to print and/or copy the proposed VETS-4212 Report. The estimated cost would be \$605 ($18 \times \$0.8 \times 420 = \605). In addition, VETS estimates an average mailing cost of \$1.75 for each submission. The estimated cost for mailing would be \$735 ($420 \text{ contractors} \times \$1.75 = \$735$). Accordingly, the total estimated annual costs would be \$1,297.

Estimated Operational Costs for Filing	
Submission from Federal Contractors	Total Reporting
Total Respondents	21,000
Total Annual Responses (Avg. 18 Reports per Contractor)	$21000 \times 18 = 378,000$
• Paper Response 2% of Total Responses	$2\% \times 378,000 = 7,560$
Annual Operations and Maintenance Costs	$(7,560 \text{ sheets} \times \$0.08) + (420 \text{ mailings} \times \$1.75) = \mathbf{\$1,340}$

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

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The cost to the Federal government for the proposed information collection includes the following components:

Staff: \$ 35,000 (25% of 1 FTE including benefits)

Contract for processing forms: \$700,000

Total: 735,000

15. Explain the reasons for any program changes or adjustments reporting.

There is a slight adjustment to the reporting burden (680 hour decrease in reporting burden; \$42 decrease in annual cost burden) due entirely to error corrections in previous calculations.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

As required by the reporting provisions under VEVRAA made by the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012, (Pub. L 122-154). Section 708 of the Camp Lejeune Families Act requires VETS to publicly disclose the information reported on the Federal Contractors Veterans' Employment Report, which is currently being made available at: <http://developer.dol.gov/others/vets4212/>.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

VETS will display the expiration date on the Federal Contractors Veterans' Employment Report (VETS-4212)

18. Explain each exception to the certification statement.

VETS seeks no exceptions to the certification statement.

B. Collection of Information Employment Statistical Methods

This information collection does not employ statistical methods.