

## **Justification for Nonmaterial/Nonsubstantive Change**

### **Department of Labor Office of Federal Contract Compliance Programs**

#### **Affirmative Action Program Verification Interface (Contractor Portal) OMB Control Number 1250-0012**

#### Background

In August 2021, the Office of Federal Contract Compliance Programs (OFCCP) received Office of Management and Budget (OMB) approval for the authorization of the Affirmative Action Program Verification Interface (hereinafter referred to as the Contractor Portal)<sup>1</sup> under OMB Control Number 1250-0012.<sup>2</sup> This information collection request outlines the legal authority, procedures, burden, and costs to Federal supply and service contractors and subcontractors<sup>3</sup> associated with Contractor Portal account creation and records updates, the annual affirmative action program (AAP) certification process, and the electronic submission of AAP(s) when a contractor has been scheduled for a compliance evaluation. All contractors who meet OFCCP’s jurisdiction thresholds<sup>4</sup> are required to create a Contractor Portal account, update their company’s records, and certify AAP compliance for their establishments and functional/business units. Contractors are required to verify and update information for the parent company and establishment(s) or functional/business unit(s). Annually, contractors must certify AAP compliance by selecting one of three certification statuses for each establishment or functional/business unit:

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<sup>1</sup> After receiving OMB approval, OFCCP rebranded the Affirmative Action Program Verification Interface to be called the Contractor Portal.

<sup>2</sup> See, AAP-VI 30-Day Supporting Statement April 2021 FINAL, available at [https://www.reginfo.gov/public/do/PRAViewDocument?ref\\_nbr=202012-1250-001](https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202012-1250-001).

<sup>3</sup> Hereinafter all references to “contractors” will include Federal supply and service contractors and subcontractors unless otherwise stated.

<sup>4</sup> See, Jurisdictional Thresholds, available at [https://www.dol.gov/sites/dolgov/files/ofccp/posters/Infographics/files/JurisdnThresholds-7\\_ENGESQA508c.pdf](https://www.dol.gov/sites/dolgov/files/ofccp/posters/Infographics/files/JurisdnThresholds-7_ENGESQA508c.pdf).

1. Entity has developed and maintained affirmative action programs at each establishment, as applicable, and/or for each functional or business unit;
2. Entity has been party to a qualifying federal contract or subcontract for 120 days or more and has not developed and maintained affirmative action programs at each establishment, as applicable; or
3. Entity became a covered federal contractor or subcontractor within the past 120 days and therefore has not yet developed applicable affirmative action programs.

Currently, existing contractors are required to complete their certification on an annual basis.

When a contractor selects a certification status for each establishment or functional/business unit, they are selecting the response that reflects their AAP status as of the date they certify.

#### Summary of Changes

OFCCP seeks to add an additional field to the establishment and functional/business unit records page to capture the contractor's AAP year start date. Pursuant to OFCCP's regulations, a contractor must develop AAP(s) within 120 days from the commencement of a contract and must update the AAP(s) annually.<sup>5</sup> The annual update could take place at any point during the year.

The AAP year could align with the calendar year, the contractor's fiscal year, or be on a totally different schedule. Capturing the AAP year start date in the Contractor Portal will provide OFCCP and contractors with more flexibility, allowing for contractors to certify their AAP compliance in sync with the start of their AAP year rather than during a specific, OFCCP-designated time period (e.g., between March 1 and June 30).

#### Changes in Burden

In the currently approved collection, OFCCP estimates a reporting burden of 18 minutes (.3 hours) for creating an account and updating records. OFCCP does not expect the addition of the

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<sup>5</sup> 41 CFR 60-2.1(c), 60-300.40, and 741.40.

AAP year start date field will result in a change to the burden to contractors to update their records. As a result, there are no anticipated changes in the overall reporting burden for this collection.