

U.S. Department of Labor
Office of Federal Contract Compliance Programs
Recordkeeping Requirements—29 U.S.C. 793
Section 503 of the Rehabilitation Act of 1973, As Amended

OMB Number 1250-0005

This request is for Office of Management and Budget (OMB) renewal of an existing information collection implementing the recordkeeping requirements of Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793. These requirements apply to both supply and service and construction federal contractors and subcontractors who meet the appropriate thresholds as identified below.¹

A. JUSTIFICATION

1. Legal and Administrative Requirements

The Office of Federal Contract Compliance Programs (OFCCP) is responsible for administering three equal employment opportunity authorities:

- Executive Order 11246, as amended (E.O. 11246),²
- Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793 (Section 503),³ and
- Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212 (VEVRAA).⁴

E.O. 11246 prohibits covered federal contractors from discriminating against applicants and employees based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires contractors to take affirmative action to employ, advance in employment, and otherwise treat qualified individuals without discrimination. E.O. 11246 also prohibits contractors from taking discriminatory actions, including firing, against applicants and employees for inquiring about, discussing, or disclosing their own compensation information and, in certain instances, the compensation information of their co-workers. The requirements in E.O. 11246 generally apply to any business or organization that (1) holds a single Federal contract, subcontract, or federally assisted construction contract in excess of \$10,000; (2) has Federal contracts or subcontracts that combined total in excess of \$10,000 in any 12-month period; or (3) holds government bills of lading, serves as a depository of Federal funds, or is an issuing and paying agency for U.S. savings bonds and notes in any amount. Supply and service contractors with 50 or more employees and a single Federal contract or subcontract of \$50,000 or

¹ Hereinafter, all references to “contractor” will include federal contractors and subcontractors unless otherwise stated.

² The regulations implementing E.O. 11246 are found at 41 CFR parts 60-1, 60-2, 60-3, 60-4, 60-20, and 60-50.

³ The regulations implementing Section 503 are found at 41 CFR part 60-741.

⁴ The regulations implementing VEVRAA are found at 41 CFR part 60-300.

more also must develop and maintain an affirmative action program (AAP) that complies with 41 CFR part 60-2. Construction contractors have different affirmative action requirements under E.O. 11246 at 41 CFR part 60-4.

Section 503 prohibits employment discrimination against applicants and employees based on disability and requires contractors to take affirmative action to employ, advance in employment, and otherwise treat qualified individuals without discrimination based on physical or mental disabilities. Its requirements apply to contractors with a government contract in excess of \$15,000.⁵

VEVRAA prohibits employment discrimination against protected veterans, namely disabled veterans, recently separated veterans, active duty wartime or campaign badge veterans, and Armed Forces service medal veterans, and requires contractors to take affirmative action to employ, advance in employment, and otherwise treat qualified individuals without discrimination based on their status as a protected veteran. Its requirements apply to contractors with a government contract of \$150,000 or more.⁶

Consistent with the Administrative Procedure Act, OFCCP promulgated regulations implementing these programs under title 41 of the Code of Federal Regulations (CFR) in chapter 60. They are accessible at <https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60>.

The reporting requirements under Section 503 are not included in this information collection, but rather, are included in the Construction Recordkeeping and Reporting Requirements ICR (OMB Control Number 1250-0001) and the Supply and Service Program ICR (OMB Control Number 1250-0003).

Due to the pending expiration of OMB Control No. 1250-0005, OFCCP seeks reapproval of the agency's Section 503 recordkeeping and third-party disclosure requirements identified below. The agency is proposing changes to the Voluntary Self-Identification of Disability form, in an overall effort to increase the response rate on the form. Specifically, OFCCP proposes revising the list of disabilities to reflect the current preferred language for the specific disabilities and to include additional examples. OFCCP also proposes re-alphabetizing the list of disabilities with the additional examples and current language and making plain language edits and minor formatting changes.

To give federal contractors time to incorporate the revised form into their electronic systems, OFCCP will delay compliance with the revised form for 90 days after reauthorization of this ICR. Contractors will therefore have 90 calendar days after OMB approves the new self-identification form to begin using it. Contractors must continue to use the form approved by OMB in 2020 until the revised form has been approved.

Section 503 Recordkeeping and Third-Party Disclosure Requirements

⁵ 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 CFR 53129 (Aug. 30, 2010).

⁶ 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).

Section 60-741.5 sets forth the equal opportunity clause in Federal contracts. Each contractor is required to include the equal opportunity clause in each of its subcontracts of \$15,000 or more, although the clause may also be incorporated by reference or operation.

Section 60-741.40 requires the development and maintenance of a Section 503 AAP. This regulation requires each contractor that has 50 or more employees, and a contract of \$50,000 or more, to develop an AAP at each establishment.

Section 60-741.42 requires contractors to invite job applicants at the pre-offer and post-offer stages to voluntarily self-identify as individuals with a disability. In addition, the contractor is required to periodically invite each of its employees to voluntarily self-identify as an individual with a disability. Contractors must conduct this employee survey at five-year intervals, starting with the employer's first year as a contractor subject to Section 503.

Section 60-741.44 identifies the required elements of an AAP, including:

- Developing and including an equal opportunity policy statement in the AAP.
- Reviewing personnel processes to ensure they provide equal employment opportunity to qualified individuals with disabilities.
- Reviewing all physical and mental job qualification standards to ensure that, to the extent any tend to screen out qualified individuals with disabilities on the basis of disability, that those standards are job-related and consistent with business necessity.
- Providing reasonable accommodations for physical and mental limitations.
- Developing and implementing procedures to ensure that employees are not harassed because of their disability.
- Developing procedures and practices to disseminate affirmative action policies, both internally and externally, and undertaking appropriate outreach and positive recruitment activities designed to effectively recruit qualified individuals with disabilities.
- Establishing an audit and reporting system to measure the effectiveness of the AAP.
- Designating a responsible official to implement and oversee the AAP.
- Providing training to all personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes to ensure implementation of the commitments in the contractor's AAP.
- Conducting data collection analysis pertaining to applicants and hires on an annual basis and maintaining them for a period of three (3) years, including:
 - the number of applicants who self-identified as individuals with disabilities or who are otherwise known to be individuals with disabilities;
 - the total number of job openings and total number of jobs filled;
 - the total number of applicants for all jobs;
 - the number of applicants with disabilities hired; and
 - the total number of applicants hired.

Section 60-741.45 establishes a 7 percent utilization goal for employment of individuals with disabilities for each job group in the contractor's workforce or to the entire workforce if the contractor has 100 or fewer employees. Contractors must conduct an annual utilization analysis

and assessment of problem areas and establish specific action-oriented programs to address any identified problems.

Section 60-741.60 identifies the investigative procedures OFCCP uses to evaluate a contractor's compliance with the agency's regulations. These procedures include a comprehensive evaluation of the contractor's hiring and employment practices (*i.e.*, compliance review); an off-site review of records; a determination of whether the contractor has maintained records consistent with section 60-741.80 (*i.e.*, compliance check); and a review restricted to one or more components of the contractor's organization or employment practices (*i.e.*, focused review).

2. Use of Collected Material

Section 60-741.42 outlines the requirements for contractors' obligations to invite individuals to self-identify as a person with a disability. This process enables the contractor to collect valuable data needed to track the number of individuals with disabilities who apply for open positions, the number who are hired, and the number who remain employed. If this data shows that the contractor is not meeting the utilization goal, the contractor must determine if impediments to equal employment opportunity for individuals with disabilities exist, and if so, develop and execute action-oriented programs to correct these problem areas.

The form that contractors use to invite voluntary self-identification of disability includes a field for applicants and employees to provide their name and the date, and for employees to include the identification number. This is included to enable contractors to identify the job groups into which they should place individuals when performing their utilization analysis. Identification by name and employee identification number also enables OFCCP to verify the accuracy of a contractor's utilization analysis during a compliance evaluation.

Section 60-741.44 describes the required contents of a contractor's AAP. During a compliance evaluation, OFCCP reviews the contractor's AAP and supporting data to determine whether the contractor is complying with its nondiscrimination obligations and taking affirmative action to ensure equal employment opportunity.

Section 60-741.45 requires contractors to establish a 7 percent utilization goal for the employment of individuals with disabilities, sets out the process contractors will use to assess whether they have met this goal, and requires contractors to maintain records of their assessment. It also requires contractors to develop and execute action-oriented programs to address any problem areas they identify in the assessment. This requirement provides contractors and OFCCP with a yardstick by which they can objectively measure the effectiveness of equal employment opportunity efforts. Contractors use data collected with the Voluntary Self-Identification of Disability form to assist in determining whether their efforts result in meeting or exceeding the 7 percent goal.

3. Use of Information Technology

In general, under OFCCP regulations each contractor develops its own methods for collecting and maintaining information. Contractors have the option to use methods that best suit their needs as long as they can retrieve and provide OFCCP with the requested data upon request during a compliance evaluation.

Information technology systems used to comply with data requirements under OFCCP’s regulations should be capable of performing the below functions.

- Collecting employment activity data related to Section 503
- Conducting Section 503 utilization analysis
- Analyzing outreach and recruitment
- Tracking self-identification
- Disseminating internal and external equal opportunity policies
- Providing notice to subcontractors and vendors
- Auditing and reporting of AAP program elements

In addition, OFCCP provides compliance assistance to all contractors, including smaller contractors, by leveraging information technology. For example, OFCCP’s website provides access to compliance resources and information, including the following:

- Section 503 Compliance Assistance
<https://www.dol.gov/agencies/ofccp/section-503/compliance-assistance>
- Section 503 Contractor Resources
<https://www.dol.gov/agencies/ofccp/compliance-assistance/outreach/resources/section-503-vevraa>
- Compliance Assistance Guides
<https://www.dol.gov/agencies/ofccp/compliance-assistance>
- OFCCP Contractor Compliance Institute
<https://ofccptraining.dol.gov/>
- Webinar Training
<https://www.dol.gov/agencies/ofccp/compliance-assistance/outreach/webinars>
- Best Practices for Creating an Inclusive Workforce
<https://www.dol.gov/ofccp/Section503-FocusedReviews/files/Section503BestPracticesUpdated-FEDQA508c.pdf>
- Disability Inclusion Video
<https://www.dol.gov/agencies/ofccp/compliance-assistance/self-id-forms-video>
- Sample AAPs

<http://www.dol.gov/agencies/ofccp/compliance-assistance/sample-affirmative-action-programs>

- Employment Resource Referral Directory
<https://www.dol.gov/agencies/ofccp/compliance-assistance/outreach/errd>
- Checklist for Compliance with Section 503
http://www.dol.gov/ofccp/regs/compliance/ChecklistforCompliancewithSection503_JRF_QA_508c.pdf
- Frequently Asked Questions (FAQs)
<https://www.dol.gov/agencies/ofccp/faqs/section-503>

According to the Government Paperwork Elimination Act (GPEA, P.L. 105-277, 1998), by October 2003, government agencies must generally provide the option of using and accepting electronic documents and signatures, and electronic recordkeeping, where practicable. OFCCP fulfills its GPEA requirements by permitting contractors to submit AAPs and supporting documentation via e-mail or other electronic format.

As part of OFCCP's ongoing commitment to complying with Section 508 of the Rehabilitation Act, a remediated version of the Section 503 self-identification form is available on OFCCP's website.

4. Description of Efforts to Identify Duplication

The recordkeeping requirements contained in this request result exclusively from the implementation of Section 503. This authority uniquely empowers the Secretary of Labor, and by a Secretary's Order, OFCCP, to require the collection, analysis, and reporting of data and other information in connection with the enforcement of the law and regulations requiring federal contractors to take affirmative action to ensure equal employment opportunity. No duplication of effort exists because no other government agency has these specific data collection requirements.

While contractors maintain other employment data in the normal course of business, AAPs under Section 503 are unique in that contractors create them specifically to meet the requirements of OFCCP regulations. This comprehensive document is not available from any other source. Therefore, no duplication of effort exists.

5. Impact on Small Businesses

OFCCP's information collection does not have a significant economic impact on a substantial number of small entities. OFCCP minimizes the information collection and recordkeeping burden on a significant number of small businesses by exempting contractor establishments with fewer than 50 employees from the AAP requirement. However, once OFCCP's authority covers

one contractor’s establishment, all of its employees must be accounted for in an AAP whether or not each of the contractor’s establishments meet the minimum 50-employee threshold.⁷

OFCCP also minimized the burden of the information collection requirements on small entities by giving contractors with a total workforce of 100 or fewer employees the option to compare the individuals with disabilities in their entire workforce to the 7 percent utilization goal, whereas larger contractors must measure utilization for each job group. This will decrease the burden of the utilization analysis.

6. Consequences of a Less Frequent Collection

The requirements outlined in this ICR ensure that covered 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 of \$50,000 or more and 50 or more employees.

Less frequent collection of this information 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. Accurate determination of compliance requires analysis of contractor actions taken and results obtained, by both OFCCP and the contractor. Additionally, the data collection frequency for this ICR largely mirrors that of OFCCP’s other programs, particularly the E.O. 11246 and VEVRAA supply and service programs, as the agency generally conducts Section 503 compliance evaluations in conjunction with those programs.

7. Special Circumstances

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

8. Consultation Outside the Agency

Public Comments

On November 16, 2022, OFCCP published a 60-day notice in the *Federal Register* (87 FR 68743) inviting the public to submit comments on this proposed information collection. OFCCP specifically sought comments on proposed changes to the Voluntary Self-Identification of Disability form. The agency received one comment during the 60-day period.

The comment was from an employer association and expressed support for OFCCP’s revisions and updates to the list of disabilities on the self-identification form. The employer association also supported OFCCP’s proposed changes to make the form easier to read and use by making some plain language edits and minor formatting changes. The employer association noted that it would also be helpful if OFCCP updated the form to emphasize that the list of examples is not

⁷ 41 CFR 60-741.40 – Applicability of the affirmative action program.

exhaustive. In response, OFCCP notes that the proposed form contains the following statement, in bold, just above the list of examples: “Disabilities include, but are not limited to.” OFCCP believes this statement is sufficient to inform the person completing the form that the list of examples is not exhaustive.

The employer association also encouraged OFCCP to eliminate the prescribed form and allow contractors to modify the self-identification form in certain ways, including the content and format. As OFCCP stated in its final rule implementing the self-identification requirement, as well as in previous renewals for this ICR, the use of uniform language on the form ensures consistency in invitations while reassuring individuals with disabilities that the self-identification request is routine and executed pursuant to OFCCP’s regulations. It also facilitates contractor compliance by providing them with prescribed language that satisfies their regulatory obligations while avoiding increased costs related to designing and implementing their own versions of the form. Therefore, OFCCP retains the requirement of prescribed text and structure for the self-identification form. For the same reasons, OFCCP also declines to adopt the employer association’s suggestion of a pilot program that would allow a select group of contractors to alter the self-identification form.

Although contractors may not alter the content of the form, the order of the content on the form, or alter the form or make changes that diminish the general accessibility of the form, OFCCP Section 503 FAQs explain that contractors are permitted to make nonsubstantive changes if required to make the form accessible.⁸ Additionally, OFCCP Section 503 FAQs explain that a contractor may provide additional information at the same time they provide applicants and employees the OMB-approved form. The FAQ specifically encourages contractors to provide additional information about reasonable accommodation at the same time they invite voluntary self-identification of disability. This may include the name and contact information of the official(s) responsible for processing requests for reasonable accommodation from applicants and employees with disabilities and information about the contractor’s reasonable accommodation procedures.⁹ OFCCP believes that this approach provides flexibility for contractors to adapt the form to their workplaces.

The employer association also requested that OFCCP publish guidance permitting contractors to require that applicants and employees complete the form by either indicating whether they have a disability or selecting the “I don’t wish to answer” option on the form.¹⁰ OFCCP declines to make this change. OFCCP’s position has not changed since publishing its final rule that updated the Section 503 voluntary self-identification requirements in 2013, now codified at 41 CFR 60-741.42. These regulations require contractors to invite applicants and employees to voluntarily identify whether they have a disability. Accepting the invitation by completing the form is a choice to be made by the applicant or employee. Contractors cannot make it mandatory for applicants and employees to accept the invitation by selecting an answer.

8 Section 503 Regulations Frequently Asked Questions #35, <https://www.dol.gov/agencies/ofccp/faqs/section-503#Q35> (last accessed Jan. 24, 2023).

9 Section 503 Regulations Frequently Asked Questions #36, <https://www.dol.gov/agencies/ofccp/faqs/section-503#Q36> (last accessed Jan. 24, 2023).

10 The language cited by the employer association is from the current form. On the proposed form, the language for this option is “I do not want to answer.”

The employer association recommended that OFCCP issue new guidance on definitions of key personnel activity terms. Specifically, the employer association recommended guidance stating that contractors are permitted to define key terms such as “applicant” and “hire” consistent with the way they define those terms for E.O. 11246 compliance purposes. However, Section 503 and E.O. 11246 are different authorities with different data calculation and enforcement schemes, largely because of the differences in the Census and other data available. It is, therefore, not feasible to pattern data collection after E.O. 11246 regulations.

The employer association also recommended changes to the definitions of “job openings” and “jobs filled,” specifically allowing contractors to define these terms in the way that best fits their individual organization. As provided in OFCCP’s FAQs, the total number of “job openings” refers to the number of individual positions advertised as open in a job vacancy announcement or requisition. “Jobs filled” refers to all jobs the company filled by any means, be it through a competitive process or noncompetitively, *e.g.*, through reassignment or merit promotion. “Jobs filled,” therefore, should take into account both new hires into the company and those employees who were placed into new positions via promotions, transfers, and reassignments. In contrast, the number of those “hired” refers solely to those applicants (both internal and external to the contractor) who are hired through a competitive process, including promotions.¹¹ Having uniform guidance on how to define these terms enables OFCCP to evaluate contractors’ compliance in a consistent manner.

Interagency Collaboration

In a change from the 60-day proposal, OFCCP has replaced the term “Substance use disorder (not currently using drugs illegally)” with the term “Alcohol or other substance use disorder (not currently using drugs illegally)” on the voluntary self-identification form. OFCCP made this change after consulting with other federal government agencies that focus on disabilities and substance use disorders. The change clarifies that the form is referencing substance use disorders, including alcohol use disorder.

9. Gift or Payments

OFCCP provides neither payments nor gifts to respondents.

10. Confidentiality of 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 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).

¹¹Section 503 Regulations Frequently Asked Questions, <https://www.dol.gov/agencies/ofccp/faqs/section-503> (last accessed Jan. 24, 2023).

Because the disability self-identification form invites applicants and employees to provide information about their disability status, the confidentiality requirements of the Rehabilitation Act of 1973 apply, and OFCCP will follow those requirements in implementing this information collection.

11. Questions of Sensitive Nature

Section 503 requires contractors to provide a form to applicants and employees asking them to voluntarily self-identify as an individual with a disability. This data is necessary to enable OFCCP to assess contractors' compliance with Section 503 and ensure that contractors are affording equal employment opportunity to individuals with disabilities. The information will also enable contractors to assess their utilization of qualified individuals with disabilities and their outreach efforts and recruitment of such individuals with disabilities. The form states clearly that the submission of the requested information is voluntary, and that the data is collected and maintained strictly for affirmative action purposes and will otherwise be kept confidential. The form also does not require that individuals disclose the nature of their disability or any other information related to their disability. Race and sex data are not required under the Section 503 regulations.

12. Information Collection Hour Burden

The public impact of this information collection is broken down into recordkeeping and third-party disclosure burdens. As previously mentioned, the reporting requirements under Section 503 are included in the Construction Recordkeeping and Reporting Requirements ICR (OMB Control Number 1250-0001) and the Supply and Service Program ICR (OMB Control Number 1250-0003), including reporting associated with 41 CFR 60-741.60.

The sections that follow outline the calculations of the burden¹² based on the legal and administrative requirements covered in paragraph 1 of this supporting statement. OFCCP bases its calculations on the 97,271 contractor establishments subject to its regulatory requirements.¹³

The total in combined recordkeeping and third-party disclosure burden hours for this ICR (3,650,074) is less than the total number of hours approved in 2020 (4,426,841), as detailed in Sec. 15 below.

Recordkeeping Burden

¹² The calculations on burden hours are based on contractor estimates and information provided by OFCCP field staff.

¹³ OFCCP obtained the total number of contractor establishments from the most recent EEO-1 Report data available, which is from FY 2020.

Section 60-741.42 Invitation to self-identify

Section 60-741.42 requires contractors to use the standard form entitled “Voluntary Self-Identification of Disability” to invite applicants, hires, and employees to identify as an individual with a disability pre-offer, post-offer, and through periodic invitations to all employees.

Section 60-741.42(a) and (b) pre- and post-offer invitation to self-identify

Section 60-741.42(a) requires contractors to extend a pre- and post-offer invitation to self-identify as an “individual with a disability.” OFCCP estimates that contractors working at the company level will take 1.5 hours to review and retrieve the revised form, save it, and incorporate it into their application process. Because of updates made to the “Voluntary Self-Identification of Disability” form, the estimated burden in this information collection applies to all contractor parent companies, or 22,387 contractor companies. The burden for this provision is 33,581 hours (22,387 contractor companies × 1.5 hours = 33,581 hours).

Section 60-741.42(c) Employees invitation to self-identify

Section 60-741.42(c) requires contractors to invite incumbent employees to self-identify. This invitation to incumbent employees shall be extended the first year the contractor becomes subject to the requirements of this section and at five-year intervals, thereafter. OFCCP estimates that it will take contractors 1 hour to conduct the invitation to self-identify employee survey. This includes the time needed to set up procedures to conduct the invitation, distribute communications, and collect and track self-identification forms. The estimated annual burden for this provision is 19,454 hours (97,271 contractor establishments × 1 hour/5 years = 19,454 hours).

OFCCP further estimates that it will take contractors 15 minutes to maintain self-identification forms. This time includes either manually storing the forms in a filing cabinet or saving them to an electronic database. The burden for this provision is 24,318 hours (97,271 contractor establishments × 15 minutes/60 = 24,318 hours).

Section 60-741.44 Required contents of the affirmative action program

OMB Control Number 1250-0004 contains the burden estimates for documenting and maintaining material evidence of annually updating and, for new contractors, developing parts of a joint Section 503 and VEVRAA affirmative action program. Therefore, there is no additional burden for those parts of the Section 503 AAP in this information collection request. OFCCP separately identifies provisions below that are not included in burden estimates currently approved by 1250-0004.

Section 60-741.44(f) External dissemination of policy, outreach and positive recruitment

Section 60-741.44(f)(1)(ii) requires contractors to send written notification of the company's affirmative action program policies to subcontractors, vendors, and suppliers. Section 60-300.44(f)(1)(ii) of the VEVRAA regulations also requires contractors to send written notification of the company policy related to its affirmative action efforts to all subcontractors, including subcontracting vendors and suppliers. OFCCP therefore expects that contractors will send a single, combined notice, informing subcontractors, vendors and suppliers of their VEVRAA and Section 503 policies. Accordingly, OFCCP estimates that there is no additional burden for this provision than what was already calculated in the companion ICR for VEVRAA Recordkeeping Requirements (OMB No. 1250-0004).

Section 60-741.44(f)(4) requires a contractor to document all outreach activities it undertakes for individuals with disabilities and retain these documents for a period of 3 years. OFCCP estimates that it will take contractors 10 minutes to maintain the outreach and recruitment documentation that would typically be generated as a result of their obligations pursuant to other provisions in the regulations. Therefore, the recurring burden for this provision is 16,536 hours (97,271 contractor establishments × 10 minutes/60 = 16,536 hours).

Section 60-741.44(h) Audit and Reporting System

Section 60-741.44(h)(1)(vi) requires contractors to document the actions taken to meet the requirements of 60-741.44(h), as mandated in the current regulations. OFCCP estimates that it will take contractors 10 minutes to document compliance with this existing provision. Documentation may include, as an example, the standard operating procedure of the system including roles and responsibilities, and audit and reporting timeframes and lifecycles. The annual recordkeeping burden of this provision is 16,536 hours (97,271 contractor establishments × 10 minutes/60 = 16,536 hours).

Section 60-741.44(k) Data Collection and Analysis

Section 60-741.44(k) requires contractors to collect and analyze certain categories of data. OFCCP believes that most contractors have the capability to conduct the required calculations electronically. However, some companies may have to calculate this information manually. Therefore, OFCCP estimates that the average time to conduct the analysis and maintain the relevant documentation would be 1 hour 25 minutes. Relevant documentation could include the report or other written documentation generated by the calculations that explain the methodology, the data used, and the findings and conclusions; the data used to conduct the calculations for subsequent validation of the results; and other material used by the contractor for the calculations. The recurring burden for this provision is 138,125 hours (97,271 contractor establishments × 1.42 hours = 138,125 hours).

Section 60-741.45 Utilization Goal

Section 60-741.45 requires contractors to conduct a utilization analysis to evaluate the representation of individuals with disabilities in each job group within the contractor's workforce with the utilization goal established in paragraph (a) of this section. OFCCP estimates that

contractors will take 1 hour to conduct the utilization analysis. The burden for this provision is 97,271 hours (97,271 contractor establishments × 1 hour = 97,271 hours).

OFCCP further estimates that it will take contractors an additional 10 minutes to maintain records of the utilization analysis. The burden is 16,536 hours (97,271 contractor establishments × 10 minutes/60 = 16,536 hours).

Section 60-741.81 Access to records

Section 60-741.81 requires contractors who are the subject of a compliance evaluation or complaint investigation to specify all available record formats and allow OFCCP to select preferred record formats from those identified by the contractor during a compliance evaluation. Pursuant to the regulations implementing the PRA at 5 CFR 1320.4(a)(2), this information collection is excluded from the PRA requirements because it is related to an “administrative action, investigation, or audit involving an agency against specific individuals or entities.”

Total Recordkeeping Burden

Activity	Hours
Pre-offer invitation to self-identify; 60-741.42 (a)	33,581
Employees invitation to self-identify; 60-741.42 (c)	19,454
Maintain self-ID forms; 60-741.42(c)	24,318
Maintain outreach and recruitment documentation; 60-741.44(f)(4)	16,536
Document compliance; 60-741.44(h)	16,536
Collect and analyze categories of data; 60-741.44(k)	138,125
Conduct utilization analysis; 60-741.45	97,271
Maintain records of utilization analysis; 60-741.45	16,536
Total	362,357

Third-Party Disclosure Burden

Sections 60-741.42(a) and (b) – Pre- and post-offer invitation to self-identify

Applicants for available positions with covered contractors will have a minimal burden complying with Sections 60-741.42(a) and (b) in the course of completing their application for employment with the contractor. These sections require contractors to invite all applicants, pre- and post-offer, to self-identify whether or not they are an individual with a disability. OFCCP estimates that there will be an average of 24 applicants per job vacancy for on average 15 vacancies per year. OFCCP further estimates that it will take applicants approximately 5 minutes to complete the form. The burden for this provision is 2,801,405 hours (97,271 contractor establishments × 15 vacancies × 24 applicants × 5 minutes/60 = 2,801,405 hours).

Section 60-741.42(c)

Contractor employees will have to spend some time reviewing and/or completing the survey. There are approximately 25,834,940 contractor employees. OFCCP estimates that employees will take 5 minutes to complete the self-identification form. The burden for this provision, assuming every employee completes the form, is 413,359 hours ((25,834,940 employees × 5 minutes/60) / 5 years = 413,359 hours).

Section 60-741.44(f)(1)(ii)

Section 60-741.44(f)(1)(ii) requires contractors to send written notification of the company’s affirmative action program policies to subcontractors, vendors, and suppliers. OFCCP estimates that contractors will take 15 minutes (.25 hours) to prepare the notification and send it to subcontractors, vendors, and suppliers, and an additional 15 minutes (.25 hours) to update email address changes in the company’s email system. Likewise, the agency estimates the burden for any information technology assistance needed to send the written communication as 15 minutes (.25 hours). The burden for this request is 72,953 hours (97,271 contractor establishments × .75 hours = 72,953 hours).

Total Third-Party Disclosure Burden

Activity	Hours
Complete pre-invitation self-ID form; 60-741.42 (a)	2,801,405
Complete employee invitation to self-ID form; 60-741.42 (c)	413,359
External dissemination of policy, outreach, and positive recruitment; 60-741.44 (f)	72,953
Total	3,287,717

Total Recordkeeping, Reporting, and Third-Party Disclosure Burden Hours

The table below contains the summary of the total burden hours associated with this ICR, combining recordkeeping, reporting, and third-party disclosure hours.

Recordkeeping burden hours	362,357
Reporting burden hours	0
Third-party disclosure burden hours	3,287,717
Total hours	3,650,074

Monetized Burden Cost

OFCCP estimates the total recordkeeping burden hours translate to approximately \$27,213,011 in burden costs to contractors using data from the Bureau of Labor Statistics (362,357 hours x \$75.10).¹⁴

OFCCP estimates that the total third-party disclosure burden hours for contractors translate to approximately \$20,357,020 in burden costs to contractors using data from the Bureau of Labor Statistics (486,312 hours x \$41.86).¹⁵

OFCCP estimates that the total third-party disclosure burden hours for non-contractors translate to approximately \$117,266,813 in burden costs to contractors using data from the Bureau of Labor Statistics (2,801,405 hours x \$41.86).

13. Information Collection Cost Burden

OFCCP estimates that contractors will have some operations and maintenance costs in addition to the burden calculated above.

60-741.42 Invitation to Self-Identify

OFCCP estimates that the contractor will have some operations and maintenance cost associated with the invitations to self-identify. The contractor must invite all applicants to self-identify at both the pre-offer and post-offer stage of the employment process. 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 applications, OFCCP is including in this estimate printing and/or copying costs. Therefore, OFCCP estimates a single one-page form for both the pre- and post-offer invitation. Assuming 20 percent of all contractors will use a paper-based application system and receive 24 applications for an average of 15 vacancies per establishment, the minimum estimated total cost to contractors will be \$1,120,562 ((97,271 establishments × 20 percent) × 360 copies × \$0.16 = \$1,120,562).¹⁶ OFCCP updated the estimate provided in the 60-day notice in the *Federal Register* based on the current average copying cost at major paper supply stores.

14. Cost to Federal Government

OFCCP associates no unique federal costs with this information collection. OMB Control Numbers 1250-0001 and 1250-0003 currently include the annual costs of federal contractor compliance evaluations to ensure their compliance with the information collection requirements contained herein.

¹⁴ Bureau of Labor Statistics, Occupational Employment Statistics, Occupational Employment and Wages, May 2021, https://www.bls.gov/oes/current/oes_nat.htm (last accessed Jan. 26, 2023). \$48.33 per hour for Management Analysts and \$65.67 per hour for Human Resource Managers. The calculation uses an 80/20 split between Management Analysts and Human Resource Managers, which equals \$51.79 plus 45 percent of wages for fringe benefits. \$51.79 x 1.45 = \$75.10

¹⁵ Bureau of Labor Statistics, Employer Costs for Employee Compensation, September 2022, <https://www.bls.gov/news.release/ecec.nr0.htm> (last accessed Jan. 26, 2023). \$41.86 per hour for civilian workers (includes wages and salaries + total benefits).

¹⁶ Based on the average copying cost at major paper supply stores as of Jan. 24, 2023.

15. Program Changes or Burden Adjustments

OFCCP is requesting OMB approval of 3,650,074 burden hours. The 2020 clearance contained approval of 4,426,841 hours. This results in an overall decrease of 776,767 hours. The decrease in burden hours is a result of a decrease in the number of contractor headquarters and contractor establishments since the last authorization.

A summary of the change in hours is below.

a. Recordkeeping Burden Hours

The previous submission included 434,449 hours. The current request is 362,357 hours for an adjustment decrease of 72,092 hours. This decrease is due to a decrease in the number of contractor headquarters and contractor establishments since the last authorization.

b. Third-Party Disclosure Burden Hours

The previous submission included 3,992,392 hours. The current request is 3,287,717 hours for an adjustment decrease of 704,675 hours. This decrease is due to a decrease in the number of contractor establishments and contractor employees since the last authorization.

c. Monetized Burden Cost

The previous submission included a monetized burden cost of \$245,061,902. The current request is \$164,836,844 for an adjustment decrease of \$80,225,058. This decrease is due to a decrease in the number of contractor headquarters and contractor establishments since the last authorization.

d. Other Burden Hours and Costs

The previous submission included \$763,467 in printing/copying costs. The current request estimates \$1,120,562 for printing/copying. This is an adjustment increase of \$357,095. This increase is due to an increase in the average cost of copying from \$0.09 per page to \$0.16 per page.

16. Publication of Data for Statistical Use

There will be no publication of statistical analysis related to this collection.

17. Approval Not to Display the Expiration Date

DOL OFCCP – Recordkeeping Requirements – Section 503

OMB Number: 1250-0005

Expiration Date: May 31, 2023

OFCCP is not seeking approval to not display the expiration date of this collection.

18. Exceptions to the Certification Statement

OFCCP is not seeking exceptions to the certification statement of this collection.

B. STATISTICAL METHODS

This information collection does not use statistical methods.