

**Supporting Statement for the  
Monthly Employment Utilization Report (CC-257) Information Collection  
OMB Control Number: 1250-0NEW**

**A. JUSTIFICATION**

The U.S. Department of Labor’s (DOL) Office of Federal Contract Compliance Programs (OFCCP)<sup>1</sup> is requesting Office of Management and Budget (OMB) review and approval of the Monthly Employment Utilization Report (CC-257). The proposed CC-257 would require covered construction contractors and subcontractors<sup>2</sup> to submit monthly reports on their employee count and work hours by race/ethnicity, gender, and trade in the covered area.

OFCCP previously collected the CC-257 under OMB control number 1215-0163 but discontinued the report in 1995.<sup>3</sup> Since that time, DOL restructured OFCCP as a stand-alone agency and OMB transferred OFCCP’s information collections to OMB control numbers that begin with a “1250” agency code.<sup>4</sup> As such, OFCCP is requesting a new “1250” OMB control number for the CC-257 report.<sup>5</sup>

This information collection request (ICR) outlines the legal authority, procedures, burden, and costs associated with the collection. The proposed CC-257, including changes from the previously authorized form, is discussed in detail below.

**1. Legal and Administrative Requirements**

OFCCP administers and enforces Executive Order 11246, as amended (E.O. 11246), the Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended (VEVRAA), Section 503 of the Rehabilitation Act of 1973, as amended (Section 503), and their implementing regulations at 41 CFR Chapter 60.

**E.O. 11246**

E.O. 11246 prohibits 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 ensure that equal opportunity is provided in all aspects of their employment. Additionally, it prohibits contractors from taking adverse employment actions

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<sup>1</sup>“OFCCP” and “agency” are used interchangeably throughout this document.

<sup>2</sup> Unless otherwise stated, the terms “contractors” and “construction contractors” will be used hereinafter to refer to both Federal construction contractors and subcontractors as well as federally assisted construction contractors and subcontractors.

<sup>3</sup> See 60 FR 63061 (Dec. 8, 1995).

<sup>4</sup> See transfer notice at [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201003-1250-001](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201003-1250-001). At the time of the transfer, the 1215-0163 collection no longer included the discontinued CC-257 form but included a separate information collection for OFCCP’s construction program. That was transferred to OMB Control No. 1250-0001 and remains in effect today. With this proposal, the CC-257 would be a separate information collection.

<sup>5</sup> Per our discussion with the ROCIS help desk, DOL is processing this 30-day request as a “new collection” rather than a “reinstatement with change” in ROCIS for the purpose of obtaining a new OMB control number only. As detailed above, OFCCP previously collected the CC-257 prior to the agency changing to “1250” OMB control numbers. The proposed CC-257 report will require a new “1250” OMB control number.

against applicants and employees for inquiring about, discussing, or disclosing information about their pay or the pay of their co-workers, subject to certain limitations. Unlike supply and service contractors, OFCCP does not require construction contractors that meet certain contract amounts and employee count thresholds to develop an affirmative action program (AAP). Rather, construction contractors must take certain affirmative steps required by OFCCP's regulations at 41 CFR part 60-4. The E.O. 11246 requirements apply to contractors (including federally assisted construction contractors) holding 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.<sup>6</sup> E.O. 11246 also applies to Government bills of lading, depositories of Federal funds in any amount, and financial institutions that are issuing and paying agents for U.S. savings bonds and notes in any amount.<sup>7</sup> Below OFCCP describes regulatory requirements relevant to this ICR.

#### **41 CFR part 60-1 – Obligations of Contractors and Subcontractors**

This part prescribes the nondiscrimination and general affirmative action requirements under E.O. 11246. Among other things, it defines coverage, specifies clauses to be included in contracts, provides a procedure to ensure compliance by covered contractors, and specifies certain reporting and recordkeeping requirements.

Section 60-1.4 describes the equal opportunity clause that must be included in Government contracts. This section includes the requirement that contractors state in all solicitations or advertisements for employment that applicants will receive consideration without regard to one or more of the protected bases<sup>8</sup> and that contractors notify labor organizations of their obligations under E.O. 11246 and the implementing regulations.<sup>9</sup> This section also provides that contractors will comply with all provisions of E.O. 11246 and will furnish all information and reports required by E.O. 11246 and by the rules, regulations, and orders of the Secretary of Labor.<sup>10</sup>

Section 60-1.7 requires specific contractors to file an Employer Information Report (EEO-1 Report) annually.<sup>11</sup> The U.S. Equal Employment Opportunity Commission (EEOC) and OFCCP use EEO-1 Report data to analyze employment patterns. Although the EEO-1 Report constitutes a joint data collection with OFCCP, the EEOC is the sponsor of the collection and carries the public reporting burden.<sup>12</sup>

Section 60-1.12 requires contractors to preserve any personnel or employment record made or kept for a period of not less than two years from the date of the making of the record or the

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<sup>6</sup> 41 CFR 60-1.5.

<sup>7</sup> *Id.*

<sup>8</sup> 41 CFR 60-1.4(a)(2).

<sup>9</sup> 41 CFR 60-1.4(a)(4).

<sup>10</sup> 41 CFR 60-1.4(a)(5)-(6), (b)(5)-(6).

<sup>11</sup> Supply and service contractors who must file the EEO-1 Report are prime contractors or first tier subcontractors; have 50 or more employees; have a contract, subcontract, or purchase order amounting to \$50,000 or more, or serve as depositories of government funds in any amount, or are financial institutions which are issuing and paying agents for U.S. savings bonds and savings notes; and are not otherwise exempt from OFCCP's regulations, in accordance with 41 CFR 60-1.5.

<sup>12</sup> See OMB Control No. 3046-0049. This information collection is available at [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=202304-3046-002](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202304-3046-002).

personnel action involved, whichever occurs later. However, if the contractor has fewer than 150 employees or does not have a contract of at least \$150,000, the record retention period is one year from the date of the making of the record or the personnel action involved, whichever occurs later. This section also provides that the contractor must be able to identify the gender, race, and ethnicity of each employee for any record the contractor maintains. Where possible, the contractor must also identify the gender, race, and ethnicity of each applicant or Internet applicant.<sup>13</sup>

Section 60-1.20 describes the types of compliance evaluations used to determine if the contractor maintains nondiscriminatory hiring and employment practices and is taking affirmative action to ensure equal employment opportunity in their workplaces. A compliance evaluation may consist of one or any combination of the investigative procedures listed in these regulations (*i.e.*, a compliance review, an off-site review of records, a compliance check, and/or a focused review).

#### **41 CFR part 60-3 - Uniform Guidelines on Employee Selection Procedures**

DOL, along with the EEOC, the U.S. Office of Personnel Management (OPM), and the Department of Justice (DOJ) adopted the Uniform Guidelines on Employee Selection Procedures (UGESP) in 1978.<sup>14</sup> UGESP applies to tests and other selection procedures used to make employment-related decisions. When a test or other selection procedure is determined to have an adverse impact, UGESP requires the contractor to validate the test or procedure and retain the validation documentation. Under UGESP, each contractor maintains records and other information for each job sufficient to permit analyses of the impact of its selection procedures on the employment opportunities of people based on race, sex, or ethnic group. Using this information, contractors and OFCCP identify and evaluate selection procedures for adverse impact.

Section 60-3.15A(1) applies to contractors with 100 or fewer employees. It requires contractors to keep records on the number of persons hired, promoted, and terminated for each job, by sex and, where appropriate, by race and national origin. This section also requires contractors to keep records showing the number of applicants for hire and promotion by sex and, where appropriate, by race and national origin, as well as records showing the selection procedures used. This section does not require contractors to make adverse impact determinations.<sup>15</sup>

Section 60-3.15A(2) requires contractors with more than 100 employees to keep records for each job that are sufficient to allow contractors to make an adverse impact determination. Contractors make this determination at least annually and make it for each racial or ethnic group constituting at least two percent of the labor force in the relevant labor area or two percent of the applicable workforce.

#### **41 CFR part 60-4 - Construction Contractors**

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<sup>13</sup> “Internet Applicant” is defined at 41 CFR 60-1.3.

<sup>14</sup> See OMB Control No. 3046-0017. This information collection is available at [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=202106-3046-001](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202106-3046-001).

<sup>15</sup> If the user has reason to believe that a selection procedure has an adverse impact, the user should maintain any available evidence of validity for that procedure. See 41 CFR 60-3.15A(1).

41 CFR part 60-4 sets out E.O. 11246's nondiscrimination and affirmative action requirements for construction contractors. This part applies to all contractors, subcontractors, contracting agencies, and applicants<sup>16</sup> that are party to or seek to enter Federal and federally assisted construction contracts in excess of \$10,000, as well as certain Federal nonconstruction contractors awarding construction contracts.<sup>17</sup> It defines coverage, specifies clauses to be included in contracts, provides a procedure to ensure compliance by covered contractors, and specifies certain recordkeeping and reporting requirements. The paragraphs that follow describe the requirements at this part.

Section 60-4.2 requires all contracting officers, applicants for construction contracts, and covered nonconstruction contractors to include the "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246)" set forth in this section, in all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts. This section also provides that construction contractors, contracting officers, applicants for construction contracts, and covered nonconstruction contractors must notify OFCCP with written notification within 10 working days of award of a covered contract in excess of \$10,000.

This requirement ensures that all construction contractors are aware of the affirmative action requirements and obligations in the solicitation for offers and bids on all Federal and federally assisted construction projects. Without this notification, construction contractors may not be fully aware of their obligations before they develop their bids and proposals. Further, the required notice of subcontract awards provides OFCCP with accurate and current information regarding which employers are working on Federal contracts. As discussed in more detail below, this information serves two purposes: (1) to identify those construction contractors that would benefit from technical assistance; and (2) to contribute to the formulation of OFCCP's pool for selecting construction contractors for compliance evaluations.

Section 60-4.3 requires all contracting officers, applicants for construction contracts, construction contractors, and covered nonconstruction contractors to incorporate the "Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)" set forth in this section, into all nonexempt Federal contracts and subcontracts. The 16 equal employment opportunity specifications listed under Section 60-4.3(a)7 describe the required steps that contractors must take to ensure nondiscrimination and equal employment opportunity. The recordkeeping requirements associated with executing these specifications are critical to the final evaluation and assessment of a contractor's compliance. During a compliance evaluation, OFCCP examines contractors' compliance with Section 60-4.3(a)7, supporting documentation, compensation data, documents related to personnel actions, and employment policies and practices to determine whether contractors are complying with their obligations not to discriminate in employment and to take affirmative action to ensure equal employment opportunity.

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<sup>16</sup> An "applicant" is defined as an applicant for Federal assistance involving a construction contract, or other participant in a program involving a construction contract as determined by regulation of an administering agency. The term also includes such persons after they become recipients of such Federal assistance. See 41 CFR 60-1.3.

<sup>17</sup> Nonconstruction contractors and subcontractors are required to comply with these requirements if, as a part of their Federal contract or subcontract, construction work is necessary in whole or in part to the performance of a nonconstruction contract or subcontract. See 41 CFR 60-4.1.

The contract specifications in Section 60-4.3 also require construction contractors and subcontractors to submit any reports relating to the provisions of the regulations as may be required by the Government.<sup>18</sup>

Section 60-4.6 explains the goals and timetables set by OFCCP and their application to a contractor's workforce.

Section 60-4.7 explains that the regulations in Part 60-4 are in addition to the other regulatory requirements in 41 CFR Chapter 60 that apply to construction contractors and subcontractors.

## VEVRAA

VEVRAA<sup>19</sup> prohibits contractors from discriminating in employment on the basis of veteran status – a protection that includes not only protected veterans<sup>20</sup> but also their spouses and other known associates.<sup>21</sup> VEVRAA also requires contractors to take affirmative action to ensure equal employment opportunity for protected veterans. The VEVRAA requirements apply to businesses with a direct Federal construction contract of \$150,000 or more.<sup>22</sup> 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.

### **41 CFR part 60-300 – Affirmative Action and Nondiscrimination Obligations of Federal Contractors and Subcontractors Regarding Disabled Veterans, Recently Separated Veterans, Active Duty Wartime or Campaign Badge Veterans, and Armed Forces Service Medal Veterans**

This part establishes the nondiscrimination and affirmative action requirements under VEVRAA. More specifically, this part defines coverage, specifies clauses to be included in contracts, provides procedures to ensure compliance by covered contractors, specifies certain recordkeeping and reporting requirements, establishes an annual benchmark for veteran hiring, and specifies the basic requirements for AAPs under VEVRAA. The paragraphs that follow describe the requirements of the applicable sections at this part, though the recordkeeping burden under VEVRAA is already authorized under OMB No. 1250-0004.

Section 60-300.5 describes the equal opportunity clause that must be included in covered Federal contracts and subcontracts (and modifications, renewals, or extensions thereof if not included in the original contract).

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<sup>18</sup> 41 CFR 60-4.3(a)(14).

<sup>19</sup> 38 U.S.C. 4212.

<sup>20</sup> Protected veteran means a veteran who is protected under the non-discrimination and affirmative action provisions of VEVRAA; specifically, a veteran who may be classified as a “disabled veteran,” “recently separated veteran,” “active duty wartime or campaign badge veteran,” or an “Armed Forces service medal veteran.” See 41 CFR 60-300.2(q).

<sup>21</sup> 41 CFR 60-300.21(e).

<sup>22</sup> 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 60-300.40 requires contractors with 50 or more employees and a contract of \$150,000 or more to develop a VEVRAA AAP. This section also provides that the contractor shall submit the AAP within 30 days of a request from OFCCP, unless the request provides for a different time, and that the contractor shall make the AAP promptly available on-site upon OFCCP's request.

Section 300.42 requires contractors with a contract of \$150,000 or more to invite applicants to self-identify whether they believe they are a protected veteran covered by VEVRAA. The invitation must be given prior to an offer of employment being made, as well as after an offer of employment but before the applicant begins their job duties.

Section 60-300.44 identifies the required elements of a VEVRAA AAP, outlined below:

- Develop and include an equal opportunity policy statement in the AAP.
- Review personnel processes to ensure that qualified protected veterans are provided equal opportunity and that the contractor's personnel practices do not stereotype protected veterans in a manner which limits job opportunities.
- Review all physical and mental job qualification standards to ensure that those that tend to screen out qualified disabled veterans are job-related and are based on business necessity.
- Provide reasonable accommodations for physical and mental limitations.
- Develop and implement procedures to ensure that employees are not harassed because of their protected veteran status.
- Develop procedures and practices to disseminate affirmative action policies, both internally and externally.
- Design and implement an audit and reporting system to measure the effectiveness of the AAP.
- Designate a responsible official to implement and oversee the AAP.
- Provide training to all personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes to ensure that the commitments in the contractor's AAP are implemented.
- Document data collection analysis pertaining to applicants and hires on an annual basis and maintain this data for a period of three years. The data shall include the number of applicants who self-identified as protected veterans pursuant to 41 CFR 60-300.42(a), or who are otherwise known as protected veterans; the total number of job openings and total number of jobs filled; the total number of applicants for all jobs; the number of protected veteran applicants hired; and the total number of applicants hired.

Section 60-300.45 requires contractors to either adopt the national hiring benchmark or establish a hiring benchmark for protected veterans using the five factors specified in the regulations.

Section 60-300.60 identifies the investigative methods OFCCP uses to evaluate a contractor's compliance with the agency's regulations. A compliance evaluation may consist of one or any combination of the investigative procedures listed in the regulations (*i.e.*, a compliance review, an off-site review of records, a compliance check, and/or a focused review).

Section 60-300.80 requires contractors to preserve any personnel or employment record made or kept for a period of not less than two years. However, if the contractor has fewer than 150 employees, this retention period is one year. It also mandates three-year record retention for records required under Sections 41 CFR 60-300.44(f)(4), 60-300.44(k), and 60-300.45(c).

### **Section 503**

Section 503<sup>23</sup> prohibits contractors from discriminating against applicants and employees on the basis of disability and requires contractors to take affirmative action to ensure equal employment opportunity for individuals with disabilities. The Section 503 requirements apply to businesses with a direct Federal construction contract of more than \$15,000.<sup>24</sup> 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 described in 41 CFR 60-741, subpart C.

#### **41 CFR part 60-741 – Affirmative Action and Nondiscrimination Obligations of Federal Contractors and Subcontractors Regarding Individuals with Disabilities**

This part establishes the affirmative action and nondiscrimination obligations under Section 503. More specifically, this part defines coverage, specifies clauses to be included in contracts, provides a procedure to ensure compliance by covered contractors, specifies certain recordkeeping and reporting requirements, establishes an aspirational utilization goal of 7 percent, and specifies the basic requirements for AAPs under Section 503. The paragraphs that follow describe the requirements of the applicable sections at this part, though the recordkeeping burden under Section 503 is already authorized under OMB No. 1250-0005.

Section 60-741.5 describes the equal opportunity clause that must be included in covered Federal contracts and subcontracts (and modifications, renewals, or extensions thereof if not included in the original contract).

Section 60-741.40 requires contractors with 50 or more employees and a contract of \$50,000 or more to develop a Section 503 AAP. This section also provides that the contractor shall submit the AAP within 30 days of a request from OFCCP, unless the request provides for a different time, and that the contractor shall make the AAP promptly available on-site upon OFCCP's request.

Section 60-741.42 requires contractors with 50 or more employees and a contract of \$50,000 or more to invite applicants to self-identify whether they believe they are an individual with a disability covered by Section 503. The invitation must be given at the time of application or consideration for employment, as well as after an offer of employment but before the applicant begins their job duties. In addition, the invitation must be given to all employees the first year the contractor becomes subject to the requirements of this section, and every five years thereafter.

Section 60-741.44 identifies the required elements of a Section 503 AAP, outlined below:

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<sup>23</sup> 29 U.S.C. 793.

<sup>24</sup> 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 (Aug. 30, 2010).

- Develop and include an equal opportunity policy statement in the AAP.
- Review personnel processes to ensure that qualified individuals with disabilities are provided equal opportunity and that the contractor's personnel practices do not stereotype individuals with disabilities in a manner which limits job opportunities.
- Review all physical and mental job qualification standards to ensure that those that tend to screen out qualified individuals with disabilities are job-related and are based on business necessity.
- Provide reasonable accommodations for physical and mental limitations.
- Develop and implement procedures to ensure that employees are not harassed because of their disability.
- Develop procedures and practices to disseminate affirmative action policies, both internally and externally.
- Design and implement an audit and reporting system to measure the effectiveness of the AAP.
- Designate a responsible official to implement and oversee the AAP.
- Provide training to all personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes to ensure that the commitments in the contractor's AAP are implemented.
- Document data collection analysis pertaining to applicants and hires on an annual basis and maintain this information for a period of three years. The data collection analysis must include the number of applicants who self-identified as individuals with disabilities pursuant to 41 CFR 60-741.42(a), 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 seven percent utilization goal for employment of qualified individuals with disabilities for each job group in the contractor's workforce, or for their entire workforce if the contractor has 100 or fewer employees. This section also requires contractors to conduct a utilization analysis to evaluate the representation of individuals with disabilities.

Section 60-741.60 identifies the investigative methods OFCCP uses to evaluate a contractor's compliance with the agency's regulations. A compliance evaluation may consist of one or any combination of the investigative procedures listed in the regulations (*i.e.*, a compliance review, an off-site review of records, a compliance check, and/or a focused review).

Section 60-741.80 requires contractors to preserve any personnel or employment record made or kept for a period of not less than two years. However, if the contractor has fewer than 150 employees or does not have a contract of at least \$150,000, this retention period is one year. It also mandates three-year record retention for records required under sections 41 CFR 60-741.44(f)(4) and 60-741.44(k).

### **Proposed CC-257 Form**

Contractors previously used the CC-257 to report on work hours for construction trade employees by race/ethnicity and gender. OFCCP historically collected this information from

construction contractors on a monthly basis.<sup>25</sup> OFCCP discontinued the collection in 1995, as reviewing the paper reports required extensive agency resources.<sup>26</sup> With this proposal, OFCCP is allowing for electronic submission of the report, which will reduce the burden on the agency, allow for more efficient submission for contractors, and improve the agency's ability to efficiently review and analyze the submitted data.

The collection of this information will strengthen OFCCP's enforcement, outreach, and compliance assistance activities, and will help the agency better meet its mission of protecting workers in the construction trades. Employment discrimination continues to be a problem in the construction industry. For example, discrimination, including harassment, is not only a significant barrier to women's entry into construction jobs and advancement within those jobs, but also a factor that contributes to driving some women out of these jobs.<sup>27</sup> Other groups, such as Blacks and Hispanics, often face high rates of discrimination.<sup>28</sup>

OFCCP has seen some of these practices in its compliance evaluations. For example, in one case, OFCCP found that the employer failed to hire Black applicants for skilled laborer positions because of their race. In another case, OFCCP found that an employer intentionally used race and ethnicity as a determining factor in its hiring process, preferring to hire Hispanic laborers and failing to hire White, Black, Asian and American Indian/Alaskan Native laborers. In addition, after recruiting a Hispanic workforce, the employer knowingly created an abusive and hostile working environment for these workers. Employees reported being struck with objects, dragged across the jobsite, and punched in the face and chest because of their race and ethnicity. Additionally, the company engaged in systemic compensation discrimination, steering female laborers to lower-paying job assignments, paying female laborers a lower hourly rate for the same work as male laborers, and assigning fewer work hours to non-Hispanic laborers. Compliance evaluations are therefore critical to OFCCP's ability to identify these types of discriminatory practices in the contracting workforce and seek remedies for victims.

With the CC-257 information, OFCCP can improve its process for neutrally scheduling contractors for compliance evaluations. The reports will provide relevant information that OFCCP can use to inform its scheduling methodology (*e.g.*, identifying which projects are active and providing information on current employee count). In this way, OFCCP can focus its limited resources on compliance evaluations that can have the greatest impact. OFCCP can also use the collected information to inform compliance assistance activities and track the progress of outreach efforts and the agency's Megaproject Program.<sup>29</sup>

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<sup>25</sup> Previously, prime contractors were responsible for collecting reports from their subcontractors and submitting them to OFCCP. To improve efficiency, prime contractors and subcontractors will be responsible for submitting their reports directly to OFCCP under the proposed information collection.

<sup>26</sup> 60 FR 63061 (Dec. 8, 1995).

<sup>27</sup> Institute for Women's Policy Research, *A Future Worth Building: What Tradeswomen Say about the Change They Need in the Construction Industry*, 2021, available at <https://iwpr.org/a-future-worth-building-report>.

<sup>28</sup> Center for American Progress, *Latino Workers Continue to Experience a Shortage of Good Jobs*, Jul. 18, 2022, available at <https://www.americanprogress.org/article/latino-workers-continue-to-experience-a-shortage-of-good-jobs>; National Institute of Building Sciences, *2023 Social Equity in the Built Environment Workforce Survey, 2023* available at <https://www.nibs.org/sites/default/files/pdfs/2023-Built-Environment-Workforce-Survey-Final-Report.pdf>.

<sup>29</sup> OFCCP's Mega Construction Project (Megaproject) Program fosters equal opportunity in the construction trades workforce of Federal contractors and subcontractors on large Federal construction projects. Projects eligible for

On the proposed CC-257 form, OFCCP is requesting many of the items from the prior form, including:

- Name, Employer Identification Number (EIN), and location of contractor/subcontractor
- Standard Metropolitan Statistical Area (SMSA) or Economic Area (EA) where the work was performed (“covered area”)
- Reporting period
- Federal funding agency
- Work hours for construction trade employees by race and gender
- Signature, title, and telephone number of the company official certifying the information and the date the report is signed

Proposed revisions to the CC-257 form include:

- Adding a field for the contractor to provide its Unique Entity ID (UEI) or Data Universal Numbering System (DUNS) Number. OFCCP uses the UEI to identify businesses and other entities that do business with the Federal Government. Although UEI has replaced DUNS Numbers, OFCCP proposes including the option to provide a DUNS Number to account for those users who may have not yet completed the transition to UEI. In this 30-day proposal, OFCCP has modified the instructions to note that users who do not have a DUNS or UEI may also state “unavailable.”
- Adding a field for the contractor to identify the number of covered areas (SMSA/EAs) with projects during the reporting period. The contractor must provide employee count and work hour information for each SMSA/EA with projects during the reporting period.
- Adding the name and email address of the company official certifying the information. Adding this information will ensure that OFCCP receives accurate and current contact information for the certifying official.
- Adding a question that asks whether the entity providing the information is a prime contractor, subcontractor, or both in the SMSA/EA. This information can be used in OFCCP’s scheduling process and for OFCCP to confirm submission of the required subcontract award notification.
- Removing the requirement for the contractor to list the current goals for the covered area.

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designation as Megaprojects are valued at \$35 million or more in funding, some part of which must be Federal funding, and are expected to last for at least one year. Through the program, OFCCP focuses its resources on construction projects that have the greatest potential to make a positive economic difference in a community. OFCCP designed 12 Megaprojects in FY23 and an additional 28 Megaprojects in FY24. See <https://www.dol.gov/agencies/ofccp/Mega-Construction-Project-Program>.

- Adding a question for the contractor to identify whether the company performed work on a project designated by OFCCP as a Megaproject in the SMSA/EA.

Through OFCCP’s Megaproject program, OFCCP focuses its resources on large construction projects that have the greatest potential to make a positive economic difference in a community. Identification of all contractors working on Megaprojects supports OFCCP’s program efforts. OFCCP can use the data on employment and work hours in construction trades on Megaprojects to track the effectiveness of outreach efforts and inform decisions regarding Megaproject resource allocation, program emphasis, and training efforts.

- Revising the chart used to report the number of work hours for construction trade employees. Specifically, OFCCP proposes to:
  - Add an additional classification (foreperson) to capture the hours of working forepersons in the covered area. Although they are also performing construction trade work, and thus fall within part 60-4, the foreperson classification is typically higher paid than the other classifications. Monitoring work hours for these workers can help ensure equal employment opportunity with respect to these higher paid positions.
  - Add an “All” column to the totals. This will assist in confirming accurate totals (*i.e.*, the sum of the total male and female hours should match the “all” total).
  - Revise the race group categories on the chart to align with the EEO-1 race and ethnicity categories.<sup>30</sup> The EEO-1 Report is a joint report between OFCCP and EEOC that requires covered contractors to submit demographic workforce data, including data by race, ethnicity, and sex categories. Many contractors are already familiar with the EEO-1 Report categories and already have an obligation to track workforce demographics using the EEO-1 Report categories.<sup>31</sup> As such, using EEO-1 categories will minimize contractor burden and promote uniformity across current collections.

In March 2024, OMB revised Statistical Policy Directive No. 15, which provides new race and ethnicity categories for maintaining, collecting, and presenting federal data.<sup>32</sup> For continued consistency with the current EEO-1 collection, OFCCP’s proposal uses the EEO-1 race/ethnicity categories, which remain in effect at the time of this ICR.<sup>33</sup> As directed by OMB, DOL will develop an Action Plan on Race and Ethnicity Data describing how it intends to bring its agency

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<sup>30</sup> The most recent EEO-1 report (2022) requires reporting by race or ethnicity in the following categories: Hispanic or Latino, White, Black or African American, Native Hawaiian or Other Pacific Islander, Asian, American Indian or Alaskan Native, and Two or More Races.

[https://www.eeocdata.org/pdfs/Definitions\\_of\\_Race\\_and\\_Ethnicity\\_Categories.pdf](https://www.eeocdata.org/pdfs/Definitions_of_Race_and_Ethnicity_Categories.pdf); On the proposed form, the contractor will not be required to aggregate the work hour information across various racial groups.

<sup>31</sup> See EEOC Information Collection Request, Employer Information Report (EEO-1) OMB Control No: 3046-0049, available at [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=202311-3046-001](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202311-3046-001).

<sup>32</sup> See 89 FR 22182 (Mar. 29, 2024).

<sup>33</sup> See 88 FR 27504 (May 2, 2023) at n. 23 (describing future implementation of the new race and ethnicity categories in the EEO-1 Report).

collections and publications into compliance with the new standards. In accordance with those efforts, OFCCP will revise the CC-257 categories to align with the new standards prior to OMB's March 28, 2029 deadline, and will align the timing of this change with updates to the EEO-1 Report.

- Adding a requirement for contractors to identify the number of employees in each trade, by racial group, gender and classification (foreperson, journey workers, apprentices, and trainees), who performed work in the SMSA/EA during the reporting period.

The prior CC-257 form only requested information on work hours in the construction trades, which limited the utility of the prior collection. Identifying the number of construction trade employees provides context to the reported work hour information, where OFCCP can better understand how the work hours are allocated across the workforce. In this way, OFCCP can better identify if there are potential hiring or job assignment issues that warrant further investigation during a compliance evaluation.

- Adding an optional comment field. Contractors may use this optional field to share any additional context on their submission.
- In response to public comments received during the 60-day notice and comment period, OFCCP has also made the modifications described in Section 8 below.
- For clarity and ease of use, OFCCP has also reordered some of the fields included in the 60-day proposal and made nonsubstantive language changes.

## **2. Use of Collected Material**

As detailed above, OFCCP will use the CC-257 information to inform compliance assistance activities, track the progress and effectiveness of outreach efforts and the Megaproject Program, and to improve OFCCP's scheduling of compliance evaluations.

OFCCP plans to implement the reinstated CC-257 upon OMB approval. As described in more detail in Section 8, OFCCP will provide stakeholder education on the collection and inform stakeholders of the implementation date through its stakeholder messaging or other means.

## **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.<sup>34</sup> OFCCP fulfills the GPEA requirements by permitting electronic recordkeeping of construction contractors' documentation. Generally, contractors may develop and use any method that best suits their needs for collecting and maintaining information, as long as they can retrieve and provide to OFCCP the data required by its regulations.

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<sup>34</sup> Government Paperwork Elimination Act (Public Law 105-277, Title XVII, 1998), <https://www.gpo.gov/fdsys/pkg/PLAW-105publ277/pdf/PLAW-105publ277.pdf>.

As detailed in Section 8, contractors will also be encouraged to submit the CC-257 form electronically. If contractors choose not to submit the CC-257 form electronically, they may submit the form via mail.

#### **4. Description of Efforts to Identify Duplication**

The reporting requirements in this ICR result exclusively from E.O. 11246 and its implementing regulations. No duplication of effort exists between Federal agencies because no other Federal agencies administer and enforce these regulations.

#### **5. Impact on Small Businesses**

To minimize the impact of the information collection on small businesses, only businesses with a federal construction contract or subcontract and/or federally assisted construction contract or subcontract in excess of \$10,000 are required to submit the CC-257. As noted above, OFCCP will encourage contractors to submit the CC-257 form electronically, which will also eliminate the mailing costs for respondents.

#### **6. Consequences of a Less Frequent Collection**

With the previous CC-257 collection, OFCCP required monthly reporting. OFCCP proposes continuing monthly reporting and provides more information on this requirement in Section 7 below.

#### **7. Special Circumstances**

Monthly CC-257 reporting is necessary, as jobs in the construction industry are often temporary and project-based. The construction workforce within a project is frequently dynamic, with specific trades changing as the project progresses. Less frequent reporting would not capture the changing workforce composition in each phase of a project. Additionally, the work can be seasonal and subject to significant variations in demand. With monthly reporting, OFCCP can review projects while there is current employment activity (*e.g.*, hiring, assignment, and pay), and better ensure that contractors are taking corrective measures to ensure equal employment opportunity on their projects. Contractors can also use the monthly reports to proactively monitor their equal employment opportunity efforts and take corrective measures while the project is ongoing if they find obstacles to equal employment opportunity.

Further, OFCCP also plans to use the collected information to improve its scheduling and compliance evaluation process. As discussed above, a less frequent collection will lead to outdated information on the workforce and the contractor's employment activity. Having more current data will help OFCCP focus its resources on active projects, where OFCCP can have the most impact.

The collected information will also help inform compliance assistance activities and help the agency track the progress and effectiveness of its outreach efforts and Megaproject Program.

Having monthly reports ensures OFCCP has current information on the projects to carry out these activities.

## **8. Consultation Outside the Agency**

Since 2022, OFCCP has conducted over 300 outreach and compliance assistance events on its construction program. This extensive stakeholder engagement helped inform the proposed information collection.

On February 23, 2024, OFCCP also published a 60-day notice in the *Federal Register* (89 FR 13748) inviting the public to submit comments on this proposed information collection. Particularly, OFCCP sought feedback on whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility. OFCCP also sought feedback on the quality, utility, and clarity of the information to be collected, as well as the estimated burden of the proposed collection.

The agency received twelve comments during the 60-day notice period, with some in support of the CC-257 and some opposed (see discussion below). The commenters included employer associations, workers' rights groups, a law firm, a contractor, and individual commenters. In response to these public comments, OFCCP has decided to proceed with the proposed information collection with the following modifications:

- Added another classification (non-apprenticed laborers or helpers). As described below, adding this classification will allow contractors to better account for employees who are not part of construction trainee or apprenticeship programs;
- Clarified the reporting period and due date information in the instructions;
- Added information in the instructions for accounting for non-binary employees;
- Added language requiring the signing official to certify that the information, including any workforce demographic data, provided in the report is correct and true to the best of their knowledge and was prepared in conformity with the directions set forth in the form and accompanying instructions. The 60-day proposal already required the official to certify the information, and this language is adding the specific certification language to the form.
- Updated the submission method in the instructions to better align with the proposed submission method discussed below.

OFCCP discusses these modifications and responds to the public comments below.

### **Utility of the Collection**

In the 60-day notice, OFCCP requested feedback on whether the proposed collection of information is necessary, including whether the information will have practical utility. OFCCP received twelve comments on this issue. Of these twelve comments, five commenters believe that implementation of the CC-257 will strengthen OFCCP's enforcement efforts, while seven commenters believe the CC-257 lacks practical utility.

The seven commenters who asserted that the collection lacks utility included three employer associations, a law firm, one Federal contractor, and two individuals. One commenter inquired about how the collected information would help strengthen OFCCP's Megaproject initiative.<sup>35</sup> Other commenters stated that the CC-257 provides little utility while placing additional burdensome requirements on construction contractors. These commenters believed that the information will not be useful in achieving OFCCP's stated purposes such as improving scheduling and remedying discrimination.

One commenter stated that without updated participation rate goals in OFCCP's construction regulations, there is no reasonable benchmark to measure the data against, making the information gathered through the CC-257 purposeless. Another commenter also stated that OFCCP should update its outdated participation goal regulations rather than collect this information.

OFCCP disagrees with these comments. With respect to Megaprojects, OFCCP uses the data obtained through the Megaproject program to evaluate contractors' efforts to ensure equal employment opportunity in the construction industry for all groups. As part of the Megaproject program, OFCCP engages in extensive compliance assistance with these contractors on their obligations, such as their affirmative action obligations with respect to recruitment. The monthly CC-257 reports will allow OFCCP to have current, ongoing data that the agency can use to track whether recruitment efforts are making a meaningful difference on the employment practices on designated construction projects.

Further, having information on employee count and work hours will help strengthen OFCCP's construction program and will help the agency meet its important mission of ensuring equal employment opportunity in the construction industry. As detailed above and in the 60-day proposal, OFCCP will be able to use the collected information to inform compliance assistance efforts and track the progress of contractors' outreach efforts and the agency's Megaproject program. With respect to enforcement, the collected information can also improve OFCCP's scheduling of compliance evaluations of covered construction contractors, as the reports will provide relevant information on which projects are currently active and current employee counts. In this way, OFCCP can focus its limited resources on compliance evaluations that can have the greatest impact. OFCCP also disagrees that this collection lacks utility without updated regulations. Pursuant to the current regulations, contractors continue to have an ongoing obligation to ensure equal employment opportunity in their worksites, including with respect to work hours, job assignments, hiring, and other employment practices.<sup>36</sup> Contractors can use the data from the monthly reports to proactively monitor their equal employment opportunity efforts and take corrective measures while the project is ongoing. Further, as noted in detail above, OFCCP plans to use the collected information to strengthen numerous aspects of its construction program and better ensure equal employment opportunity for workers.

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<sup>35</sup> This commenter also inquired about how a contractor would know if they were part of a Megaproject. In response, OFCCP notes that it relaunched the Megaproject Program in fiscal year 2023. Once a project has been designated as a Megaproject under OFCCP's Megaproject program, all solicitations, offers, and bid documents are required to contain certain language to notify all potential prime and subcontractors that working on this project will require participation in the Megaproject Program. See OFCCP Designated Megaprojects, available at <https://www.dol.gov/agencies/ofccp/Mega-Construction-Project-Program>.

<sup>36</sup> See 41 CFR 60-1.4(a), 60-1.4(b), 60-4.3.

Five commenters, including three individuals and two workers' rights groups, agreed with OFCCP and detailed the need for the requested information. One commenter asserted that without the government collecting data, its representatives will be unable to inform policies, opinions, and decisions with accurate data and analysis. Another commenter asserted that a company receiving tax dollars should be engaging in equal employment opportunity and should be subject to reporting on their practices. Another commenter asserted that failing to collect this data gives the illusion that there is something to hide and dissuades would-be candidates from believing they could have a fair opportunity at competing for construction jobs without facing harassment, discrimination, and intimidation.

One workers' rights group asserted that collecting this data will allow OFCCP to reveal the full scope of hiring on Federal projects and better prioritize and focus its compliance efforts. The information would also assist the agency in recognizing contractors' best practices being implemented into the field and will ease the burden on the agency in collecting the workforce demographic data for OFCCP's Megaprojects. This group further noted that in the decades since this reporting requirement was discontinued, technological advances have drastically diminished the burden associated with collecting this information, as electronic collection and submission of payroll records is now largely the norm. Another workers' rights group asserted that the CC-257 is critical to the effective enforcement of OFCCP's responsibilities for federally funded construction projects, noting that reliable and timely data are key to effective policy and programmatic approaches that will increase women's access to careers in construction and ensure non-discrimination on federally funded projects. This group further notes that regular data reporting will improve the retention of women and other non-traditional populations on Federal jobsites and will assist OFCCP in identifying other contractor practices that affect the retention of workers. For the reasons stated above, OFCCP agrees with these five commenters. Having the CC-257 information will help ensure equal employment opportunity in the construction industry, and will improve OFCCP's scheduling, compliance assistance and enforcement efforts.

### **Data Requested in the CC-257 is Duplicative of Other Reporting Requirements**

In response to the 60-day notice, an employer association, a Federal contractor, and an individual asserted that the information requested in the CC-257 is already captured through other reporting requirements. One commenter stated the information is captured through the yearly affirmative action programs. Another commenter noted that construction contractors are already required to maintain workforce data, and that with the CC-257 written report, OFCCP was in effect creating a written AAP obligation. Two commenters also stated that such information is already provided to OFCCP pursuant to 41 CFR 60-4.2(c).

OFCCP disagrees with these commenters. The information requested in the CC-257 is not captured through annual AAPs since construction contractors are not required to develop written E.O. 11246 AAPs.<sup>37</sup> As noted in Section 1, construction contractors do have other affirmative action obligations, and OFCCP verifies compliance with those obligations through scheduled compliance evaluations. However, scheduled contractors are only required to provide utilization

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<sup>37</sup> See Application of Legal Authorities, FAQ #4, <https://www.dol.gov/agencies/ofccp/faqs/construction-compliance#A4>.

and work hour information on employees working in the scheduled SMSA/non-SMSA during the preceding 12 months.<sup>38</sup> Unlike the CC-257, the scheduling letter does not require these contractors to provide current and ongoing information on their trade employees. Further, OFCCP only schedules a small subset of covered contractors for compliance evaluations each year (less than 2% of the covered universe).<sup>39</sup> Requiring monthly submission of the CC-257 allows OFCCP to review the requested information for all covered contractors, which can help OFCCP improve its scheduling methodology and better identify where more compliance assistance and outreach is necessary.

OFCCP also disagrees that the CC-257 is creating a new, written AAP requirement for covered contractors. In the supply and service context, the AAP obligations require contractors to conduct in-depth analyses of their workforces and employment practices, take certain affirmative actions to ensure equal employment opportunity, and document those efforts in their written AAPs.<sup>40</sup> With the CC-257, OFCCP is requesting information that differs from the supply and service AAP framework and is more limited in scope. For example, the CC-257 does not encompass all the construction affirmative action requirements, as it is only requiring covered contractors to provide employee count and work hour information. As noted earlier, contractors already have an existing obligation to maintain this information. Unlike an AAP, OFCCP is not requesting that the contractor provide detailed information on their assessment of their equal employment opportunity efforts and is not requesting information on other aspects of their compliance (*e.g.*, pay data or harassment policies, *etc.*).

Further, the information required under 41 CFR 60-4.2(c) is separate and distinct from the information required in the CC-257. Per 41 CFR 60-4.2, contracting officers, applicants and contractors are required to give written notice to OFCCP within 10 working days of award of a Federal or federally assisted construction contract or subcontract in excess of \$10,000. OFCCP verifies contractor compliance with this obligation through its Notification of Construction Award Portal (NCAP) reporting.<sup>41</sup> The NCAP reporting is not duplicative of the CC-257, as contractors do not provide disaggregated information on their workforce or monthly data on their employee count and work hours in the NCAP report.

### **Enforcement of the CC-257 Report**

Two commenters, an employer association and a law firm, commented that OFCCP does not discuss how the agency would enforce the proposed CC-257 reporting requirements, nor does the agency identify the consequences for non-compliance. One of these commenters further stated that without mechanisms in place to ensure compliance, those contractors that comply with the requirement will face additional burdens and costs that non-compliant contractors will not face.

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<sup>38</sup> See OMB Control No. 1250-0001, Construction Scheduling Letter at Item 2, available at [https://www.reginfo.gov/public/do/PRAViewIC?ref\\_nbr=202211-1250-001&icID=246722](https://www.reginfo.gov/public/do/PRAViewIC?ref_nbr=202211-1250-001&icID=246722).

<sup>39</sup> From FY 2021 to FY 2023, OFCCP scheduled an average of 162 construction contractors for compliance evaluations each year. This represents less than 2% of the covered universe.

<sup>40</sup> See 41 CFR part 60-2.

<sup>41</sup> Construction contractors submit their Construction Contract Award Notification Requirement Forms (CC-314) through the NCAP portal. The CC-314 is approved by OMB under OMB Control No. 1250-0001. This information collection is available at [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=202211-1250-001](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202211-1250-001). See also 41 CFR 60-4.2(c).

In response, OFCCP notes that this information collection will require contractors to submit the reports by the monthly deadlines set forth by OFCCP. When submitting the CC-257, each company official must also certify that “the information, including any workforce demographic data, provided in this report is correct and true to the best of [their] knowledge and was prepared in conformity with the directions set forth in the form and accompanying instructions.” The 60-day proposal already required the official to certify the report. OFCCP is adding this language to the signature field in the 30-day proposal to further highlight this obligation. OFCCP uses similar certification language in other reports such as the EEO-1 report (which is a joint collection with EEOC).<sup>42</sup>

OFCCP also notes that it can use available contract award information to identify covered contractors who failed to submit a report.<sup>43</sup> A contractor’s failure to provide timely reports may result in a violation,<sup>44</sup> and subject contractors to the sanctions set forth in E.O. 11246 and its implementing regulations.<sup>45</sup> OFCCP may also use a contractor’s failure to provide the reports as a factor for scheduling contractors for compliance reviews.<sup>46</sup> Further, knowingly furnishing false information in the report may constitute a federal offense under 18 U.S.C. 2, 1001.

## Reporting Threshold

In the 60-day notice, OFCCP proposed requiring all businesses with a Federal construction contract or subcontract and/or federally assisted construction contract or subcontract in excess of \$10,000 to submit a monthly CC-257 report. This \$10,000 threshold aligns with OFCCP’s jurisdictional threshold for construction contractors.<sup>47</sup> To reduce burden, three commenters suggested that OFCCP use narrower reporting thresholds, such as by contract value, duration, or hours worked.

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<sup>42</sup> When submitting an EEO-1 Component 1 Report, the Certifying Official will certify to the following statement: “I certify that the information, including any workforce demographic data, provided in this report is correct and true to the best of my knowledge and was prepared in conformity with the directions set forth in the form and accompanying instructions” and is notified “[k]nowingly and willfully false statements on this report are punishable by law, US Code, Title 18, Section 1001.” See 2023 EEO-1 Component 1 Data Collection Instruction Booklet, *Chapter 20, Official Certification of Submission*, available at [https://www.eeocdata.org/pdfs/2023\\_EEO\\_1\\_Component\\_1\\_Instruction\\_Booklet.pdf](https://www.eeocdata.org/pdfs/2023_EEO_1_Component_1_Instruction_Booklet.pdf).

<sup>43</sup> As described in detail on OFCCP’s scheduling methodology web page, OFCCP uses various contract award sources to determine the universe of contractors subject to OFCCP’s requirements. See <https://www.dol.gov/agencies/ofccp/scheduling-list>. OFCCP will be able to use this information to compare it against the list of contractors who submitted reports.

<sup>44</sup> See e.g., E.O. 11246 sec. 203, 41 CFR 60-1.4(a)(6), 60-1.4(b)(6), 60-1.12, 60-1.43.

<sup>45</sup> E.O. 11246 secs. 208, 209, and 303(b).

<sup>46</sup> For example, OFCCP has another reporting requirement (the Contractor Portal) that requires contractor to certify that they have met their obligation to develop and maintain AAPs. In a recent scheduling list, OFCCP selected contractors who failed to certify their compliance in the Contractor Portal for compliance reviews. See *Methodology for Developing the Supply and Service Scheduling List FY 2023, Release – 1* (Jan. 20, 2023), available at

<sup>47</sup> See 41 CFR 60-1.5; Jurisdictional Infographic 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).

OFCCP declines to change the reporting threshold. As discussed above, OFCCP wants to use the requested information to help inform scheduling, enforcement and compliance assistance activities. Having the requested information for all covered contractors will better enable OFCCP to use the data for these purposes. For example, OFCCP can compare information across contractors of different sizes, and better identify if there are specific compliance assistance needs for contractors based on size. OFCCP acknowledges that contractors may vary in terms of resources necessary for filing reports. As discussed in more detail below, OFCCP will provide extensive compliance assistance to stakeholders to ensure they can fully implement the new reporting requirement.

### **Implementation Period**

In the 60-day notice, OFCCP proposed implementing the CC-257 upon OMB approval. OFCCP received three comments on this proposal. The comments were from two employer associations and a law firm. Each of these commenters stated that contractors needed additional time to integrate the CC-257 into their existing systems and processes. Two of these commenters stated that implementation should be delayed, as existing contractors did not factor these reporting costs into contract bids and construction costs. One commenter also noted that some employers may need time to set up new reports or create custom reports as their current data-recording systems are not configured to export certain required fields, such as funding agency.

OFCCP declines these recommendations. OFCCP's regulations already require contractors to designate a responsible official to monitor all employment-related activity to ensure that the company EEO policy is being carried out and to submit related reports.<sup>48</sup> However, OFCCP understands that contractors vary in term of resources. To assist all contractors with the CC-257 reporting requirement, OFCCP will provide robust compliance assistance and outreach. Additionally, OFCCP will have a help desk and phone line with dedicated staff that can assist contractors if they have questions or need technical assistance.

### **Frequency of Reports**

In response to the 60-day notice, two commenters, an employer association and a law firm, suggested that OFCCP collect the information in the CC-257 less frequently. For example, the law firm suggested that if a contractor did not record hours on any federal project during the reporting month, it should have no reporting obligation for that month. OFCCP disagrees with this recommendation. Without a report, OFCCP would not have a way to distinguish whether the contractor had no work hours during the reporting period or is failing to meet its reporting requirement. The burden for providing such information would also be minimal, as the work hour information (zero hours) would be the same for every trade group.<sup>49</sup>

The employer association suggested that OFCCP require annual reporting, stating annual reporting is less burdensome and would accomplish the same goals. Another employer association asserted that monthly reporting may lead to unnecessary errors, as some contractors

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<sup>48</sup> 41 CFR 60-4.3(a)14.

<sup>49</sup> As discussed in more detail below, providing the profile information in the report would also not be overly burdensome, as OFCCP's electronic form allows the contractor to enter that information once rather than repeat the information for each covered area.

may simply copy the prior month's report without making the necessary edits. OFCCP disagrees with these comments. As described above, monthly reporting is necessary, as the construction workforce is dynamic, and work may be seasonal and subject to varying demand. Jobs are often temporary and project-based and, even within projects, the need for specific trades changes as the project progresses. Further, OFCCP needs current information to inform its scheduling and ongoing compliance assistance activities. Monthly reports are also beneficial to the contractor as they can use the reports proactively to monitor their equal employment opportunity efforts and take corrective measures while the project is ongoing.

With respect to errors, OFCCP notes that when submitting the CC-257, each company official must certify that "the information, including any workforce demographic data, provided in this report is correct and true to the best of [their] knowledge and was prepared in conformity with the directions set forth in the form and accompanying instructions." As such, OFCCP strongly recommends that contractors review the accuracy of their reports prior to submission.

### **Due Date and Reporting Period**

In the 60-day proposal, OFCCP included the following information on the instruction form for the report:

Businesses with a federal construction contract or subcontract and/or federally assisted construction contract or subcontract in excess of \$10,000 must complete and submit a CC-257 report to the Office of Federal Contract Compliance Programs (OFCCP) on a monthly basis. The reports are due on [DATE].

The instructions also stated that the reporting period is "monthly, or as directed by OFCCP, beginning with the effective date of the contract."

Two commenters, an employer association and a law firm, stated that OFCCP's proposed reporting period and due date are unclear. The employer association asserted that the proposed instructions fail to address the exact reporting period and due date and requested that OFCCP include very precise directions regarding the deadline for responding. The law firm stated that the proposed form seems to permit a more open-ended reporting cycle, while the instruction sheet states, "monthly or as directed by OFCCP beginning with the effective date of the contract." The law firm suggested that OFCCP give employers a window of time to submit the reports, for example, 30 days, as well as flexibility in setting the reporting period.

After careful consideration of these comments, OFCCP has agreed to modify these instructions. In the 30-day proposal, OFCCP has modified the due date information to read as follows:

Each report is due on the 15th day of the month following the end of the reporting period described below. If this date falls on a weekend or Federal holiday, the report is due on the following business day.

For new contractors, OFCCP will require reporting to commence on the 15<sup>th</sup> day after the first full month they are a covered contractor. OFCCP recognizes that contractors will need

some time after the covered reporting period to access the payroll information and prepare their reports. OFCCP believes that a 15-day period will allow for this preparation time, while also balancing OFCCP's need for current data.

Based on the public comments, OFCCP has also modified the reporting period language. The new language reads as follows:

Reporting Period – Contractors and subcontractors must report on the work hours and employee counts for each calendar month. In this field, indicate the calendar month covered by the report. The work hours provided in the report must cover this entire month. The employee counts provided in the report must reflect the employee count at the end of the month.

The revised language provides clarity on the scope of OFCCP's request and will ensure uniformity in the information being reported by contractors. OFCCP disagrees with the law firm's suggestion that OFCCP should give contractors flexibility in setting the reporting period. By implementing a standardized reporting period, OFCCP can more easily analyze the data across various contractors. Further, varying reporting periods would make it difficult for OFCCP to verify whether all contractors are meeting their monthly reporting requirements.

### **Accounting for Non-Binary Gender**

In response to the 60-day proposal, an employer association noted that neither the CC-257 form nor its instructions provide guidance on how contractors should report on employees who self-identify as non-binary (*i.e.*, do not self-identify as male or female). A law firm expressed concern that OFCCP is asking for information by male and female gender categories, stating that OFCCP should lead by example and permit non-binary gender reporting. In response to these comments, OFCCP has added instructions that align with the guidance in the Employer Information Report (EEO-1 Report), which is a joint data collection between EEOC and OFCCP.<sup>50</sup> Specifically, the instructions allow contractors to voluntarily report data for non-binary employees in the "comments" section of the report. *See* Item 16 in CC-257 Instructions. This approach will provide a way for contractors to account for non-binary employees, while also ensuring consistency across reporting requirements.

### **Forepersons**

OFCCP also received comments regarding the "foreperson" category included in the report. One employer association stated that the "foreperson" category should be excluded from the report, as it believed that the "foreperson" is not a construction trade subject to evaluation. A law firm disagreed with OFCCP's assertion that including forepersons in the report would better ensure that these workers are given equal opportunity with respect to work and pay. It noted that the CC-257 does not collect any pay data, and there are many factors that influence a foreperson's job assignments.

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<sup>50</sup> See 2023 EEO-1 Component 1 Data Collection Instruction Booklet, *Chapter 10, Reporting by Sex*, available at [https://eocdata.org/pdfs/2023\\_EEO\\_1\\_Component\\_1\\_Instruction\\_Booklet.pdf](https://eocdata.org/pdfs/2023_EEO_1_Component_1_Instruction_Booklet.pdf).

OFCCP disagrees with these comments. The requirements set forth at 41 CFR part 60-4 apply to the workers who are engaged in on-site construction as well as functions incidental to the actual construction such as supervisors, inspectors, and forepersons.<sup>51</sup> As such, these workers are subject to OFCCP's regulations. Including forepersons in the report will also better ensure equal employment opportunity with respect to the contractors' work assignments and pay practices. The foreperson classification is typically higher paid than the other classifications. Having information on this group can help the contractor analyze whether employees in lower-skilled trades are given equal opportunity to progress to these higher-paid foreperson positions. Having this information can also help contractors ascertain whether all forepersons are allotted equal opportunity with respect to work hours which also affects pay.

## **Covered Area**

OFCCP's proposal requires contractors to provide the requested information for each of their Standard Metropolitan Statistical Areas (SMSAs) and Economic Areas (EAs) (covered areas). Two commenters, an individual and an employer association, viewed OFCCP's use of SMSAs and EAs as outdated because the terminology and groupings for statistical areas has changed over time. In response, OFCCP notes that the agency is using SMSA/EA terminology to align with the current regulatory language.<sup>52</sup> OFCCP recognizes that there have been changes to the terminology and statistical areas since the regulations were last updated. For the CC-257, contractors should use the same geographic areas they are using for the offer and bid solicitation notices they provide pursuant to 41 CFR 60-4.2. This ensures consistency in how stakeholders are defining the covered area and is consistent with how OFCCP defines "covered area" in the instructions for the CC-257 report.

## **CC-257 Fields and Instructions**

An employer association commented that OFCCP should provide more explicit instructions and definitions, specifically requesting definitions for the construction trade categories on the form (*e.g.*, journey workers, trainees, *etc.*). Without this information, the employer association believes that the agency cannot expect consistent or accurate information. In response, OFCCP declines to add definitions for these categories to the instructions, as contractors may have some variation in how they define these groups based on the type of construction work they conduct and their workplace policies. With the proposed CC-257, OFCCP is utilizing broad categories that represent the typical classifications and skill levels in the construction industry. Contractors seeking guidance on how to classify their workers can consult various DOL resources on these

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<sup>51</sup> See 41 CFR 60-1.3 (Definition of construction work); *see also* OFCCP Compliance Review Basics, FAQ #1, <https://www.dol.gov/agencies/ofccp/faqs/construction-compliance#B1>; *see also* OFCCP Compliance Review Basics, FAQ #3, <https://www.dol.gov/agencies/ofccp/faqs/construction-compliance#B3>.

<sup>52</sup> The Department of Labor has adopted the SMSA as the basic geographical unit for establishing goals and the Economic Area (EA) as the geographical unit for those areas located outside an SMSA. *See* "Goals for Minority Participation in the Construction Industry," 45 FR 65979 (Oct. 3, 1980). *See also* "Construction Contractors, Affirmative Action Requirements," 45 FR 85750 (Dec. 30, 1980) (discussing the effective dates of goals for minorities and females working on construction projects).

classifications.<sup>53</sup> Contractors also have the option to provide additional context on their classification methods through the comment field on the CC-257.

As noted above, OFCCP has also added an additional classification category, Non-Apprenticed Laborers and Helpers, to the CC-257. This classification encompasses a broad category of workers who are commonly part of the construction workforce but may not be a part of a formal trainee or apprenticeship program. Adding this category will enable contractors to more accurately account for these workers.

In response to the 60-day proposal, an employer association and a law firm further stated that the CC-257 contains fields that are unnecessary such as the Federal funding agency and the number of covered areas with projects during the reporting period. OFCCP disagrees with these assertions. Having Federal funding agency information allows OFCCP to align the submitted information with contract information from available data sources such as USASpending.gov. OFCCP will use this information to develop its compliance evaluation scheduling list and determine the agency's jurisdiction over contractors. OFCCP also needs information on the number of covered areas because the contractor is required to submit data for each covered area. Without this information, OFCCP would be unable to determine if the report is complete.

A law firm also suggested that OFCCP ensure that the CC-257 instructions are specific about what projects and hours must be counted in the submission, or, in the alternative, develop a very detailed set of FAQs. This commenter also inquired about how to correct any errors discovered after form submission, or, if errors will result in consequences if not corrected. In response, OFCCP notes that the report instructions already define the scope of the information requested (*i.e.*, instructing the user to enter information for all projects in the SMSA/EA and work hours for trade employees working on those projects). To further assist users, OFCCP has added some additional clarifying language to the instructions (*e.g.*, Item 15 now provides information on how to enter the work hour information up to one decimal, *etc.*).

In response to the comment about addressing errors and providing compliance assistance materials such as FAQs, OFCCP notes that it will provide stakeholders with updated guidance if users identify common issues throughout the implementation period. Additionally, OFCCP has a help desk with dedicated staff that can assist contractors if they have questions or need technical assistance with correcting errors.

## **CC-257 Format**

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<sup>53</sup> See 29 CFR 29.2 (defining “apprentice” and “journey worker”). See also Field Operations Handbook at Chapter 15 Davis-Bacon and Related Acts and Contract Work Hours And Safety Standards Act, available at <https://www.dol.gov/agencies/whd/field-operations-handbook/Chapter-15> (defining “trainee”). U.S. Bureau of Labor Statistics also provides information relevant to forepersons, laborers, and helpers. See Occupational Employment and Wages, May 2023, 47-1011 “First Line Supervisors of Construction Trades and Extraction Workers” available at <https://www.bls.gov/oes/current/oes471011.htm> (providing occupational information on workers who directly supervise and coordinate activities of construction or extraction workers, which encompasses the work of forepersons); 47-2061 “Construction Laborers” available at <https://www.bls.gov/oes/current/oes472061.htm> (providing occupational information on construction laborers); and 47-3011 through 47-3019 “Helpers, Construction Trades” available at [https://www.bls.gov/OES/CURRENT/oes\\_stru.htm#47-0000](https://www.bls.gov/OES/CURRENT/oes_stru.htm#47-0000) (providing occupational information on helpers in the construction trades).

In response to the 60-day proposal, a law firm inquired about how OFCCP would format the CC-257 form. The law firm suggested that OFCCP develop an electronic upload template like the EEO-1 report's template.<sup>54</sup>

The commenter believes that typing the data directly into a portal would not only be inconvenient but would result in inadvertent mistakes in reporting. With an uploadable form, contractors could avoid the burden of manual entry and could have their system developers design a report that contractors could use to export data into the template.

With this proposal, electronic submission remains the preferred method for submitting the report.<sup>55</sup> To address the public comments, one of the electronic submission methods will include an Excel version of the form that contractors can upload as an email attachment and provide to the agency. To minimize burden, the form will also allow the user to insert certain profile information only once. See Example Form included in 30-day Proposal.

### **OFCCP's Capacity to Process the CC-257 Reports**

Two commenters, both employer associations, believe that OFCCP lacks the staffing needed to process the CC-257s, noting that this was an issue with the prior collection. In response, OFCCP notes that the agency last collected the CC-257 in 1995. At the time, processing the reports was very burdensome, as the reports were sent to individual field offices in paper form. However, as one commenter (a workers' rights group) noted, electronic collection and submission of payroll records is now largely the norm in the workplace. With technological advances since 1995, OFCCP anticipates that most contractors will elect to submit their reports electronically. The use of technology will reduce the burden on the agency and improve the agency's ability to efficiently review and analyze the submitted data. To streamline the process for OFCCP and contractors, OFCCP is also providing one centralized contact for submitting the forms, rather than the various field offices. This will ensure that dedicated staff is intaking the reports and will help the agency better track contractors' compliance.

### **Disclosure of Report Information**

One commenter, an employer association, expressed concerns about OFCCP releasing the CC-257 information to the public. It stated that contractors treat the information about their workforces as confidential commercial information. It was concerned that information for employees in smaller groups could be identified, and that competitors could use the information to glean information on a company's growth and expansion in emerging markets. It also

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<sup>54</sup> Users submit the EEO-1 Component 1 report(s) through a web-based data collection application (*i.e.*, portal) referred to as the EEO-1 Component 1 Online Filing System. They can manually upload the data or upload the files. The "data file upload" option requires uploading a data file, in accordance with the 2023 EEO-1 Component 1 Data File Upload Specifications containing an employer's workforce demographic data to the OFS. This portal accepts only TXT (plain text) files or CSV files. See "2023 EEO-1 Component 1 Data File Upload Specifications" available at [https://www.eeocdata.org/pdfs/2023\\_EEO\\_1\\_Component\\_1\\_Data\\_File\\_Upload\\_Specifications.pdf](https://www.eeocdata.org/pdfs/2023_EEO_1_Component_1_Data_File_Upload_Specifications.pdf).

<sup>55</sup> Contractors who are unable to electronically submit the form will also have the option to send a PDF version of the form.

expressed concerns that a company's EIN could be released, which could subject it to theft and fraud.

In response, OFCCP notes that it treats all records provided by the contractor as confidential to the maximum extent the information is exempt from public disclosure under 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. Furthermore, while OFCCP considers the EIN to be public information,<sup>56</sup> and thus non-exempt under FOIA,<sup>57</sup> the agency notes that sensitive information such as employee-level pay and social security numbers are not part of the collection. The collection also does not request information on the company's commercial practices. In addition, DOL has various IT measures in place to safeguard against unauthorized access to DOL's information systems.<sup>58</sup>

## **Burden**

Seven commenters, including three employer associations, a law firm, a contractor, and two individuals, expressed concerns that OFCCP underestimated the burden of the collection. For example, commenters stated that contractors may lack the infrastructure and personnel necessary to implement the report and stated that OFCCP failed to properly account for recordkeeping burden. One of these commenters shared similar concerns about burden but did agree with OFCCP requiring subcontractors to report directly to the agency, rather than having prime contractors report on behalf of their subcontractors.

With respect to the recordkeeping burden, OFCCP disagrees with the commenters' assertion that OFCCP has failed to properly account for this burden. As noted in the 60-day proposal, OFCCP already accounts for this burden in a separate information collection.<sup>59</sup> Specifically, OFCCP has an information collection for its construction program, which describes requirements and associated burden for maintaining personnel and employment activity data and data requested for construction award notifications (such as information on the funding agencies).<sup>60</sup> Accounting for this burden twice would be overestimating the associated burden for covered contractors.

With respect to resources and the impact on smaller contractors, OFCCP notes that covered contractors already have an existing requirement to designate an official for monitoring all employment-related activity and submitting reports.<sup>61</sup> OFCCP recognizes that contractors may vary in terms of resources, so will provide extensive compliance assistance to all users, as described in detail above. Further, to minimize the impact of the information collection on small businesses, only businesses with a Federal construction contract or subcontract and/or federally

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<sup>56</sup> See Notification of Construction Contract Award Portal (NCAP), FAQ #S-3, <https://www.dol.gov/agencies/ofccp/faqs/Notification-of-Construction-Contract-Award-Portal#Q3S>.

<sup>57</sup> See *Gandhi v. Ctrs. for Medicare & Medicaid Servs.*, 665 F. Supp. 3d 49, 54-57 (D.D.C. 2023) (holding that EINs did not constitute confidential commercial or financial information exempt from FOIA disclosure because, in part, the party receiving it provided no assurance of confidentiality to the party providing it).

<sup>58</sup> See *e.g.*, various IT measures described at <https://www.dol.gov/agencies/oasam/ocio/information-assurance>.

<sup>59</sup> See OMB Control No. 1250-0001, "Construction Recordkeeping and Reporting Requirements," available at [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=202211-1250-001](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202211-1250-001).

<sup>60</sup> *Id.*

<sup>61</sup> 41 CFR 60-4.3(a)14.

assisted construction contract or subcontract in excess of \$10,000 are required to submit the CC-257. OFCCP acknowledges that the precise amount of time each contractor will take to complete and submit the CC-257 is difficult to estimate, as contractors vary in terms of structure, resources and procedures. To estimate the burden, OFCCP bases its estimates on the average time for contractors of all sizes and structures. *See* Burden Discussion in Sections 12-13 below. As such, OFCCP declines to increase the burden estimate for the proposed collection.

## **9. Gift or Payments**

OFCCP does not provide payments or gifts to respondents.

## **10. Confidentiality of Information**

Some of the information contractors submit to OFCCP through the CC-257 form may be considered business confidential information. OFCCP will treat all 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 in writing those contractors 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.

## **11. Questions of Sensitive Nature**

The proposed CC-257 form collects data on the gender, race, and ethnicity of construction trade employees. Contractors will only be required to provide aggregated work hour and employee data.

## **12. Information Collection Hour Burden**

The sections that follow outline the burden associated with this information collection. OFCCP bases its calculations on the 9,982 construction contractors subject to its regulatory requirements.<sup>62</sup>

OFCCP has made some minor updates to the burden estimate since the 60-day proposal, to reflect changes in certain rates since the 60-day proposal was published. OFCCP notes those changes below. OFCCP did not account for additional burden due to the changes to the report described in Section 8. Contractors already had an obligation to report on the non-apprenticed

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<sup>62</sup> This estimate is based on FY 2021-2023 USA Spending data on the average number of construction contractors with contracts greater than \$10,000. *See* USASpending data, available at [https://www.usaspending.gov/#/download\\_center/award\\_data\\_archive](https://www.usaspending.gov/#/download_center/award_data_archive).

laborers and helpers under the 60-day proposal. The new category just allows them to categorize those workers more accurately. The additional modifications are clarifying edits, and do not affect the burden.

### Recordkeeping Burden

To complete the CC-257, contractors must maintain records on the employment activity for their various projects (*i.e.*, employee count by trade, race/ethnicity data, and work hours). OFCCP estimates zero burden hours, as the recordkeeping burden associated this information is already covered in OFCCP’s construction information collection (OMB 1250-0001).

### Reporting Burden

Contractors would use the CC-257 to report on monthly work hours and employee counts for construction trade employees by race/ethnicity, gender, and classification. OFCCP estimates it would take 1.5 hours to identify the requested information and send the report to OFCCP. Therefore, OFCCP estimates this burden at **179,676 hours** (9,982 contractors x 1.5 hours x 12 monthly reports).

OFCCP estimates a total annual cost of **\$14,007,541** (179,676 hours x \$77.96<sup>63</sup>) associated with the requirements described above. This is an increase from the **\$13,675,140** included in the 60-day proposal, as the hourly wage rate estimate has increased since OFCCP published the 60-day proposal (\$77.96 vs. \$76.11).

### Respondents to Information Collection

Information Collection	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Response Time per Contractor
CC-257	9,982	12 <sup>64</sup>	119,784	1.5 hours

### 13. Information Collection Cost Burden (Capital, Start Up, and/or Operating Costs)<sup>65</sup>

<sup>63</sup> OFCCP obtains an average hourly rate of \$54.90 using a 60 percent and 40 percent split between Management Analyst (\$47.80 per hour) and Human Resource Manager (\$65.55 per hour) wages. See BLS, Employer Costs for Employee Compensation, <https://www.bls.gov/news.release/ecec.toc.htm>. In order to estimate the total monetized burden on contractors, OFCCP adds an additional 42 percent to the hourly rate to account for fringe benefits. Therefore, the hourly rate is calculated as follows: \$54.90 (wages) + \$54.90 x 42% (benefits) = \$77.96. See Bureau of Labor Statistics, Occupational Employment Statistics, Occupational Employment and Wages, May 2023, [https://www.bls.gov/oes/current/oes\\_nat.htm](https://www.bls.gov/oes/current/oes_nat.htm).

<sup>64</sup> As with the previous CC-257 collection, OFCCP is proposing monthly reporting for this collection.

<sup>65</sup> OFCCP did not account for additional capital and start-up costs, as contractors already maintain data on employee count and utilization as part of the recordkeeping requirements. OFCCP has accounted for those costs as part of its construction information collection. See OMB Control No. 1250-0001.

OFCCP estimates that contractors will have operational costs (e.g., printing/copying and mailing costs) associated with this collection. The following table breaks down the calculations for these costs:

<b>Activity</b>	<b>Estimated Copying/Printing Cost for Contractors</b>	<b>Estimated Mailing Cost for Contractors</b>	<b>Total Annual Cost for Copying/Printing and Mailing</b>
<b>Submission of CC-257 Forms</b> OFCCP estimates that approximately 10 percent of the 119,784 CC-257 forms (11,978 forms) will be mailed using the United States Postal Service.	OFCCP estimates an annual printing cost of \$15,092 (11,978 forms x 7 pages <sup>66</sup> x \$0.18 per page). <sup>67</sup>	OFCCP estimates an annual mailing cost of \$8,145 (11,978 forms x \$0.68 per mailing). <sup>68</sup>	OFCCP estimates a total annual cost of <b>\$23,237</b> (\$15,092 + \$8,145).
<b>Total</b>	<b>\$15,092</b>	<b>\$8,145</b>	<b>\$23,237</b>

This cost has decreased from the 60-day proposal (\$23,237 vs \$24,914) due to decreases in the estimated printing costs since we issued the 60-day proposal.

#### **14. Cost to the Federal Government**

OFCCP estimates the annual cost to the Federal Government as outlined in the table below:

<b>Activity</b>	<b>Estimated Federal Government Burden Hours</b>	<b>Estimated Federal Government Hourly Rate<sup>69</sup></b>	<b>Estimated Federal Government Cost Burden per Contractor</b>
<b>Reviewing CC-257 forms</b>	OFCCP staff on the GS scale will spend approximately 10 minutes (.17 hours)	Hourly rate based on Grade 12, Step 5, plus an additional 69% of wages for	Using an average hourly salary of \$68.31, the total estimated cost for

<sup>66</sup> OFCCP estimates that an average report will cover three SMSAs. This amounts to 7 pages per report.

<sup>67</sup> Based on the average cost at major printing/copying stores as of May 6, 2024.

<sup>68</sup> The estimated mailing cost is based on the standard cost for mailing USPS letters, found at <https://www.usps.com/business/prices.htm>.

<sup>69</sup> Hourly rates based on Federal worker general schedule rates. See “Salary Table 2024-GS Incorporating the 4.7% General Schedule Increase,” available at [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/GS\\_h.pdf.eeo-1](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/GS_h.pdf.eeo-1).

	reviewing each CC-257 form. OFCCP estimates to receive 119,784 CC-257 forms annually. Therefore, OFCCP estimates this burden at 20,363 hours (119,784 forms x .17 hours).	fringe benefit costs. \$40.42 x 1.69 = \$68.31.	this requirement is <b>\$1,390,997</b> (20,363 hours x \$68.31).
<b>Total Cost to Federal Government</b>	<b>20,363 hours</b>	<b>\$68.31</b>	<b>\$1,390,997</b>

### 15. Program Changes or Burden Adjustments

OFCCP is requesting OMB approval of 179,676 burden hours which is a decrease in the 419,000<sup>70</sup> burden hours from OMB's last approval in effect in 1995. This decrease is due to a lower number of monthly reports,<sup>71</sup> and other changes such as electronic submission of information.

### 16. Publication of Data

OFCCP does not currently have plans to publish the results. If the agency publishes the results in the future, it will publish aggregated data and will de-identify the data similar to the methodology used in the EEO-1 report, which is a joint data collection between OFCCP and EEOC.<sup>72</sup>

### 17. Approval Not to Display the Expiration Date

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.

## B. STATISTICAL METHODS

This information collection does not employ statistical methods.

<sup>70</sup> 60 FR 63061 (Dec. 8, 1995).

<sup>71</sup> The previous ICR required contractors to submit separate reports for each SMSA/EA. The proposed report requires one monthly report covering all SMSAs.

<sup>72</sup> See EEO-1 Report Supporting Statement discussion regarding publication of data at <https://www.reginfo.gov/public/do/DownloadDocument?objectID=137280001>.