

Agency:  
COMMITTEE FOR THE PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY  
DISABLED

Title of Information Collection:  
Disability Qualification Determination  
OMB Control Number, (If applicable)  
Justification – Part A Supporting Statement

Overview of Information Collection: Provide a brief overview of the information being collected, disclosed, or the recordkeeping requirement imposed by the agency.

The Committee for Purchase from People Who Are Blind or Severely Disabled (operating as the AbilityOne Commission) is an independent federal agency established by the Javits-Wagner-O'Day Act, 41 U.S.C. 8501 *et seq.* As such, the Commission oversees the AbilityOne Program, an employment program in which individuals who are blind or have significant disabilities provide products and services to Federal agencies, thereby creating employment opportunities. The Commission maintains a Procurement List of mandatory source products and services provided by approximately 450 qualified nonprofit agencies (NPAs). The individuals who are blind or have significant disabilities working on AbilityOne contracts are called “participating employees.”

The Commission carries the responsibility of ensuring that only eligible individuals with qualifying disabilities are counted by participating Nonprofit Agencies (NPAs) toward the NPAs’ statutorily mandated ratio that 75% of direct labor hours performed in a given year are performed by people who are either blind or significantly disabled. These individuals are referred to as Qualified Direct Labor Employees (QDLEs) in Commission Policy 51-403. The proposed ICR requires NPAs to certify certain information for each QDLE to ensure the individual meets AbilityOne criteria.

- Identify whether this is a request for approval of a New Collection, a Revision to an Existing Collection, an Extension, or a Reinstatement.
  - This ICR should be considered a reinstatement. It serves a similar function to our previous Individual Employee Eligibility (IEE) form, 3037-0012. That control number has expired. Moreover, this ICR will offer an electronic means of submission. It has further been altered to reflect the Commission’s streamlined path to eligibility set forth in Policy 51-403.
- If a form is not being used (i.e., no collection instrument accompanies this statement), list what information is being collected or disclosed, or the recordkeeping requirement imposed by the agency.
  - Not applicable as a form accompanies this collection.
- If this request is related to a previously approved collection, please summarize any existing changes to instruments (e.g., forms, questions, instructions), method of collection, burden estimates, or other material changes of importance that have occurred since the last approval/request and provide a redline mark up or a table to show the questions and/or other information that the agency has changed.
  - A redline version of the IEE as compared with the new form accompanies this statement. The changes are numerous and reflect the Commission’s updated 51-403 Policy, which is also attached. The Commission has streamlined the disability determination process. This includes, among other things, providing a direct line to

qualification based on certain existing governmental certifications. Additionally, this version of the form will only be completed once when an employee is onboarded, rather than annually, for individuals with permanent disabilities. For those with temporary disabilities, NPAs will only be required to complete the form once every seven years. This dramatically reduces the burden imposed by the annual form.

1. Need & Method for the Information Collection. Explain the circumstances that make the collection of information necessary.
  - Identify any legal or administrative requirements that necessitate the collection.
    - The Javits-Wagner-O'Day Act, specifically 41 U.S.C. 8501 and 8503;
    - Commission regulations, specifically 41 C.F.R. 51-4.3
    - Commission Policy, Specifically Policy 51-403
  - Provide the citation and a copy of the appropriate section of each statute / regulation mandating or authorizing the collection of information as a supplementary document.
    - See above for citations. Copies of all cited authorities included as attachments.
  - Explain what the statute/regulation requires. Is there a deadline? If so, explain how you will meet the deadline.
    - The JWOD requires that participating nonprofit agencies in the AbilityOne program employ people who are blind or have significant disabilities, and that those individuals (whether they work on an AbilityOne contract or on other contracts held by the nonprofit agency) , perform seventy-five percent of all direct labor hours expended on the contracts held by the NPA. Inherent in this requirement is a means of ensuring that employees counted toward the mandated seventy-five percent requirement are in fact blind or significantly disabled. Commission Policy 51-403 provides a framework for how to determine such disability eligibility. This form provides a vehicle for NPAs to submit that information verifying that only individuals with a qualifying disability are counted toward the seventy-five percent requirement. While no deadline exists within the statute or implementing regulations, the duty to maintain the integrity of the program is ongoing.
  - Describe how the information will be collected (e.g., written forms, telephone, online, electronically). Also, describe who will oversee the collection of information (e.g. independent evaluator, trained moderator, self-administered).
    - The information will be gathered electronically and overseen by the Director of Program Oversight in combination with our Central Nonprofit Agencies.
  - For each information collection that is electronically not “fillable,” “fillable,” and/or “submittable,” explain why.
    - The information collected will be in a fillable electronic format. Electronic format allows for all the information to be submitted in a timely manner and to be accessible to the Commission.
  - Consequences if collection is not conducted. Describe the consequence to a Federal program or policies if the collection is not conducted or is conducted less frequently, and describe any technical or legal obstacles to reducing burden.
    - The consequences of the collection not being conducted is that it would violate:
      - The Javits-Wagner-O'Day Act, specifically 41 U.S.C. 8501 and 8503, as the

Commission will be unable to verify that NPAs are meeting their statutory obligation to employ at least 75% blind or significantly disabled individuals for all direct labor hours performed in a given year;

- Commission regulations, specifically 41 C.F.R. 51-4.3 concerning program compliance;
- Commission Policy, Specifically Policy 51-403, which sets forth the means by which an NPA may show that an individual's work is eligible to be counted toward the NPA's overall direct labor hour ratio.

2. Use of the Information. Indicate how, by whom, and for what purpose the information is to be used (e.g., program administration, application for benefits or services, regulatory compliance, inform policy development).

○ The information will be used by the U.S. AbilityOne Commission to ensure regulatory compliance with applicable statutes, policies, and procedures.

- For program evaluations, research studies (including formative research), and surveys, describe the specific goals and purposes of the study as well as the specific research questions that the study will address. Describe whether this study will be used strictly as feedback for internal programmatic use only, or whether it will provide performance measures for Congress or OMB, inform policy, inform agency rulemaking, or be published as an agency report or a report to Congress. Include a discussion of the strengths and weaknesses of the proposed design and its suitability for the intended uses.

○ Not applicable, form is not for program evaluations or research studies.

- For an existing collection, describe the use (or principal uses if there are more than one) of the previously collected information, whether by the agency or by other entities.

○ Not applicable This is not an existing information collection request.

- Address whether this information be used by other Federal agencies or not. If so, for what purposes? Are there any privacy concerns related to this information sharing? If so, how have these been addressed?

○ In general, this information will not be used by other agencies. However, to the extent it is, the form does not seek to collect any personally identifiable information as that term is used by the Privacy Act, 5 U.S.C. 552a.

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

○ The collection of information will be by electronic means at most on an annual basis. The decision to use an electronic means of collection was made because it is the most efficient, least costly, most accessible, and most useful to the Commission for purposes of ensuring that NPAs are meeting the statutory requirements.

4. Non-duplication. Describe efforts to identify duplication.

- Describe the steps taken to ensure that this information is not collected elsewhere and that it could not be otherwise obtained. If the information has already been collected by your agency, another Federal agency, a component of State or local government, or other public or

private non-governmental entity, explain whether your agency could obtain the information from these sources.

- This form is replacing the previously used form to collect information from nonprofit agencies. The AbilityOne Commission is the only federal agency that has oversight of the AbilityOne program. Therefore, this collection will not duplicate any information being collected by other federal agencies.
  - Describe specifically why any similar information that is already available cannot be used or modified to be used for the purposes described.
    - There is no similar information available or reported to other agencies.
  - For program evaluations, surveys, and research studies, provide a brief review of literature on this topic and explain why the existing information is not sufficient to meet the current needs of the agency.
    - Not applicable, this form is not for program evaluation, survey or research studies
5. Burden on Small Business. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden. Did the agency consider any exemptions, alternate options, or partial or delayed compliance options for small businesses?
  - This form will be required at most once when an individual is onboarded and, for individuals with non-permanent disabilities, once again every 7 years. This significantly reduces the response burden required by the previous form, that required the NPA to complete this information annually for each employee counting towards the 75% direct labor ratio.
6. Less Frequent Collection. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.
  - If the information is collected less frequently, the AbilityOne program would not be able to determine an NPA's compliance with the federal statutes, regulations and policies.
7. Paperwork Reduction Act Guidelines. Explain any special circumstances that would cause an information collection to be conducted in a manner:
- Requiring respondents to report information to the agency more often than quarterly;
    - As noted above, the form must be submitted once upon an employee's onboarding into the Program. Thus, an NPA may well have to submit more than one form in a quarter if they onboard more than one employee in the same period. However, the NPA will never have to complete the form more than once in a quarter for the same employee.
  - Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
    - Not applicable
  - Requiring respondents to submit more than an original and two copies of any document;
    - Not applicable
  - Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
    - Not applicable

- In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
  - Not applicable
- Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
  - Not applicable
- That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
  - Not applicable
- Requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.
  - Not applicable

8. Consultation and Public Comments. Provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB.

- Date Published: 05/03/2024
- Page number: 36774
- Did the agency receive any comments in response to the required Federal Register notice?
  - Yes, 44 comments were received in response to the Federal Register notice.
- Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. If the agency declined to make changes in response to particular comments, explain why. Specifically address comments received on cost and hour burden. Address whether any of the instruments were changed and how.
  - Summarization of comments: I'd done this before sending it on for review. Wondering if I missed something? I've reviewed again, and they look consistent to me.
  - Comments were received from NPAs and CNAs and other stakeholders requesting form instructions, instructions for each individual section, and definitions to be made clearer. As well as changes to supports and accommodations listed. Additionally, commenters expressed concerns regarding potential confusion caused by introducing a new system and how that might work with legacy disability determinations. Commenters expressed concern that the form did not necessarily permit someone examining the form to discern how a significantly disabled individual is precluded from engaging in normal competitive employment. Notably, commenters recognized that this particular standard is out of line with current disability policy generally. Notwithstanding, the Commission has a duty to take care in its responsibilities to execute the JWOD Act, and determined that some determination of the extent of disability is necessary. Comments were received from one of the CNAs regarding the burden estimate being estimated at a lower number of responses, We reviewed the data and modified the calculations. Many commenters praised the Commission's move toward a streamlined process. Furthermore, commenters noted that the Commission's implementation of

presumptive disability qualification is responsive to recommendations made by the panel established by Section 898 of the National Defense Authorization Act for fiscal year 2017, Pub. L. 114-328, more often referred to as “the 898 Panel.”

- Actions taken: Instructions were refined for the form and each of the sections and definitions were elaborated and refined. Supports and accommodations were modified as requested. The form was further streamlined. A narrative section was added allowing the evaluator to state how often and why particular job supports are required, thus enabling someone reviewing the form to discern not only the nature, but also the extent of the individual’s disability. An FAQ resource is being provided to assist with frequently asked questions on the changes.
  - Describe efforts to consult with persons outside of the agency, including but not limited to soliciting views on the availability of data, the frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. This could include public meetings, outreach to stakeholders, review panels, and advisory committees.
    - The Agency engaged in numerous listening sessions with representatives of Nonprofit Agencies as well as representatives from our Central Nonprofit Agencies. The Commission incorporated the feedback received in those listening sessions into the final form.
  - Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.
    - Not applicable
9. Gifts or Payment. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.
- Is the agency proposing to provide any incentive (monetary or non-monetary) to potential respondents to obtain their information or to encourage respondents to provide the requested information?
    - No, the agency is not proposing any incentives to respondents.
  - If yes, explain why it is appropriate for the agency to provide the proposed incentive (and the proposed amounts) and why it is necessary to obtain information of sufficient quality for the intended purposes, including citations to past practices for this or similar Federally funded collections, and specific research to examine the effects of providing incentives for this or similar collections. Specify the amount of each proposed incentive and how the incentive will be provided to the respondent.
  - If the agency is proposing an experiment to examine the potential effects of incentives, describe the different experimental conditions, why they were chosen, and the minimum detectable effects between conditions.
    - Not applicable
10. Privacy & Confidentiality. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.
- Provide the exact language of any statement(s) that will be read or provided to respondents

that explain how their information will be handled and protected by the agency.

- Not applicable, no language is required because no PII is collected.
- If the agency is pledging to keep the information “confidential,” then provide the citation for the statute that the agency is using as the basis of its confidentiality pledge. Include the appropriate excerpt from the statute here or as a supplementary document. Note: if the statutory basis for assuring confidentiality does not exist, the term “confidentiality” cannot be used. Instead, the document should explain any procedures that will be in place to protect respondent data.
  - Not applicable, no language is used.
- If the Privacy Act applies, the agency should discuss how the data will be managed under the Privacy Act.
  - Privacy Act does not apply.
- Are respondents required to submit proprietary trade secrets, or other confidential information? Explain the procedures that the agency will implement to protect the information’s confidentiality to the extent permitted by law.
  - Not applicable, respondents are not required to submit proprietary trade secrets or other confidential information.
- Will the agency collect any personally identifiable information? In general, “personally identifiable information” refers to information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal information that can be linked to a specific individual.
  - Not Applicable. The agency is not collecting PII.
- Complete a privacy impact assessment in full compliance with 44 U.S.C. 3501 note § 208? If so, provide a link to the privacy impact assessment on the agency’s website or explain why the agency has determined that making the privacy impact assessment publicly available is not practicable (see 208(b)(1)(B)(iii)).
  - Not Applicable
- Collect any information that will be included in records that are subject to the Privacy Act of 1974 (5 U.S.C. § 552a)?
  - Not Applicable
- Include a Privacy Act statement on the instrument(s) that clearly informs the individual regarding (OMB Circular A-108):
  - the agency’s authority for the collection,
  - whether providing the information is voluntary or mandatory,
  - the principal purpose(s) for which the information will be used,
  - the routine uses which may be made of the information, and
  - any effects on the individual of not providing certain information.
    - Privacy act does not apply.
  - Provide the url link to the most recent version of the system of records notice (SORN) in the Federal Register and/or on the agency website. The agency should briefly describe how it has considered and addressed privacy issues pertaining to the collection. For example, explain how the agency is collecting only the minimum personally identifiable information that is necessary to accomplish a purpose required by statute, regulation, or executive order.
    - No SORN is needed.
- Will the agency use information technology to collect, maintain, or disseminate

information that is subject to the E-Government Act of 2002 (44 U.S.C. 3501 note)?

- The Agency will not use IT to collect or maintain. Rather, the CNAs will have that responsibility pursuant to a forthcoming data collection plan.

11. Sensitive Questions. Provide additional justification for any questions of a sensitive nature.

- Is the agency proposing any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, income, immigration status, or other matters that are commonly considered sensitive? (Note that the term “sensitive information” is distinct from the term “personally identifiable information,” although information may fall into both categories.)
  - The Agency is collecting information about individuals’ disability status, as well as job supports such individuals may need to work. The Agency’s enabling statute requires that such information be gathered because only individuals who are blind or have significant disabilities are eligible for the preferential hiring of the program. However, the form itself will not include any personal identifiers, but will simply have a Form Reference number.
- This justification should include the reasons why the agency considers the questions necessary and the specific uses to be made of the information.
  - The nature of the Agency’s enabling statute means it must necessarily obtain information about disability status to fulfill its statutory duties.
- Provide any instructions given to respondents as to why the agency is collecting the sensitive information, whether providing the information is voluntary or mandatory, and what consequences, if any, would result if respondents decide not to answer.
  - Respondents understand that they are participants in the AbilityOne Program, and as such, they are required to show that at least 75% of the direct labor hours performed by their employees are performed by individuals who are blind or significantly disabled. The result of refusing to answer these questions is that the NPA will be unable to qualify to participate in the Program.
- Explain what steps, if any, the agency is taking to obtain the consent of the respondents when collecting this information.
  - Not Applicable

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

- Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.
- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included



here. Instead, this cost should be included under ‘Annual Cost to Federal Government’.

Explain the reason for any changes to the burden and fill out the tables below (\*or another table that explains the changes, as appropriate). These could involve one of the following.

- **Changes Due to Adjustment in Agency Estimate:** An “adjustment” to a burden estimate is made for two purposes: (1) when more (or fewer) individuals or entities respond to an information collection as a result of factors outside an agency’s control (e.g., the number of respondents to a collection can increase or decrease due to changes in demographics or in the level of economic activity), or (2) when an agency re-estimates the amount of burden that a collection imposes (e.g., the agency develops an improved methodology for estimating the burden that a collection imposes). In either situation, the agency has not made any change to the collection itself, and thus there has is simply an adjustment to a previously approved burden estimate.
- **Program Change Due to New Statute:** These changes in burden occur when new laws are enacted, or regulations are promulgated that require agencies to collect new information. Please provide the title, and a brief description of the statute, along with the information collection requirement that the statute is imposing.
- **Program Change Due to Agency Discretion:** These occur when agencies make a decision to increase (or decrease) the burden that a collection imposes on the public (e.g., by reducing the number of questions on a survey), or when establishing a new collection, that is not explicitly required by law.
- **Change Due to Lapse in OMB Approval:** These changes in burden occur when OMB’s approval of a collection expires without an agency discontinuing or renewing them (which results in a burden decrease), or when an expired collection is reinstated (which results in a burden increase). If, for example, a collection expires in one year, overall burden during that year decreases by the burden total associated with the collection. If the collection is reinstated in the subsequent year, overall burden during that subsequent year increases by the amount of the collection
  - The Agency revised its burden estimate from the sixty-day notice in response to commenters’ note that the Agency initially calculated the total number of employees as those working on AbilityOne contracts. In actuality, the number should reflect the total number of blind or significantly disabled employees performing direct labor on AbilityOne contracts as well as any other contracts held by the NPA.

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses for this IC	62798					
Annual IC Time	31,399					

Burden (Hour)						
Annual IC Cost Burden (Dollars)	\$969,601.12					

Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

- **Reporting:** Requests for information for transmission to the Federal government, such as grant application forms, written report forms, telephone surveys, and electronic data collections.
- **Recordkeeping:** Requirements, which may involve compilation and maintenance of records, either alone or in conjunction with the reporting of information to the agency and/or some other person.
- **Third-party or public disclosure:** Requirements which may involve a requirement to disclose information to other members of the public directly or through publication in media such as newspapers or magazines, or to post the information on labels.

Burden per Response:

	Time Per Response	Hours	Cost Per Response
Reporting	0	0	0
Record Keeping	0	0	0
Third Party Disclosure	0	0	0
Total	0	0	0

Annual Burden:

	Annual Time Burden (Hours)	Annual Cost Burden (Dollars)
Reporting	0	0
Record Keeping	0	0
Third Party Disclosure	0	0
Total	0	0

13. **Estimated nonrecurring costs.** Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and

technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- No cost associated

- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- No cost associated

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

- No cost associated

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

- No cost to the Government

15. Reasons for changes. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

- Non applicable

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

- Not applicable.

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

- Not applicable.

18. Exceptions to "Certification for Paperwork Reduction Submissions." Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

- Not applicable.

19. Surveys, Censuses, and Other Collections that Employ Statistical Methods. If this request includes surveys or censuses or uses statistical methods (such as sampling, imputation, or other statistical estimation techniques), a Part B supporting statement must be completed.

- Not applicable