

**Non-substantive Change Request**

**OMB Control Number 1250-0002**

**Complaint Involving Employment Discrimination by a Federal Contractor or Subcontractor**

**Date Submitted: March 4, 2025**

**Summary of Request:** The Office of Federal Contract Compliance Programs (OFCCP) is requesting approval of a nonmaterial/nonsubstantive change to revise questions on its Complaint of Employment Discrimination Involving a Federal Contractor or Subcontractor form (CC-4) and its Pre-Complaint Inquiry for Employment Discrimination Involving a Federal Contractor or Subcontractor form (CC-390) to align with Executive Order 14173 *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* (E.O. 14173), which revoked Executive Order 11246, as amended (E.O. 11246).

At the time this information collection was last approved, OFCCP enforced E.O. 11246; Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793 (Section 503); and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212 (VEVRAA). E.O. 11246 prohibited Federal contractors and subcontractors from discriminating in employment based on race, color, religion, sex, sexual orientation, gender identity, and national origin. It also prohibited Federal contractors and subcontractors from taking adverse employment actions against applicants or employees because they inquired about, discussed, or disclosed information about their pay or the pay of their co-workers, subject to certain limitations. Section 503 and VEVRAA prohibit Federal contractors and subcontractors from discriminating in employment based on disability and protected veteran status, respectively.

On January 21, 2025, President Trump issued E.O. 14173, which revoked E.O. 11246. The requirements under Section 503 and VEVRAA are statutory and remain in effect. Therefore, applicants and employees of Federal contractors and subcontractors, authorized representatives, or third parties may file complaints of employment discrimination with OFCCP pursuant to Section 503 or VEVRAA but may no longer file complaints with OFCCP pursuant to E.O. 11246. OFCCP is revising the information collection to remove items related to E.O. 11246.

**Description of Changes Requested:** The revisions to the forms are limited to those necessary for the agency to comply with E.O. 14173.

Revision of an existing question(s)

Deletion of an existing question(s)

Specific changes are outlined in Table A below.

**Description of Changes to Burden (if applicable):**

OFCCP does not anticipate changes in the burden due to these revisions.<sup>1</sup> The burden estimate remains as follows:

	Total Responses	Total Hours
Pre-Complaint Inquiry Form (CC-390)	1618	405 (.25 hours per response)
Complaint Form (CC-4)	100	100 (1 hour per response)
<b>Total Burden Hours</b>	<b>1718</b>	<b>505</b>

**Other Considerations:** Once approved, OFCCP plans to implement the changes identified in Table A, below, on the alternate language forms. The alternate language forms were approved as a nonsubstantive change on September 30, 2023.

**Table A: Description of Changes**

<sup>1</sup> OFCCP is not estimating a change in the number of respondents, as the E.O. 11246 complaints the agency previously received typically included a Section 503/VEVRAA allegation. The information respondents must include on the forms is also comparable, as they will continue to provide information such as the name of the contractor and the alleged basis of discrimination (*i.e.*, disability or protected veteran status).

Form	Type of Change	Question/Item	Requested Change
Pre-Complaint Inquiry for Employment Discrimination Involving a Federal Contractor or Subcontractor	Instruction Revision	Instructions	Remove language related to E.O. 11246 bases (race, national origin, color, religion, sex (including pregnancy), sexual orientation, gender identity, discussing pay, inquiring about pay, and disclosing pay)
Pre-Complaint Inquiry for Employment Discrimination Involving a Federal Contractor or Subcontractor	Question Revision	On what basis do you believe the employer discriminated against you?	Remove language related to E.O. 11246 bases (race, national origin, color, religion, sex (including pregnancy), sexual orientation, gender identity, discussing pay, inquiring about pay, and disclosing pay)
Pre-Complaint Inquiry for Employment Discrimination Involving a Federal Contractor or Subcontractor	Question Revision	What employment practice do you believe was discriminatory?	Remove language related to E.O. 11246 bases (language on religious belief, observance, or practice)
Pre-Complaint Inquiry for Employment Discrimination Involving a Federal Contractor or Subcontractor	Privacy Act Statement Revision	Privacy Act Statement	Remove references to Title VII of the Civil Rights Act of 1964, as OFCCP will no longer investigate allegations that are dual-filed under E.O. 11246 and Title VII.
Pre-Complaint Inquiry	Instructions and	Instructions;	For clarification,

for Employment Discrimination Involving a Federal Contractor or Subcontractor	Questions	Various questions referencing retaliation	replaced references to retaliation with language on intimidation and interference, as provided in 41 CFR 60-300.69 and 41 CFR 60-741.69
Complaint of Employment Discrimination Involving a Federal Contractor or Subcontractor	Instruction Revision	Instructions	Remove language related to E.O. 11246 bases (race, national origin, color, religion, sex (including pregnancy), sexual orientation, gender identity, discussing pay, inquiring about pay, and disclosing pay)
Complaint of Employment Discrimination Involving a Federal Contractor or Subcontractor	Question Revision	On what basis do you believe the employer discriminated against you?	Remove language related to E.O. 11246 bases (race, national origin, color, religion, sex (including pregnancy), sexual orientation, gender identity, discussing pay, inquiring about pay, and disclosing pay)
Complaint of Employment Discrimination Involving a Federal Contractor or Subcontractor	Question Revision	Tell us what happened	Remove language related to E.O. 11246 bases (race, national origin, color, religion, sex (including pregnancy), sexual orientation, gender identity, discussing pay, inquiring about pay, and disclosing pay)
Complaint of Employment Discrimination Involving a Federal	Privacy Act Statement Revision	Privacy Act Statement	Remove references to Title VII of the Civil Rights Act of 1964, as OFCCP will no longer

Contractor or Subcontractor			investigate allegations that are dual-filed under E.O. 11246 and Title VII.
Complaint of Employment Discrimination Involving a Federal Contractor or Subcontractor	Instructions and Questions	Instructions; Various questions referencing retaliation	For clarification, replaced references to retaliation with language on intimidation and interference, as provided in 41 CFR 60-300.69 and 41 CFR 60-741.69