



July 2, 2025

Jeffrey Clark
Acting Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street N.W.
Washington, DC 20503

Dear Mr. Clark:

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) is proposing revisions to the information collection for its complaint program (Office of Management and Budget (OMB) Control Number 1250-0002). OFCCP is requesting that OMB process this request as an emergency clearance request in accordance with the procedures outlined at 5 CFR 1320.13, Emergency Processing.

I have determined that this information must be collected prior to the time periods established under Part 1320 of the Paperwork Reduction Act (PRA) and that this information is essential to the mission of OFCCP. Specifically, at the time this information collection was last approved, OFCCP enforced Executive Order 11246, as amended (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, and other protected bases. 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. Section 503(b) provides that individuals with disabilities who believe that a Federal contractor has failed or refused to comply with the provisions of a contract with the United States relating to the employment of an individual with a disability may file a complaint with the Department of Labor. 29 U.S.C. 793(b). That Section also provides that the "Department shall promptly investigate such complaint and shall take action thereon as the facts and circumstances warrant..." The information which the Department seeks to collect supports these responsibilities.

Similarly, VEVRAA provides that covered veterans who believe that a Federal contractor has failed or refused to comply with the provisions of a contract with the United States relating to the employment of veterans may file a complaint with the Department of Labor. 38 USC 4212(b). That Section also provides that the "Department shall promptly investigate such complaint and take appropriate action in accordance with the terms of the contract and applicable laws and

regulations.” The information which the Department seeks to collect supports these responsibilities as well.

Prior to January 21, 2025, OFCCP used a pre-complaint inquiry form and complaint form that covered E.O. 11246, Section 503 and VEVRAA. On January 21, 2025, President Trump issued E.O. 14173, which revoked E.O. 11246. Consequently, in compliance with E.O. 14173, OFCCP seeks to revise the pre-complaint inquiry and complaint forms to remove items related to E.O. 11246 while leaving those parts relevant to Section 503 and VEVRAA intact. On January 24, 2025, then Acting Secretary of Labor Vincent N. Micone III, issued Secretary’s Order 03-2025 directing OFCCP to cease enforcement of E.O. 11246 activities and to hold in abeyance all action relating to Section 503 and VEVRAA pending further guidance. OFCCP’s operations were previously structured such that all three program areas were intertwined in internal guidance and documents; public data collections, guidance, and documents; and enforcement activities such as compliance reviews and complaint investigations. The brief abeyance is necessary to allow OFCCP to unwind its VEVRAA and Section 503 program areas from the E.O. 11246 program areas and ensure it is not undertaking any E.O. 11246 activity for which it no longer has authority—including the complaint form which is the subject of this letter.

Because E.O. 11246, Section 503, and VEVRAA all share the same form, during the abeyance the Department has not been able to process any pre-complaint or complaint forms even for Section 503 and VEVRAA. Approval of this emergency request will allow revised forms to be available immediately for use in filing complaints of employment discrimination pursuant to Section 503 or VEVRAA without including the E.O. 11246 bases for which OFCCP no longer has authority to take complaints. The Secretary of Labor will then be able to issue further guidance that will allow OFCCP to immediately commence complying with the Department of Labor’s statutory obligations under Section 503 and VEVRAA.

Because, as discussed above, Section 503 and VEVRAA are statutory and remain in effect, the Department of Labor remains responsible for acting “promptly” with regard to those matters. In light of this immediate and continuing need to stand ready to comply with its statutory obligations and not undertake action for which it has no authority, OFCCP cannot reasonably comply with the normal clearance procedures under the PRA, as the agency needs the revised forms to be immediately available to parties who are interested in filing complaints of employment discrimination pursuant to Section 503 or VEVRAA.

Approval of this emergency request is warranted under the criteria set forth at 5 CFR 1320.13(a)(2). First, an unanticipated change to OFCCP’s scope of authority has occurred since the last approval, and when the Section 503 and VEVRAA abeyance is lifted, potential confusion could result from people about what protections are available to them from OFCCP given that OFCCP currently only has VEVRAA and Section 503 authority but the complaint form still includes the E.O. 11246 bases. Currently, the complaint form is facially non-compliant with OFCCP’s current scope of authority and E.O. 14173 as OFCCP has no E.O. 11246 authority. Public harm could result from persons subject to alleged discrimination erroneously submitting a complaint to the wrong investigating agency based on an incorrect belief that OFCCP has authority to act on complaints filed pursuant to E.O. 11246. Second, the use of the normal PRA process will delay implementation of E.O. 14173 and potentially the Secretary’s decision to lift

the abeyance if OFCCP's E.O. 11246 activity has not been sufficiently unwound from its Section 503 and VEVRAA authority, disrupting the agency's statutory requirement to promptly investigate complaints pursuant to VEVRAA and Section 503. The existing form also requires additional analysis in order to ensure OFCCP does not undertake action it does not have authority to undertake resulting in further delay in processing VEVRAA and Section 503 complaints once the abeyance lifts. Contemporaneously with this emergency request, OFCCP will be publishing a 60-day *Federal Register* notice seeking comments from the public.

Please provide an approval/disapproval determination of this request under an emergency clearance by July 2, 2025.

Respectfully,

A handwritten signature in blue ink, reading "Catherine Eschbach". The signature is fluid and cursive, with the first name "Catherine" and last name "Eschbach" clearly legible.

Catherine Eschbach
Director, OFCCP