

**U.S. Department of Labor
Office of Federal Contract Compliance Programs**

**Supporting Statement for the
“Complaint Involving Employment Discrimination by a Federal Contractor or
Subcontractor” Information Collection**

OMB Control Number 1250-0002

A. JUSTIFICATION

The Office of Federal Contract Compliance Programs (OFCCP) is proposing revisions to the information collection for its complaint program (Office of Management and Budget Control Number 1250-0002). OFCCP administers and enforces 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). Prior to January 21, 2025, OFCCP also enforced Executive Order 11246, as amended (E.O. 11246), which 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 against qualified individuals with disabilities and qualified covered veterans, 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, 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.

Following the revocation of E.O. 11246, OFCCP sought emergency approval from the Office of Management and Budget (OMB) to remove the items related to E.O. 11246 from its pre-complaint inquiry (CC-390) and complaint (CC-4) forms.¹ OMB approved OFCCP’s request on July 2, 2025.² OFCCP also published a 60-day *Federal Register* notice seeking comments from the public on the updated forms and information collection. OFCCP responds to the public comments in Section 8 below.

¹ See emergency request at https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202507-1250-001#section5_anchor (approved July 2, 2025).

² *Id.*

1. Legal and Administrative Requirements

Section 503 prohibits employment discrimination against qualified individuals who are applicants and employees based on disability and requires contractors to take steps to employ, advance in employment, and otherwise treat qualified individuals without discrimination based on disabilities. Its basic coverage requirements apply to contractors with a federal contract of more than \$20,000.³

Under VEVRAA, as applied by regulation, a business with a federal contract of \$200,000⁴ or more is required to treat qualified individuals without discrimination based on their status as a protected veteran in all employment practices. Covered contractors are also required to take affirmative action to employ and advance in employment qualified protected veterans.

Consistent with the Administrative Procedure Act, OFCCP promulgated regulations implementing these programs under title 41 of the Code of Federal Regulations (CFR) in chapter 60.⁵

2. Use of Collected Materials

Applicants and employees of contractors, authorized representatives, or third parties may file complaints of employment discrimination with OFCCP pursuant to Section 503 and VEVRAA. As the agency responsible for administering these statutes, OFCCP has an obligation to promptly investigate Section 503 and VEVRAA complaints. *See* 29 U.S.C. § 793(b); 38 U.S.C. § 4212(b). To better facilitate prompt investigations, OFCCP implemented form CC-390. With the CC-390 form, parties interested in filing a complaint provide basic information on the employer and their allegations and OFCCP uses the information to determine whether it has jurisdiction over the matter prior to a formal complaint being filed. Complainants who do not wish to utilize the pre-complaint process continue to have the right to directly file a formal complaint using the CC-4 form. OFCCP also advises complainants who are close to the complaint filing deadline (within 60 days) to directly file a complaint.

³ Effective October 1, 2025, the coverage threshold under Section 503 increased from \$15,000 to \$20,000, in accordance with the inflationary adjustment requirements in 41 U.S.C. 1908. *See* Federal Acquisition Regulation; Inflation Adjustment of Acquisition-Related Thresholds, 90 FR 41872 (Aug. 27, 2025).

⁴ Effective October 1, 2025, the coverage threshold under VEVRAA increased from \$150,000 to \$200,000, in accordance with the inflationary adjustment requirements in 41 U.S.C. 1908. *See* Federal Acquisition Regulation; Inflation Adjustment of Acquisition-Related Thresholds, 90 FR 41872 (Aug. 27, 2025).

⁵ The regulations are accessible at <https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60>.

Below are the changes OFCCP proposed to the forms (compared to the forms OMB approved in 2023):

Form	Type of Change	Question/Item	Requested Change
1. Pre-Complaint Inquiry for Employment Discrimination Involving a Federal Contractor or Subcontractor (CC-390)	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)
	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)
	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)

	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
	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
2. Complaint of Employment Discrimination Involving a Federal Contractor or Subcontractor (CC-4)	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)
	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)
	Question	Tell us what	Remove language related to E.O. 11246 bases (race,

	Revision	happened	national origin, color, religion, sex (including pregnancy), sexual orientation, gender identity, discussing pay, inquiring about pay, and disclosing pay)
	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
	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

In this 30-day proposal, OFCCP has updated the contact information for submitting the pre-complaint inquiry and complaint forms, as that information has changed since the 60-day notice. On both forms, OFCCP also made minor language changes for clarity.⁶ OFCCP has included the updated forms as supporting documents to the 30-day notice proposal. All other information on the forms remains the same compared to the 60-day proposal.

3. Use of Information Technology

According to the Government Paperwork Elimination Act (GPEA, P.L. 105-277, 1998), by October 2003, Government agencies must generally provide the option of using and accepting electronic documents and signatures, and electronic recordkeeping, where practicable. OFCCP fulfills its GPEA requirements by permitting individuals to utilize electronic submission for pre-complaint inquiries and complaints. OFCCP encourages electronic submission and estimates that approximately 95 percent of submissions are electronic while the other 5 percent are submitted

⁶Specifically, OFCCP updated form language describing protected activities that may fall under Section 503 or VEVRAA. E.g.: “Other action covered by 41 CFR 60-300.69 and 41 CFR 60-741.69” updated to “Other action covered by 41 CFR 60-300.69 or 41 CFR 60-741.69.”

by mail. The forms will be offered in hard copy for those who need to submit via mail, but electronic submission is the preferred method of providing this information.

4. Description of Efforts to Identify Duplication

Some fields, such as the name and contact information of the person completing the form and the name and contact information of the employer, appear on both the pre-complaint inquiry form and the complaint form. Requesting this information again on the complaint form is necessary because OFCCP's regulations require this information to be included on the formal complaint that is filed with the agency and shared with the contractor.⁷ Further, requesting this information again at the complaint stage is necessary to ensure that the information has not changed since the submission of the pre-complaint inquiry.

5. Impact on Small Businesses

OFCCP complaints are not filed by business entities but by non-business entities such as applicants and employees of contractors, authorized representatives, or third parties. Therefore, this information collection does not have a significant economic impact on a substantial number of small entities.

6. Consequences of a Less Frequent Collection

There is no schedule for the collection of this information. Nonetheless, if OFCCP did not collect this information, there would be a detrimental impact on its ability to carry out its mission and meet the statutory requirement to investigate Section 503 and VEVRAA complaints. *See* 29 U.S.C. § 793(b); 38 U.S.C. § 4212(b).

7. Special Circumstances

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

8. Consultation Outside the Agency

OFCCP has a help desk that receives inquiries from the public about filing complaints and the agency's complaint program. OFCCP uses this information to help inform the information collection. On July 7, 2025, OFCCP also published a 60-day notice in the *Federal Register* seeking public comments on the information collection and the proposed changes (90 FR 30706).

⁷ *See* 41 CFR 60-300.61(b) and 41 CFR 60-741.61(c).

OFCCP received four comments in response to the proposal.⁸ One of the comments was unrelated to this information collection.⁹ The additional comments are addressed below.

One of the commenters, an individual, did not comment on the proposed changes, but described the importance of collecting complaint information. The commenter specifically noted how the collection would help prevent unlawful discrimination against protected veterans and their families.¹⁰ Another commenter, an individual, urged the Department to keep its VEVRAA, Section 503, and E.O. 11246 programs, asserting that these programs benefit everyone and create a more respectful workplace. Another commenter, a public policy research group, asserted that the President's revocation of E.O. 11246 will make lesbian, gay, bisexual and transgender individuals more vulnerable to workplace discrimination, and urged OFCCP to continue to cover sexual orientation, gender identity, and the other E.O. 11246 bases on its complaint forms.¹¹

In response, OFCCP notes that the pre-complaint inquiry and complaint forms will continue to cover the VEVRAA and Section 503 bases, as these authorities are statutory and remain in effect. However, with the revocation of the underlying E.O. 11246 authority, the agency no longer has the legal authority to continue to collect E.O. 11246 information. As such, OFCCP's proposal continues to remove the E.O. 11246 elements from the forms.

9. Gifts or Payments

OFCCP does not provide gifts or payments to respondents.

10. Confidentiality of Information

Some of the information contractors submit to OFCCP during a complaint investigation may be considered confidential commercial information. OFCCP will treat records provided by the contractor as confidential to the maximum extent the information is exempt from public disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. OFCCP will evaluate all information requests pursuant to the public inspection and disclosure provisions of FOIA and DOL's implementing regulations at 29 CFR part 70.

OFCCP safeguards and protects personally identifiable information it receives to the maximum extent allowable under the law in accordance with the Privacy Act of 1974, as amended (5 U.S.C. § 552a). Both the pre-complaint inquiry form and the complaint form contain a Privacy

⁸ Two of the six submissions were duplicate comments.

⁹ The commenter stated, "Pls [sic] deport me."

¹⁰ For example, the VEVRAA regulations make it unlawful for a federal contractor to discriminate in employment on the basis of veteran status against a qualified individual who the contractor knows to be the family member of a protected veteran. This protection extends not only to family, but also to other individuals that the contractor knows has a business, social or other relationship or association with a protected veteran. *See* 41 CFR 60-300.21(e).

¹¹ The commenter also disagreed with OFCCP's proposed rule for rescinding the E.O. 11246 implementing regulations. *See* 90 FR 28472 (July 1, 2025). Comments on the proposed rule are outside the scope of this information collection request and will be addressed in that rulemaking.

Act disclosure statement to inform the person or organization providing the information of OFCCP's authority to collect the information, the purpose of the information collection and how OFCCP will use it, to whom OFCCP may disclose the information outside of the agency and for what purpose, and that providing the information is voluntary and the possible consequences of not providing the information.

11. Questions of a Sensitive Nature

Although the pre-complaint inquiry form and the complaint form do not specifically request sensitive or protected information, the person completing the form may disclose such information when describing the circumstances that led to submitting the inquiry or to filing the complaint. As noted above, a Privacy Act disclosure statement is included on both forms.

12. Information Collection Hour Burden

OFCCP does not anticipate changes in the time burden due to these revisions.¹² The time 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)
Total Burden Hours	1718	505

13. Information Collection Cost Burden

Based on FY 2025 submissions, OFCCP estimates that approximately 95 percent of pre-complaint inquiries and complaints are submitted electronically while the other 5 percent are submitted by mail.

The cost per pre-complaint inquiry is estimated at \$12.56 (\$0.66 for copying three pages¹³ + \$11.90 for mailing¹⁴). OFCCP estimates the cost of mailing 81 pre-complaint inquiries (1,618 total x .05 mailed = 81 mailed pre-complaint inquiries) to be \$1,017.36 (81 pre-complaint inquiries x \$12.56).

¹² 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).

¹³ Based on the average copying cost at major paper supply stores as of November 1, 2025.

¹⁴ Based on the price of Priority Mail flat rate envelope, <https://www.usps.com/ship/mail-shipping-services.htm> (last accessed Nov. 17, 2025).

The cost per complaint is estimated at \$12.78 (\$0.88 for copying four pages + \$11.90 for mailing). OFCCP estimates the cost of mailing 5 complaints (100 total x .05 mailed = 5 mailed complaints) to be \$63.90 (5 complaints x \$12.78).

The total cost for the pre-complaint inquiries and complaints submitted by mail is **\$1,081.26** (\$1,017.36 for pre-complaint inquiries + \$63.90 for complaints).¹⁵

14. Cost to the Federal Government

OFCCP estimates the burden for processing the pre-complaint inquiry form at 1.25 hours per submission. This estimate includes: 1 hour for administrative staff to determine whether the inquiry is timely, meets jurisdiction, and whether it should be referred or closed and 0.25 hours for a manager to sign off on the disposition.

Grade/ Step	Wage Rate ¹⁶	Time (hours)	Total (wage rate x hours)
6/4	\$29.35	1	\$29.35
14/4	\$81.30	0.25	\$20.33
Cumulative labor cost per pre-complaint inquiry			\$49.68

OFCCP estimates the burden for processing the complaints received at 2 hours per submission. This estimate includes: 1 hour for administrative staff to interview the individual to confirm allegations; 0.75 hours for an employee to prepare correspondence about accepting the complaint and assigning it to a field office, and 0.25 hours for a manager to review and sign the documents.

Grade/ Step	Wage Rate ¹⁷	Time (hours)	Total (wage rate x hours)
6/4	\$29.35	1	\$29.35
13/4	\$68.80	0.75	\$51.60

¹⁵ This estimate is lower than the \$1,797 included in the 60-day notice as the 30-day proposal is using updated FY 2025 estimates for the percentage of mailed complaints. The average mailing and copying rates have also changed since the 60-day notice.

¹⁶ Average hourly rates are from the Office of Personnel Management (OPM) 2025 General Schedule Salary Table and including 45% for fringe benefits, https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2025/GS_h.pdf (last accessed November 18, 2025).

¹⁷ Id.

14/4	\$81.30	0.25	\$20.33
Cumulative labor cost per complaint			\$101.28

The cost to OFCCP for processing pre-complaint inquiries is estimated at \$80,382 (1,618 pre-complaint inquiries x \$49.68). The cost to OFCCP for processing complaints is \$10,128 (100 complaints x \$101.28). The total cost to OFCCP is \$90,510.

15. Program Changes or Burden Adjustments

Changes in burden and costs from OMB's current approval are reported in the tables below.

Activity	Currently Approved Hours	Requested Change	Explanation
Pre-Complaint Inquiry Form	405	None	Unchanged from last approval
Complaint Form	100	None	Unchanged from last approval
Total Reporting Burden	505	None	Unchanged

Summary of Costs	Currently Approved Cost Dollars	Requested Change	Explanation
Total Estimated Annual Costs	\$1,744	Decrease of \$663 (now \$1,081)	The decrease is due to changes in the estimated percentage of electronic versus mailed complaint/pre-complaint inquiry submissions.
Costs to OFCCP	\$84,991	Increase of \$5,519 (to \$90,510)	The increase is due to changes in the GS salary rates since the last approval.

16. Publication of Data for Statistical Use

OFCCP will not publish the data collected on the pre-complaint inquiry form or complaint form.

17. Approval Not to Display the Expiration Date

The agency will display the expiration date of this collection.

18. Exception to the Certification Statement

OFCCP is not seeking exceptions to the certification statement in this information request.

B. STATISTICAL METHODS

This information collection does not use statistical methods.