

## Response to Proposed Elimination of CC-305

I am opposed to the proposed elimination of CC-305. My perspective is shaped by over four decades of experience in affirmative action compliance.

My background includes over 13 years of experience writing Affirmative Action Programs for McDonnell Douglas, before it was Boeing, and for Bunge Corporation. It also includes 33 years of writing Affirmative Action Programs for 100 companies of all sizes from Vermont to Hawaii, and all industries including: architecture, banking, bottling, coal, construction, electric, graphics, healthcare, food processing, information technology, manufacturing, and steel.

I submitted comments to the earlier proposal, so **I will try to respond directly to the three desired focus areas of this NPRM.**

**Q1.** Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility.

**A1.** The collection of information is absolutely necessary for the proper performance of the OFCCP. The information which is collected on CC-305 is used to measure the effectiveness of employers 503 affirmative action programs. The OFCCP was unable to measure the effectiveness of employers 503 plans before 2014. I clearly remember what compliance looked like before the 2014 data metrics were implemented. Back then, OFCCP audits focused on just two questions:

1. Is your employment office accessible to individuals with mobility impairments?
2. Has anyone requested an accommodation that was denied?

That was it. Those were the only issues that mattered because they were the only ones the auditors asked about.

The self-identification forms and the resulting data metrics were game changers! Since 2014, the mantra has been: *"What gets measured gets done."* And it worked. Partnerships formed, individuals with disabilities were hired, and lives were changed for people with disabilities and their co-workers. These initiatives improved productivity, boosted morale, gained management buy-in, and positively impacted the bottom line. Training and awareness increased. Nonprofit capacity grew. In short, real change happened. So, yes, it had practical utility for federal contractors.

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**Q2.** Evaluate the accuracy of OFCCP's estimate of the burden related to the information collection, including the validity of the methodology and assumptions used in the estimate.

**A2.** In its supporting statement for OMB Control Number 1250-0005 (Section 503), OFCCP estimated a total annual burden of 4,426,841 hours for recordkeeping, reporting, and third-party disclosure associated with the self-identification and other record-keeping requirements. That estimate was broken out, for example, into:

- 3,992,392 hours of third-party disclosure burden (applicants completing the self-identification form, employees doing a 5-minute survey every five years).
- 434,449 hours of recordkeeping burden (maintaining forms, doing utilization analyses, etc.).

In a more recent renewal notice (November 2022), OFCCP estimated for this collection: 3,650,074 burden hours (for respondents: 97,271 contractor establishments; 35,017,560 applicants; 5,166,988 employees) under the same OMB Control Number.

**It's impossible for me to follow the math in OMB's estimates. Since much of this is already automated, it would actually be a burden to undo those data fields in the ATS and HRIS.**

My observation is that it takes applicants and hires one minute to complete CC-305. Since these forms are maintained in electronic systems, there is no time involved. It takes time to do the resurvey every 5 years, but even that has become automated, and many employers resurvey every year or every other year. So, the time involved is from the standpoint of: how are we rolling this out, how do we educate employees around the topic of disability inclusion, and how do we maintain this data in the HRIS? These are project management hours and fluctuate for each contractor. Running the reports for the utilization analyses may take a 2-4 hours. And preparing the 503 data metrics can take 8-16 hours annually per plan. **And while that may seem like a burden to some, it is time well spent in order to have the tools required to measure the results. My clients want to keep CC-305.**

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- Q3:** Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and Minimize the burden of the information collection on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.
- A3:** We're already there. I'm old enough to remember the NILG conference where the OFCCP was insisting on paper copies of CC-305 and were literally laughed at by the federal contractors. As the technology continues to improve, so do the collection processes even for folks who work in coal mines and slaughter plants. Employers already duplicate the form electronically, distribute it electronically, and get the responses electronically. The OFCCP has already accepted this process during 503 audits. And many contractors have implemented self-directed updates by employees, similar to updating an address or emergency contact.

**In Closing:**

I understand this administration's desire to cut regulations but these are not burdensome. These regulations are working. Eliminating these self-identification forms would actually cost companies money in reprogramming their ATS and HRIS and leave employers scrambling to try to measure the success of their outreach. And that would leave people with disabilities behind—again.

We've come too far to go backward.

Sincerely,

**Judy Julius**

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