



November 9, 2018

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Office of Federal Contract Compliance Programs,
200 Constitution Avenue NW,
Room C-3325,
Washington, DC 20210.

Docket ID: OFCCP-2018-0001 - Agency Information Collection Activities; Proposals, Submissions, and Approvals

On behalf of the Consortium for Citizens with Disabilities (CCD) Employment and Training, Rights and Veterans Task Forces, we submit the following comments concerning your proposal to obtain approval from the Office of Management and Budget (OMB) to renew the information collection that implements standard procedures for supply and service contractors seeking approval to develop affirmative action programs under Executive Order 11246, Section 503 of the Rehabilitation Act of 1973 (Section 503), and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), based on functional or business units. CCD is a coalition of national disability organizations working for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Section 503 and VEVRAA prohibit employment discrimination based on disability or status as a protected veteran, and require affirmative action by large federal contractors to recruit, hire, promote, and retain individuals with disabilities and protected veterans. Additionally, federal contractors and subcontractors are prohibited from discriminating against applicants and employees for asking about, discussing, or sharing information about their pay or the pay of their co-workers.

We understand that OFCCP is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the compliance and enforcement functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information 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 submissions of responses.

Our task forces are strong supporters of the Section 503 and VEVRAA regulations because they are extraordinarily important to ensure that people with disabilities and protected veterans are afforded meaningful opportunities to work. The employment rates for people with disabilities remain far below those of any other group tracked by the Bureau of Labor Statistics, and working-age people with significant disabilities participate in the workforce at less than one-third of the rate of the general population. The workforce participation rate of veterans with disabilities is also well below that of the general population as well as the general population of veterans.

It is critical that the Section 503 and VEVRAA regulations require the collection of data that will help contractors and the Labor Department determine whether contractors' affirmative action efforts to recruit, hire and retain employees with disabilities and protected veterans are effective. Affirmative action efforts are of limited value if they do not include any analysis of data to determine whether these efforts are actually having success. Indeed, OFCCP itself imposed these requirements only after concluding that little improvement in the employment of these groups had occurred during the several decades during which the prior regulations were in effect. As the agency noted, it "determined that affirmative action process requirements, without a quantifiable means of assessing whether progress toward equal employment opportunity is occurring, are insufficient."

Indeed, the data collection would have been far more extensive if the agency had included in its final regulations implementing Section 503 requirements that were in the proposed rule but then eliminated in the final rule.

Therefore, in answer to your questions posed, we believe that

- the proposed information collection is necessary for the compliance and enforcement functions of the agency and will have practical utility
- the burden of data collection has already been significantly reduced and should not be reduced further
- the quality, utility and clarity of information to be collected could be enhanced by the steps cited above

- appropriate electronic or other technological data collection could reduce any burden on those who are to respond as long as this does not diminish potential enforcement actions necessary to ensure compliance with these important laws.

In addition, we urge OFCCP to collect data that would shed light on the extent to which individuals with targeted disabilities are being hired, retained and promoted. While the final regulations implementing Section 503 did not include a specific subgoal for employment of individuals with targeted or significant disabilities, determining whether affirmative action activities are reaching people with significant disabilities is an important aspect of assessing the effectiveness of contractors' affirmative action plans.

Thank you for the opportunity to comment on the Section 503 and VEVRAA information collection.

Sincerely,

American Association of People with Disabilities

American Foundation for the Blind

American Therapeutic Recreation Association

Association of Assistive Technology Act Programs (ATAP)

Bazelon Center for Mental Health Law

Center for Public Representation

Goodwill Industries International, Inc.

National Association of Councils on Developmental Disabilities

National Council on Independent Living

National Disability Rights Network

Paralyzed Veterans of America

RespectAbility

The Arc of the United States

United Spinal Association