

# PUBLIC SUBMISSION

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## Submitter Information

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## General Comment

May 31, 2019

Office of Federal Contract Compliance Programs Supply and Service Program: Proposed Renewal of the Approval of Information Collection Requirements; Comment Request.

Paralyzed Veterans of America (PVA) is pleased to 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. PVA is the nations only Congressionally chartered veterans service organization solely dedicated to representing veterans with spinal cord injury and/or disorders.

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.

According to the notice, OFCCP is particularly interested in comments which:

Evaluate whether the proposed collection of information is necessary for the compliance assistance functions of the agency that support the agency's compliance mission, 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.

PVA strongly supports 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.

Therefore, in answer to the questions posed, PVA believes that the proposed information collection is necessary for the compliance assistance and enforcement functions of the agency, will have practical utility and the burden of data collection has already been significantly reduced and should not be reduced further.

In addition, PVA urges 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 sub-goal 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.