

of the President, the U.S. Supreme Court, state officials, international organizations, researchers, students, the media, and others interested in criminal justice statistics.

(4) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* An agency-level survey will be sent to the 56 state and territory attorneys general offices. The expected burden placed on these respondents is 25 minutes to complete the survey, with an additional 5 minutes to locate any additional persons necessary to complete the survey.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 28 total burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: October 16, 2018.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018-22802 Filed 10-18-18; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

Leadership in Equal Access and Diversity Award; New Information Collection Requirements; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. The program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Federal Contract Compliance Programs (OFCCP) is soliciting

comments concerning its proposal to obtain approval from the Office of Management and Budget (OMB) to implement the Leadership in Equal Access and Diversity (LEAD) award. OFCCP will be sharing the information with DOL's Women's Bureau for the purpose of partnering with them in support of the award. A copy of the proposed information collection request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice or by accessing it at www.regulations.gov.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before December 18, 2018.

ADDRESSES: You may submit comments by any of the following methods:

Electronic comments: The federal eRulemaking portal at www.regulations.gov. Follow the instructions found on that website for submitting comments.

Mail, Hand Delivery, Courier: Addressed to Harvey D. Fort, Acting Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW, Room C-3325, Washington, DC 20210.

Instructions: Please submit one copy of your comments by only one method. For faster submission, we encourage commenters to transmit their comment electronically via the www.regulations.gov website. Comments that are mailed to the address provided above must be postmarked before the close of the comment period. All submissions must include OFCCP's name for identification. Comments submitted in response to the notice, including any personal information provided, become a matter of public record and will be posted on www.regulations.gov. Comments will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Harvey D. Fort, Acting Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, Room C-3325, 200 Constitution Avenue NW, Washington, DC 20210. Telephone: (202) 693-0103 (voice) or (202) 693-1337 (TTY) (these are not toll-free numbers). Copies of this notice may be obtained in alternative formats (large print, braille, audio recording) upon request by calling the numbers listed above.

SUPPLEMENTARY INFORMATION:

I. Background

OFCCP administers and enforces the three nondiscrimination and equal employment opportunity laws listed below.

- Executive Order 11246, as amended (E.O. 11246)
- Section 503 of the Rehabilitation Act of 1973, as amended (Section 503)
- Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA)

These authorities prohibit employment discrimination by covered federal contractors and subcontractors and require that they provide equal employment opportunities regardless of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran. 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. E.O. 11246 applies to federal contractors and subcontractors and to federally assisted construction contractors holding a Government contract in excess of \$10,000, or Government contracts that have, or can reasonably be expected to have, an aggregate total value exceeding \$10,000 in a 12-month period. E.O. 11246 also applies to government bills of lading, depositories of federal funds in any amount, and to financial institutions that are issuing and paying agents for U.S. Savings Bonds. Section 503 prohibits employment discrimination against applicants and employees because of physical or mental disability and requires affirmative action to ensure that persons are treated without regard to disability. Section 503 applies to federal contractors and subcontractors with contracts in excess of \$15,000. VEVRAA prohibits employment discrimination against protected veterans and requires affirmative action to ensure that persons are treated without regard to their status as a protected veteran. VEVRAA applies to federal contractors and subcontractors with contracts of \$150,000 or more. This collection will implement the LEAD award that will recognize federal contractor and subcontractor establishments that have developed and successfully implemented comprehensive equal employment opportunity and nondiscrimination programs.

II. Review Focus

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.

III. Current Actions

OFCCP seeks approval of this new information collection in order to carry out and enhance its responsibilities to enforce the nondiscrimination and affirmative action provisions of the three legal authorities it administers.

Type of Review: New Request.

Agency: Office of Federal Contract Compliance Programs.

Title: Contractor Recognition Program—Leadership in Equal Access and Diversity (LEAD) Award.

OMB Number: 1250-[NEW].

Agency Number: None.

Affected Public: Business or other for-profit entities.

Total Respondents for Nominations: 100.

Total Annual Responses for Nominations: 100 biennially.

Average Time per Response for Nominations: 26 hours.

Estimated Total Burden Hours for Nominations: 2,600.

Frequency: Biennially.

Total Burden Cost for Nominations: \$88,842.

Total Respondents for Finalists: 6.

Total Annual Responses for Finalists: 6 biennially.

Average Time per Response for Finalists: 28 hours.

Estimated Total Burden Hours for Finalists: 168 hours.

Total Burden Cost for Finalists: \$5,741.

Estimated Total Burden Hours (Nominations and Finalists): 2,768 hours.

Total Burden Cost (Nominations and Finalists): \$94,583.

Harvey D. Fort,

Acting Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs.

[FR Doc. 2018-22858 Filed 10-18-18; 8:45 am]

BILLING CODE 4510-CM-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standard

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before November 19, 2018.

ADDRESSES: You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *Email:* zzMSHA-comments@dol.gov. Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202-693-9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202-5452, Attention: Sheila McConnell, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect a copy of the petition and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations, and Variances at 202-693-9447 (voice), barron.barbara@dol.gov (email), or 202-693-9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44

govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor (Secretary) determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petition for Modification

Docket Number: M-2018-008-M.

Petitioner: U.S. Silica Company, 5263 Edmund Highway, West Columbia, South Carolina 29170.

Mines: Columbia Plant, MSHA I.D. No. 38-00138, located in Lexington County, South Carolina.

Regulation Affected: 30 CFR 56.13020 (Use of compressed air).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method that will provide no less a degree of safety than that provided by the standard.

The petitioner states that:

(1) The alternative method provides a direct reduction of miners' exposure to respirable dust, thus reducing their health risks. The proposed alternative method has been jointly developed between Unimin Corporation and the National Institute of Occupational Safety and Health (NIOSH) and successfully tested by the NIOSH.

(2) The petition proposes the following:

- Only miners trained in the operation of the clothes cleaning booth will be permitted to use the booth to clean their clothes.
- Petitioner will incorporate the NIOSH Clothes Cleaning Process and manufacturer's instruction manual into their MSHA Part 48 training plan and train affected miners in the process.
- Miners entering the booth will examine valves and nozzles for damage or malfunction and will close the door fully before opening the air

**U.S. Department of Labor
Office of Federal Contract Compliance Programs
Contractor Recognition Program – Leadership in Equal Access and Diversity Award**

A. JUSTIFICATION

This request is for Office of Management and Budget (OMB) approval of a new information collection implementing the Leadership in Equal Access and Diversity (LEAD) award. This award will recognize contractor establishments¹ that have developed and successfully implemented comprehensive equal employment opportunity and nondiscrimination programs, practice inclusion and fair treatment in the workplace regardless of race, color, sex, sexual orientation, gender identity, religion, national origin, disability, or status as a protected veteran, these programs recognize the importance of fairness in compensation practices and pay transparency.

1. Legal and Administrative Requirements

The U.S. Department of Labor’s (DOL) Office of Federal Contract Compliance Programs (OFCCP) administers and enforces the three equal employment opportunity laws² listed below that prohibit employment discrimination and set affirmative action requirements by federal contractors and subcontractors.³

- Executive Order 11246, as amended (EO 11246)
- Section 503 of the Rehabilitation Act of 1973, as amended (Section 503)
- Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended (VEVRAA)

EO 11246 prohibits contractors from discriminating against applicants and employees based on race, color, religion, sex, sexual orientation, gender identity, and national origin and requires contractors to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment. Additionally, it prohibits contractors from taking adverse employment actions against applicants and employees for inquiring about, discussing, or disclosing

¹ In the context of this award program, “establishment” refers to the location or locations included in one establishment-based affirmative action program (AAP). While functional affirmative action programs (FAAPs) may not apply for recognition at this time, locations with an establishment-based AAP will be considered. See eligibility criteria.

² OFCCP promulgated regulations implementing these programs consistent with the Administrative Procedure Act. These regulations are found at Title 41 of the Code of Federal Regulations (CFR) in Chapter 60. 41 CFR 60, <https://www.ecfr.gov/cgi-bin/text-idx?gp=&SID=b686ff45080d69713c00bf18b651cc37&mc=true&tpl=/ecfrbrowse/Title41/41chapter60.tpl> (last accessed September 11, 2018).

³ Hereinafter all references to “contractors” will include federal contractors and subcontractors unless otherwise stated.

information about their pay or the pay of their co-workers, subject to certain limitations. EO 11246 applies to contractors, and to federally assisted construction contractors holding a government contract in excess of \$10,000, or government contracts that have, or can reasonably expect to have, an aggregate total value exceeding \$10,000 in a 12-month period. EO 11246 also applies to government bills of lading, depositories of federal funds in any amount, and to financial institutions that are issuing and paying agents for U.S. savings bonds and notes in any amount.

Section 503 prohibits contractors from discriminating against applicants and employees on the basis of disability and requires contractors to take affirmative action to employ, and advance in employment, qualified individuals with disabilities. Its requirements apply to contractors with a government contract in excess of \$15,000.⁴

VEVRAA prohibits contractors from discriminating against protected veterans, namely, disabled veterans, recently separated veterans, active duty wartime or campaign badge veterans, and Armed Forces service medal veterans. VEVRAA also requires contractors to take affirmative action to employ, and advance in employment, qualified protected veterans. Its requirements apply to contractors with a government contract of \$150,000 or more.⁵

Background and eligibility criteria

This award will recognize the work of supply and service, non-construction contractors that have developed and successfully implemented comprehensive equal employment opportunity and nondiscrimination programs. Such programs promote inclusion and fair treatment in the workplace regardless of race, color, sex, sexual orientation, gender identity, religion, national origin, disability, or status as a protected veteran. Moreover, these programs recognize the importance of fairness in compensation practices and pay transparency, and reflect the value of having active partnerships with community-based organizations. The LEAD awardees must demonstrate sound policies, practices, and strategies for outreach and recruitment, hiring decisions, training and advancement, compensation, retention, and other employment activities.

In order to be considered for the award, contractors must meet seven eligibility criteria:

1. The nominated contractor establishment has and has implemented current establishment-based affirmative action programs (AAPs) for EO 11246, Section 503, and VEVRAA.⁶

⁴ Effective October 1, 2010, the coverage threshold under Section 503 increased from \$10,000 to \$15,000, in accordance with the inflationary adjustment requirements in 41 U.S.C. 1908. *See* Federal Acquisition Regulation; Inflation Adjustment of Acquisition-Related Thresholds, 75 FR 53129 (Aug. 30, 2010).

⁵ Effective October 1, 2015, the coverage threshold under VEVRAA increased from \$100,000 to \$150,000, in accordance with the inflationary adjustment requirements in 41 U.S.C. 1908. *See* Federal Acquisition Regulation; Inflation Adjustment of Acquisition-Related Thresholds, 80 FR 38293 (July 2, 2015).

⁶ If a location has employees assigned to both establishment-based and FAAPs, only the establishment-based AAP information may be used when applying for this award.

2. The nominated contractor establishment has had no adverse decisions by a court, Administrative Law Judge (ALJ), or Administrative Review Board (ARB) that found or affirmed a violation of EO 11246, Section 503, or VEVRAA by the contractor establishment in the past three years and is not currently under Conciliation Agreement (CA) monitoring for an OFCCP violation.
3. The nominated contractor establishment has had no adverse decisions by a court, ALJ, or ARB for a violation of the Americans with Disabilities Act (ADA), or Title VII related to employment discrimination, or the Equal Pay Act in the past three years and is not currently under monitoring related to any the same.
4. The nominated contractor establishment has no open conciliation agreements, consent decrees, pending litigation, or open enforcement actions for an OFCCP violation.
5. The nominated contractor establishment is not currently undergoing a compliance review by OFCCP.
6. Compliance is a condition for receiving this award and the finalists are required to cooperate with OFCCP to ensure current compliance. Therefore, the finalists are required to either have undergone an OFCCP compliance evaluation within the past two years or undergo a desk audit⁷ as described in OFCCP's Federal Contractor Compliance Manual (FCCM)⁸ before their selection is final. Failure to agree to the desk audit, if required, is disqualifying.

Contractor establishments that received this recognition during the previous two calendar years are not eligible. Additionally, contractor establishments that received, or are otherwise covered by, a moratorium through another OFCCP incentive or recognition program within the last two calendar years are not eligible.

Nomination criteria

The information for the nominated program must address the below areas.

- Outreach, Recruitment and Hiring
- Training and Advancement
- Corporate Culture/Work Environment
- Retention
- Compensation Practices

Specifically, contractor establishments who wish to be considered for the award must submit a nomination package⁹ consisting of the four parts described below:

⁷ 41 CFR §§ 60-1.20(a), 60-300.60(a), and 60-741.60(a). The Scheduling Letter and Itemized listing, which initiate a desk audit and outline the information collection requirements, are approved under OFCCP's Supply and Service program, OMB Control No. 1250-0003.

⁸ OFCCP's Federal Contract Compliance Manual can be found at <https://www.dol.gov/ofccp/regs/compliance/fccm/fccmanul.htm> (last accessed September 11, 2018).

⁹ All pages of the nomination package must be clear, readable, and typed. No handwritten material will be accepted. Typed pages must be double-spaced on 8.5" X 11" page, one-side only, in Times Roman 12 point font. The entire

1. The nomination package must include the following identifying information.
 - The name of the contractor establishment that is being submitted for the recognition by name, physical address (no post office box), and Employer Identification Number (EIN number);
 - The name, title, address, phone number, and email address for the point of contact for the nomination package;
 - The name, title, address, phone number, and email address for the CEO or president of the contractor; and
 - The name, title, address, phone number, and email address for the executive responsible for overseeing the EEO/AA activities of the contractor.

2. Statement of support¹⁰ from the contractor’s CEO or president and the contractor’s highest ranking executive that is responsible for the equal employment opportunity and EEO/AA programs at the nominated contractor establishment. The statements of support by contractor’s officials must be signed and include:
 - an acknowledgment that the nominated contractor establishment agrees to develop and/or provide feedback on the development of technical assistance, outreach, best practices, and lessons learned materials for use by other employers as a part of the compliance and technical assistance programs offered by DOL’s OFCCP, and Women’s Bureau (WB) for a period not to exceed 12 months;
 - a certification that the nominated contractor establishment is in compliance with its EO 11246, Section 503, and VEVRAA obligations, and has no pending or open violations, open conciliation agreements, or pending litigation involving OFCCP; and
 - a certification that the nominated contractor establishment has no adverse decisions by a court, ARB, or ALJ for the past three years, and or is not currently under monitoring for a violation of EO 11246, Section 503, VEVRAA, discrimination under Title VII, ADA, or the Equal Pay Act.

3. A description of the structure and operation of the establishment’s EEO/AA programs, and how those programs supported compliance with EO 11246, Section 503, and VEVRAA.¹¹ The description must contain sufficient information for the award review committee to readily identify the items below.

application package, excluding the AAPs and any exhibits, must not exceed 30 double-spaced, one-sided pages. Incomplete nomination packages will not be considered. Packages with items that exceed established page limits or do not comply with other requirements will not be considered.

¹⁰ Each statement must not exceed two, one-sided, typed, double-spaced pages.

¹¹ The description must not exceed 26 double-spaced, one-sided pages.

- How the programs were developed, important components and activities, data collection and analysis needs, and budget or cost.
 - The baseline performance measures for the programs, what performance targets or goals were established, and how they were measured.
 - What tangible and intangible benefits were achieved because of the programs, and whether the performance targets or goals were met.
 - How the programs contributed to the establishment’s business success and what metrics were used to measure success.
 - Any challenges or barriers to successfully implementing the programs, how they were overcome, and what key lessons learned would benefit other contractors.
 - Data and other information sufficient to assess the impact of the programs in the areas of outreach, recruitment and hiring, training and advancement, corporate culture and work environment, retention, and compensation practices.
4. Copies of the nominated establishment’s AAPs for EO 11246, Section 503, and VEVRAA¹² for the years covered by the nomination period. For example, if OFCCP announces a solicitation for award nominations in 2019, the awards would be based on an examination of contractor performance data covering the 2017 and 2018 AAP years (i.e., the two most recently completed AAP years). A copy of the current contractor’s current year AAP.¹³

To streamline and simplify the nomination process, OFCCP will require the use of a form for submitting nomination packages. The form and its instructions are published in this information collection request (ICR) for review and comment.

An Executive Review Committee (ERC) will review submitted nominations.

2. Use of Collected Material

The ERC will consist of representatives from OFCCP, WB, the Office of Disability Employment Policy (ODEP), the Veterans’ Employment and Training Service (VETS), and possibly another federal agency representative (e.g., the U.S. Equal Employment Opportunity Commission (EEOC)). Each ERC member must score the nomination packages separately, consensus will not be sought. ERC members for this award will not serve for more than two consecutive award cycles.

The WB will provide certain study or research support to OFCCP as a part of the award structure. In this role, ODEP and the firm/individual it commissioned to conduct research or a

¹² EO 11246 AAP prepared in accordance with the requirements of 41 CFR § 60-1.40, and 41 CFR § 60-2.1 through § 60-2.17; Section 503 AAP prepared in accordance with the requirements of 41 CFR § 60-741.40 through § 60-741.47; and VEVRAA AAP prepared in accordance with the requirements of 41 CFR § 60-300.40 through § 60-300.45.

¹³ Id.

case study on model employment practices will have access to performance related data in the nomination packages.

Nomination scoring

Nominees will be sorted based on location of the establishment so that they can be assigned to one of six OFCCP regions. The ERC will make recommendations for one finalist in each of the six OFCCP regions.¹⁴ Scoring will be based on this scale: 5 points = exceptional/superior; 4 points = very high; 3 points = high; 2 points = moderate; 1 point = low/inadequate; 0 points = nonexistent/not applicable/unknown. Using this scale, the nominees will be rated based on the below-listed criteria.

1. The overall extent to which the EEO/AA programs met their established performance goals.
2. The level of demonstrated support and engagement of senior contractor and/or contractor establishment officials.
3. The level of employee support and engagement in the programs.
4. The effective use of community based organizations.
5. The impact on eliminating or minimizing compensation disparities.
6. The ability to remediate identified problem areas.
7. The long-term sustainability of the programs and their results.
8. The amount of innovation and creativity demonstrated.
9. The level of manager accountability for program performance or results.
10. The level of positive change made to the corporate culture.
11. The use of written policies, procedures, and notices.
12. The extent to which the programs can be adapted by other contractors.
13. The severity or importance of the challenges and barriers that the programs successfully overcame.

As each of the 13 criteria can receive up to five points, the maximum achievable score is 65 points. A nominee must score between a minimum of 52 and a maximum of 65 points to be considered for the award. The award will go to the highest scorer within the 52 to 65 point range in each region. If multiple nominees in a region tie for the highest score within this range, they will each receive an award. However, if no nominee scores at least 52 points in a region, OFCCP will not present an award in that region. The ERC, within the limits described, will make one award recommendation for each of OFCCP's six regions.

Final vetting and desk audit

OFCCP will disqualify from consideration any nominee that makes a false or intentionally misleading statement in a nomination package. The ERC will conduct or cause to be conducted

¹⁴ OFCCP's regional offices can be found at <https://www.dol.gov/ofccp/contacts/regkeyp.htm> (last accessed September 11, 2018).

a final vetting of the finalists for compliance, as described below. Any finalist who fails the final vetting process will be disqualified. A finalist that fails to receive the concurrence of OFCCP's director will not qualify for the award and no substitute will be selected for that region. Concurrence will be based on a review of the scoring sheets showing how each finalist was evaluated using the established criteria. During the final vetting, nominees will be required to:

- Ensure that the contractor establishment has had no adverse decisions by a court, ALJ, or ARB that found or affirmed a violation of EO 11246, Section 503, or VEVRAA by the contractor establishment in the past three years and is not currently under CA monitoring for an OFCCP violation;
- Ensure that the contractor establishment has had no adverse decisions by a court, ALJ, or ARB for a violation of the ADA or Title VII related to employment discrimination or the Equal Pay Act and is not currently under monitoring related to any of the same;
- Ensure that there are no open complaint investigations and no findings of discrimination based on EO 11246, Section 503, or VEVRAA in the past three years; and
- Undergo a desk audit if the contractor establishment has not undergone a compliance evaluation in the past two years.

Following selection and moratorium

The six awardees will work with OFCCP to provide feedback, and develop training and compliance assistance materials. Awardees will be asked to share their individual opinions and perspectives. OFCCP anticipates that other contractors will benefit from these contractor-focused compliance assistance products as they seek to comply with OFCCP's laws. The award recipients will receive a three-year moratorium from scheduled compliance evaluations from the date OFCCP presents the award. The award recipients must continue to comply with their nondiscrimination and affirmative action requirements under the laws OFCCP enforces. Award recipients are not exempt from complaint investigations or directed reviews that may result from a complaint or other credible information submitted to OFCCP after the nomination has been submitted or after the award has been issued.

OFCCP anticipates that it will present the first awards in FY 2019. At that time, the award recipients will enter the three-year (36 calendar months) moratorium period. The contractor establishments receiving the awards will be required to certify their compliance with EO 11246, Section 503, and VEVRAA at the end of each 12-month period (i.e., the certification is for the previous 12-month period) by sending a letter to the director of OFCCP. The certification will be in the form of a letter, signed by the president or CEO of the contractor along with the highest-ranking official responsible for EEO/AA. The certification must include this statement: "I hereby certify that (insert name of contractor establishment) located at (insert street address), with Employer Identification Number (insert EIN number) is a federal contractor or subcontractor covered by the laws enforced by the Office of Federal Contract Compliance Programs (OFCCP). In this regard, I certify that for the previous 12-month period this establishment had the required affirmative action programs and otherwise fully complied with

nondiscrimination and affirmative action requirements of Executive Order 11246, as amended; Section 503 of the Rehabilitation Act, as amended; the Vietnam Era Veterans' Readjustment Assistance Act, as amended, and the implementing regulations for each of these authorities. I understand that should OFCCP determine that this establishment was not in compliance, either through a complaint investigation or an investigation based on third party credible evidence, the establishment's status as a LEAD awardee and the related three-year compliance evaluation moratorium will be revoked."

If OFCCP becomes aware of the false or intentionally misleading statement after an award is bestowed, the contractor establishment will have the award revoked and will be disqualified from consideration for other OFCCP award and recognition programs for a period of four years.

3. Use of Information Technology

The nomination packages will be accepted electronically via email through a designated email box.

4. Description of Efforts to Identify Duplication

There is no duplication of effort related to this information collection as this is a unique award program that is proposed under EO 11246, Section 503, and VEVRAA, as enforced by OFCCP. The regulations at 41 CFR 60 at the following parts prescribe the affirmative action and equal employment opportunity obligations of contractors that are eligible to apply for this program:

- Part 60-1, Obligations of Contractors and Subcontractors
- Part 60-2, Affirmative Action Programs
- Part 60-3, Uniform Guidelines on Employee Selection Procedures
- Part 60-20, Discrimination on the Basis of Sex
- Part 60-300, Affirmative Action and Nondiscrimination Obligations of Federal Contractors and Subcontractors Regarding Disabled Veterans, Recently Separated Veterans, Active Duty Wartime or Campaign Badge Veterans, and Armed Forces Service Metal Veterans
- Part 60-741, Affirmative Action and Nondiscrimination Obligations of Federal Contractors and Subcontractors Regarding Individuals with Disabilities

5. Impact on Small Businesses

This information collection does not have a significant economic impact on small businesses. Based on similar awards programs OFCCP has administered in the past, it anticipates receiving no more than 100 nomination packages. The latest Employer Information Report EEO-1 (EEO-1 Report) available data shows that there were nearly 120,000 supply and service contractor

establishments with 50 or more employees in FY 2016.¹⁵ One hundred nominations constitute a negligible percentage of the contractor establishments that meet the AAP thresholds and thereby meet the eligibility criteria to apply for this award. However, to minimize burden and streamline the nomination process, OFCCP will supply a form that contractors will use in order to submit a package for consideration.

6. Consequences of a Less Frequent Collection

OFCCP proposes to issue this voluntary award biennially, as described in paragraph 16. Less frequent collection would limit the agency's ability to recognize and disseminate sound compliance practices.

7. Special Circumstances

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

8. Consultation Outside the Agency

Pursuant to the Paperwork Reduction Act of 1995, as amended (PRA), OFCCP invites the public to submit comments on this proposed information collection. The comments the agency receives will be addressed under this paragraph during the 30-day Federal Register publication of this information collection request. OFCCP welcomes all public input but is particularly seeking comments on the nomination scoring criteria.

9. Gifts or Payments

OFCCP will not provide gifts or payments to respondents. Responses will be evaluated to determine whether an applicant will receive a LEAD award.

10. Confidentiality of Information

OFCCP will not disclose any information unless required by law.¹⁶ However, information submitted by award recipients related to the structuring, operations, activities, and results of this program will be made public to the extent that the agency will use this information for the creation of training, compliance assistance, model best practices, and other similar activities. No

¹⁵ The EEOC and OFCCP jointly collect EEO-1 Report data but the EEOC is the sponsor of that information collection, which is approved by OMB under OMB Control No. 3046-0007.

¹⁶ OFCCP will evaluate all information received in the nomination packages and during the subsequent desk audits of the finalists pursuant to the public inspection and disclosure provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 552, and the Department of Labor's implementing regulations at 29 CFR Part 70. OFCCP requires that a contractor affected by a FOIA disclosure request be notified in writing and no decision to disclose information is made until the contractor has an opportunity to submit objections to the release of the information.

information submitted as part of the initial nomination package will be used or shared for the purposes of compliance evaluation or any enforcement action.

11. Questions of Sensitive Nature

This information collection does not contain any questions of a sensitive nature. The respondents of the information collection will provide information that correlates with the criteria of this awards program, as outlined above.

12. Information Collection Hour Burden

As outlined above, the nomination submission requirements contain several elements that respondents must provide. The estimated burden hours to create and submit a package for consideration include:

- reviewing instructions
- researching existing data sources
- compiling the AAPs
- drafting statements of support
- drafting description of the EEO/AA programs
- reviewing the data
- submitting the data to OFCCP

The eligibility criteria include information that contractors maintain as part of their regular business operations or their existing recordkeeping requirements with OFCCP. Therefore, this information collection does not impose a new recordkeeping burden. Any burden associated with information that contractors are required to maintain is approved under the PRA requirements through one of OFCCP's existing information collections.¹⁷

OFCCP estimates that it will receive approximately 100 nominations for the LEAD award during each nomination period. The agency further estimates that it will take respondents approximately 26 hours to compile and submit the nomination package. OFCCP bases this estimate on the following:

- respondents will take approximately 30 minutes to review instructions
- respondents will take one hour to compile and submit each AAP – 3 hours
- respondents will take approximately .75 hours to draft each page of the statements of support and the EEO/AA program description – 22.50 hours

¹⁷ Recordkeeping and Reporting Requirements-Supply and Service (OMB Control No. 1250-0003); Recordkeeping and Third Party Disclosure Requirements under VEVRAA (OMB Control No. 1250-0004); Recordkeeping and Third Party Disclosure Requirements under Section 503 (OMB Control No. 1250-0005).

Further, as described under paragraph 2, respondents who make the final selection will undergo a desk audit prior to receiving the award if they have not undergone a compliance evaluation in the past two years. This burden is calculated by multiplying 28 hours for each contractor by the six finalists that may undergo a desk audit.

The table below displays the estimated respondent burden to compile and submit a nomination package.

Respondents	Number of Responses per Respondent	Estimated Hour Burden per Respondent	Total Burden Hours	Hourly Wage Rate¹⁸	Monetized Burden Costs
100 Nominations	1	26	2,600	\$34.17	\$88,842

The table below displays the additional burden associated with the desk audit of the six finalists.

Respondents	Number of Responses per Respondent	Estimated Hour Burden per Respondent	Total Burden Hours	Hourly Wage Rate¹⁹	Monetized Burden Costs
6 Desk audits	1	28	168	\$34.17	\$5,741

The total burden is 2,768 hours or \$94,583.

13. Information Collection Cost Burden

There are no capital or start-up costs, maintenance, or purchase of services related to submitting a nomination package. Further, there is no fee for contractors to submit a nomination to be considered for the awards program and the nominations will be accepted electronically.

14. Cost to the Federal Government

The first part of the federal cost is associated with the labor hours of the federal staff who will create the LEAD award program, review the nomination packages for timeliness and content,

¹⁸ Bureau of Labor Statistics, “Employer Costs for Employee Compensation – March 2018,” Table 5 – All Workers, <https://www.bls.gov/news.release/pdf/ecec.pdf> (last accessed September 11, 2018).

¹⁹ Bureau of Labor Statistics, “Employer Costs for Employee Compensation – March 2018,” Table 5 – All Workers, <https://www.bls.gov/news.release/pdf/ecec.pdf> (last accessed September 11, 2018).

issue the awards, and engage in technical assistance and other related activities with the award-winners. The salary estimates are based on staff members on the Senior Executive Service (SES) scale²⁰ as well as the General Schedule (GS) scale.²¹

Engaging staff from the SES and GS scales, OFCCP assumes the following burden:

- Development of program. OFCCP estimates that 11 federal staff will each spend 24 hours (or a total of 264 hours) to create the program. This amounts to a combined burden of \$16,104.
- Review of nomination packages. OFCCP estimates that 11 federal staff will each spend approximately 5 hours reviewing each nomination package, determining eligibility, and making award determinations (5 hours x 100 packages = 500 hours per person (or 5,500 total)). Averaging the hourly salary of the federal staff that will be involved in reviewing the packages and making determinations, OFCCP estimates that it will take the federal government \$335,500 to review the nominations (\$61 per hour x 5,500 hours).
- Contractor recognition and engagement. OFCCP estimates that 11 federal staff will each spend 40 hours making the public announcements and working with the award-winners to create technical assistance, outreach, mentoring programs, and other material, as described in the justification section of this supporting statement. This amounts to a combined burden of 440 hours, or \$26,840.

The combined estimate for of the federal cost is \$378,444 for the first year of the program and \$362,340 for subsequent years.

15. Program Changes or Burden Adjustments

This is a new information collection.

16. Publication of Data for Statistical Use

There will be no publication of statistical analysis related to this collection. OFCCP will publicly announce the award winners. As stated in paragraph 2, OFCCP anticipates that it will present the first awards in FY 2019.

²⁰ See “Senior Executive Service: Compensation,” <https://www.opm.gov/policy-data-oversight/senior-executive-service/compensation/> (last accessed September 11, 2018).

²¹ See “Salary Table 2018-DCB Incorporating The 1.4% General Schedule Increase And A Locality Payment Of 28.22% For The Locality Pay Area Of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA,” available at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/DCB_h.pdf (last accessed September 11, 2018).

17. Approval Not to Display the Expiration Date

OFCCP is not seeking approval to not display the expiration date of this collection.

18. Exceptions to the Certification Statement

OFCCP is not seeking exceptions to the certification statement of this collection.

B. STATISTICAL METHODS

This information collection does not use statistical methods.

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Leadership in Equal Access and Diversity (LEAD) Award Nomination Form

UNITED STATES DEPARTMENT OF LABOR



Nomination Year: _____

Contractor Location and Contact Information

1. Name of Contractor Firm/Parent Company:

Name of Contractor Establishment:

Establishment's Physical Address:

Establishment's Employer Identification Number:

2. Name and Title of the President or CEO of the Firm/Parent Company:

Address: _____

Phone: _____ Email: _____

3. Name and Title of the Highest Ranking Company Executive Responsible for Equal Employment Opportunity/Affirmative Action:

Address: _____

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Phone: _____ Email: _____

4. Name and Title of Point of Contact for the Award Nomination Package:

Address: _____

Phone: _____ Email: _____

Moratorium and Compliance

5. Does the contractor establishment meet the jurisdictional thresholds of EO 11246, Section 503, and VEVRAA? Yes _____ No _____

6. Did the contractor establishment receive this award during the previous two calendar years?
Yes _____ No _____ (A "Yes" answer makes the contractor establishment ineligible for this award.)

7. Did the contractor establishment receive, or is it otherwise covered by, a moratorium through another OFCCP incentive or recognition program within the last two calendar years?
Yes _____ No _____ (A "Yes" answer makes the contractor establishment ineligible for this award.)

8. If the contractor establishment is to receive the award, will the President or CEO along with the highest ranking company executive agree to certify compliance with the three laws enforced by OFCCP each year during the three-year moratorium period? Yes _____ No _____ (A "No" answer makes the contractor establishment ineligible for this award.)

9. Has this contractor establishment undergone an OFCCP compliance evaluation in the past two years? Yes _____ No _____ (If the answer is "Yes," when did the last evaluation close (month and year) _____)

10. If the answer to question 9 is "No," is the contractor establishment willing to undergo a desk audit?
Yes _____ No _____ (A "No" answer disqualifies the contractor establishment from consideration.)

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Nomination Package Checklist

This checklist is provided as a courtesy. It is the contractor's responsibility to ensure that its nomination package is complete and accurate.

Please check off to confirm that the following are submitted in the nomination package:

- 11. Have you included the signed statements of support from the president or CEO of the contractor and from the highest ranking company executive that is responsible for overseeing the contractor's equal employment opportunity and affirmative action programs and initiatives?
- 12. Have you included the description of the contractor establishment's EEO/AA programs and does it address the required elements on program performance and OFCCP compliance?
- 13. Have you included the establishment's current year AAPs, and AAPs for the previous two years?

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Leadership in Equal Access and Diversity (LEAD) Award Nomination Form Instructions

UNITED STATES DEPARTMENT OF LABOR



Public Burden Statement: According to the Paperwork Reduction Act (PRA) of 1995, as amended, no persons are required to respond to a collection of information unless such collection displays a valid OMB Control Number. The estimated public reporting burden for this information collection is 26 hours for each nomination package and 28 hours for a desk audit for each qualifying finalist. If you have comments regarding the estimated reporting burden, or suggestions for reducing the burden, please send them to the Office of Federal Contract Compliance Programs (OFCCP), Division of Policy and Program Development, 200 Constitution Avenue, N.W., Room C-3325, Washington, D.C. 20210 and reference OMB Control Number 1250-XXXX. Please do not send the nomination package to this address. All nomination packages must be emailed to OFCCP at the email address advertised on the agency's website.

In order to be considered for the award, contractors must meet the below eligibility criteria:

1. The nominated contractor establishment has and has implemented current establishment-based affirmative action programs (AAPs) for EO 11246, Section 503, and VEVRAA.
2. The nominated contractor establishment has had no adverse decisions by a court, Administrative Law Judge (ALJ), or Administrative Review Board (ARB) that found or affirmed a violation of EO 11246, Section 503, or VEVRAA by the contractor establishment in the past three years and is not currently under Conciliation Agreement (CA) monitoring for an OFCCP violation.
3. The nominated contractor establishment has had no adverse decisions by a court, ALJ, or ARB for a violation of the Americans with Disabilities Act (ADA), or Title VII related to employment discrimination, or the Equal Pay Act in the past three years and is not currently under monitoring related to any of the same.
4. The nominated contractor establishment has no open conciliation agreements, consent decrees, pending litigation, or open enforcement actions for an OFCCP violation.
5. The nominated contractor establishment is not currently undergoing a compliance review by OFCCP.

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6. Compliance is a condition for receiving this award and the finalists are required to cooperate with OFCCP to ensure current compliance. Therefore, finalists are required to either have undergone an OFCCP compliance evaluation within the past two years or undergo a desk audit before their selection is final. Failure to agree to the desk audit, if required, is disqualifying.

All pages of the nomination package must be clear, readable, and typed. No handwritten material will be accepted. All statements of support, descriptions, and any other material submitted in the nomination package must be typed, on size 8.5" X 11" pages, one-sided, double-spaced in Times Roman, 12 point font. No other formats or styles will be accepted. Packages with items that exceed established page limits or do not comply with the requirements and instructions will not be considered. Incomplete nomination packages will also not be considered. Please note that only the first submission from each contractor establishment will be accepted. Consequently, if a contractor establishment first submits an incomplete nomination package and later submits a complete package, only the first submission will be reviewed and will be rejected as incomplete. The persons submitting the statements of support must also sign them.

Information provided in the nomination package, including the statements of support, may only be submitted in a manner that complies with any applicable privacy laws. No information submitted as part of the nomination package will be used or shared for the purposes of compliance evaluation or any enforcement action. All nomination packages must be emailed to OFCCP at the email address advertised on the agency's website. All parts of the nomination package must be submitted in one email submission.

The contractor must submit items 1 to 10 below on the form accompanying these instructions. Items 11 to 13 must be sent as email attachments, along with the form.

1. Provide the name of the contractor firm or parent company, and the name of the contractor establishment that is being submitted for the recognition, its physical address (no post office box addresses will be accepted), and its Employer Identification Number (EIN number).
2. Provide the name, title, address, phone number, and email address of the president or CEO of the contractor firm or parent company.
3. Provide the name, title, address, phone number, and email address of the highest ranking company executive responsible for overseeing the equal employment opportunity and affirmative action activities of the contractor.
4. Provide the name, title, address, phone number, and email address of the point of contact for the nomination package.

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5. Specify whether the contractor establishment meets the jurisdictional thresholds of EO 11246, Section 503, and VEVRAA
6. Specify whether the contractor establishment has received this recognition during the previous two calendar years.
7. Specify whether the contractor establishment is covered by a moratorium through another OFCCP incentive or recognition program within the last two years.
8. Specify whether the President or CEO, along with the highest ranking company executive, will agree to certify compliance with the three laws enforced by OFCCP each year during the three-year moratorium period.
9. Specify whether the contractor establishment has undergone an OFCCP compliance evaluation in the past two years and, if so, identify the month and year of the evaluation.
10. If the contractor establishment has not undergone an OFCCP compliance evaluation in the past two years, indicate whether it would agree to undergo a desk audit.
11. The nomination package must include signed statements of support from the contractor's CEO or president and the contractor's highest ranking company executive that is responsible for the equal employment opportunity and EEO/AA programs at the nominated contractor establishment. The statements of support by contractor's officials must be signed and must not exceed two one-sided, typed, double-spaced pages. They also must include:
 - an acknowledgment that the nominated contractor establishment agrees to provide feedback on the development or refinement of two technical assistance guides; and up to three of outreach, best practices, or case study materials or documents for use by other employers, including federal contractors, as a part of the compliance and technical assistance programs offered by OFCCP and DOL's Women Bureau (WB) for a period not to exceed 12 months;
 - a certification that the nominated contractor establishment is in compliance with its EO 11246, Section 503, and VEVRAA obligations, and has no pending or open violations, open conciliation agreements, or pending litigation involving OPCCP; and
 - a certification that the nominated contractor establishment has no adverse decisions by a court, ARB, or ALJ for the past three years, and or is not currently under monitoring for a violation of EO 11246, Section 503, VEVRAA, discrimination under Title VII, ADA, or the Equal Pay Act.
12. The nomination package must include a description of the structure and operation of the establishment's EEO/AA programs, and how those programs supported compliance with EO 11246, Section 503, and VEVRAA. The description must not exceed 26 double-

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spaced, one-sided pages and must contain sufficient information for the award review committee to readily identify the items below.

- How the programs were developed, important components and activities, data collection and analysis needs, and budget or cost;
 - The baseline performance measures for the programs, what performance targets or goals were established, and how they were measured;
 - What tangible and intangible benefits were achieved because of the programs, and whether the performance targets or goals were met;
 - How the programs contributed to the establishment's business success and what metrics were used to measure success;
 - Any challenges or barriers to successfully implementing the programs, how they were overcome, and what key lessons learned would benefit other contractors; and
 - Data and other information sufficient to assess the impact of the programs in the areas of outreach, recruitment and hiring, training and advancement, corporate culture and work environment, retention, and compensation practices.
13. Confirm that the nomination package includes a copy of the establishment's EO 11246 AAPs, Section 503 AAPs, and VEVRAA AAPs for the current year and the two previous years covered by the nomination period. For example, if OFCCP announces a solicitation for award nominations in 2019, the awards would be based on an examination of contractor performance data covering the 2017 and 2018 AAP years (i.e., the two most recently completed AAP years).