

FY 2016

CONGRESSIONAL BUDGET JUSTIFICATION

**OFFICE OF FEDERAL CONTRACT COMPLIANCE
PROGRAMS**

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OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

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OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

*For necessary expenses for the Office of Federal Contract Compliance Programs,
[\$106,476,000] \$113,687,000. (Department of Labor Appropriations Act, 2015)*

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

AMOUNTS AVAILABLE FOR OBLIGATION						
(Dollars in Thousands)						
	2014		2015		2016	
	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation	683	\$104,976	650	\$106,476	660	\$113,687
<i>Subtotal Appropriation</i>	<i>683</i>	<i>\$104,976</i>	<i>650</i>	<i>\$106,476</i>	<i>660</i>	<i>\$113,687</i>
B. Gross Budget Authority Before Committee	683	\$104,976	650	\$106,476	660	\$113,687
C. Budget Authority Before Committee	683	\$104,976	650	\$106,476	660	\$113,687
D. Total Budgetary Resources	683	\$104,976	650	\$106,476	660	\$113,687
FTE Lapse and Unobligated Balance Expiring	0	-\$446	0	\$0	0	\$0
E. Total, Estimated Obligations	683	\$104,530	650	\$106,476	660	\$113,687

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SUMMARY OF CHANGES

(Dollars in Thousands)

	2015	2016	Net Change
Budget Authority			
General Funds	\$106,476	\$113,687	+\$7,211
Total	\$106,476	\$113,687	+\$7,211
Full Time Equivalents¹			
General Funds	650	660	10
Total	650	660	10

¹ FTEs shown represent a lowered FTE expectation due to FY 2014 re-apportionment in August 2014.

Explanation of Change	2015 Base		2016 Change					
			Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Increases:								
A. Built-Ins:								
To Provide For:								
Costs of pay adjustments	650	\$59,182	0	\$0	0	\$156	0	\$156
Personnel benefits	0	\$18,258	0	\$0	0	\$1,092	0	\$1,092
Employee health benefits	0	\$0	0	\$0	0	\$0	0	\$0
Moving allowance	0	\$0	0	\$0	0	\$0	0	\$0
One day more of pay	0	\$0	0	\$0	0	\$168	0	\$168
Federal Employees' Compensation Act (FECA)	0	\$214	0	\$0	0	\$0	0	\$0
Benefits for former personnel	0	\$17	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$635	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$1	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$6,144	0	\$0	0	\$253	0	\$253
Rental payments to others	0	\$66	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$1,039	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$21	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$0	0	\$0	0	\$0	0	\$0
Other services from non-Federal sources	0	\$1,130	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$10,256	0	\$0	0	\$1,095	0	\$1,095
Other Federal sources (DHS Charges)	0	\$630	0	\$0	0	\$0	0	\$0
Other goods and services from Federal sources	0	\$30	0	\$0	0	\$0	0	\$0
Research & Development Contracts	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of equipment	0	\$7,385	0	\$0	0	\$0	0	\$0

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Explanation of Change	2016 Change							
	2015 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Supplies and materials	0	\$356	0	\$0	0	\$0	0	\$0
Equipment	0	\$1,000	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$0	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$112	0	\$0	0	\$0	0	\$0
Built-Ins Subtotal	650	+\$106,476	0	\$0	0	+\$2,764	0	+\$2,764
B. Programs:								
Enforcement Database	0	\$0	0	\$0	0	\$3,300	0	\$3,300
Enhancing Pay Discrimination Protections	0	\$0	0	\$0	10	\$1,147	10	\$1,147
Programs Subtotal			0	\$0	10	+\$4,447	10	+\$4,447
Total Increase	650	+\$106,476	0	\$0	10	+\$7,211	10	+\$7,211
Decreases:								
A. Built-Ins:								
To Provide For:								
Built-Ins Subtotal	0	\$0	0	\$0	0	\$0	0	\$0
B. Programs:								
Total Decrease	0	\$0	0	\$0	0	\$0	0	\$0
Total Change	650	+\$106,476	0	\$0	10	+\$7,211	10	+\$7,211

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SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY (Dollars in Thousands)								
	2014		2015		2016		Diff. 2016 / 2015	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Office of Federal Contract Compliance Programs	683	104,976	650	106,476	660	113,687	10	7,211
General Funds	683	104,976	650	106,476	660	113,687	10	7,211
Total	683	104,976	650	106,476	660	113,687	10	7,211
General Funds²	683	104,976	650	106,476	660	113,687	10	7,211

NOTE: 2014 reflects actual FTE.

² FTEs shown represent a lowered FTE expectation due to FY 2014 re-apportionment in August 2014.

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BUDGET AUTHORITY BY OBJECT CLASS					
(Dollars in Thousands)					
		2014	2015	2016	Diff. 2016 / 2015
	Full-Time Equivalent ³				
	Full-time Permanent	683	650	660	10
	Total	683	650	660	10
	Average ES Salary	\$170,000	\$170,000	\$170,000	\$0
	Average GM/GS Grade	12	12	12	0
	Average GM/GS Salary	\$86,893	\$90,068	\$90,932	\$864
11.1	Full-time permanent	59,348	58,544	60,015	1,471
11.3	Other than full-time permanent	158	148	148	0
11.5	Other personnel compensation	475	490	490	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	59,981	59,182	60,653	1,471
12.1	Civilian personnel benefits	18,154	18,472	19,564	1,092
13.0	Benefits for former personnel	1,241	17	17	0
21.0	Travel and transportation of persons	799	635	635	0
22.0	Transportation of things	2	1	1	0
23.1	Rental payments to GSA	5,936	6,144	6,397	253
23.2	Rental payments to others	71	66	66	0
23.3	Communications, utilities, and miscellaneous charges	1,311	1,039	1,039	0
24.0	Printing and reproduction	60	21	21	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	152	1,130	1,130	0
25.3	Other goods and services from Federal sources 1/	10,392	10,916	12,011	1,095
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	6,469	7,385	10,685	3,300
26.0	Supplies and materials	199	356	356	0
31.0	Equipment	209	1,000	1,000	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	112	112	0
	Total	104,976	106,476	113,687	7,211
	1/Other goods and services from Federal sources				
	Working Capital Fund	9,721	10,256	11,351	1,095
	DHS Services	605	630	630	0
	Services by DOL Agencies	33	15	15	0
	Services by Other Government Departments	33	15	15	0

³ FTEs shown represent a lowered FTE expectation due to FY 2014 re-apportionment in August 2014.

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AUTHORIZING STATUTES

Public Law / Act	Legislation	Statute No. / US Code	Volume No.	Page No.	Expiration Date
PUB. L. 93-112	Rehabilitation Act of 1973, as amended.	29 U.S.C. 793			N/A
PUB. L. 93-508	Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.	38 U.S.C. 4212			N/A
PUB. L. 101-336	Americans with Disabilities Act, as amended.	42 U.S.C. 12101 et seq.			N/A

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APPROPRIATION HISTORY (Dollars in Thousands)					
	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
2006					
Base Appropriation	\$82,106	\$0	\$0	\$81,285	670
2007					
Base Appropriation	\$83,657	\$0	\$0	\$82,441	625
2008					
Base Appropriation	\$84,182	\$0	\$0	\$81,001	585
2009					
Base Appropriation	\$89,013	\$0	\$0	\$82,107	585
2010					
Base Appropriation...1/	\$109,521	\$101,521	\$107,021	\$104,976	788
2011					
Base Appropriation	\$113,433	\$0	\$0	\$105,386	775
2012					
Base Appropriation	\$109,010	\$0	\$0	\$105,187	755
2013					
Base Appropriation...2/	\$106,415	\$0	\$0	\$99,685	729
2014					
Base Appropriation...3/	\$108,467	\$0	\$0	\$104,976	683
2015					
Base Appropriation	\$107,903	\$0	\$0	\$106,476	650
2016					
Base Appropriation...4/	\$113,687	\$0	\$0	\$0	660

1/ FY 2010 amount reflects reallocated funds from the dissolution of ESA's Program Direction and Support.

2/ Reflects a 0.2% across the board rescission pursuant to P.L. 113-6 and the sequestration reduction pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

3/ The appropriation amount should reflect the amounts passed as part of P.L. 113-76, which did not include any rescissions.

4/ FTE shown represent a lowered FTE expectation due to the reallocation of resources to non-staff activities in late FY 2014.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

OVERVIEW

Introduction

The Office of Federal Contract Compliance Programs (OFCCP) examines federal contractors' equal employment opportunity and affirmative action obligations under one executive order (EO) and two statutes. Specifically, they are:

- EO 11246, as amended, prohibits employment discrimination on the basis of race, religion, color, sex, sexual orientation, gender identity, or national origin. Discrimination against an employee or job applicant for inquiring about, disclosing or discussing pay is also prohibited;⁴
- Section 503 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination against individuals with disabilities (Section 503); and
- Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), as amended, prohibits employment discrimination against certain protected veterans.

The FY 2016 request for OFCCP is \$113,687,000 and 660 FTE. This request will enable OFCCP to focus on the following three key priorities that are strongly supported by the Secretary's vision of promoting and protecting opportunity:

- **Supporting economic justice and opportunity and leveling the playing field for compliant employers**, through robust enforcement programs that protect workers from discriminatory employment practices -- with a particular focus on systemic pay discrimination and equal employment opportunity in the construction industry;
- **Improving service delivery through data and technology**, including updates to the agency's enforcement database and technology platforms that will enhance data quality and integration and increase the agency's ability to focus limited enforcement resources on more likely violators; and

⁴ On April 8, 2014, the President signed EO 13665 amending EO 11246 to include a prohibition on discrimination against job applicants and employees for inquiring about, disclosing or discussing pay under certain circumstances. DOL published a Notice of Proposed Rulemaking to implement EO 13665 on September 17, 2014. While the order was effective immediately, it applies to contracts entered into on or after the effective date of the new Department of Labor (DOL) rules. Subsequently, on July 21, 2014, the President signed EO 13672, further amending EO 11246 to include nondiscrimination based on sexual orientation and gender identity. DOL published final regulations implementing EO 13672 on December 9, 2014. While the order is effective immediately, the protections apply to contracts entered into on or after the effective date of the new DOL regulation, which will be April 8, 2015.

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- **Implementing DOL's regulatory agenda**, by finalizing proposed rules, operationalizing final regulations and fulfilling responsibilities in executive orders and a Presidential Memorandum.

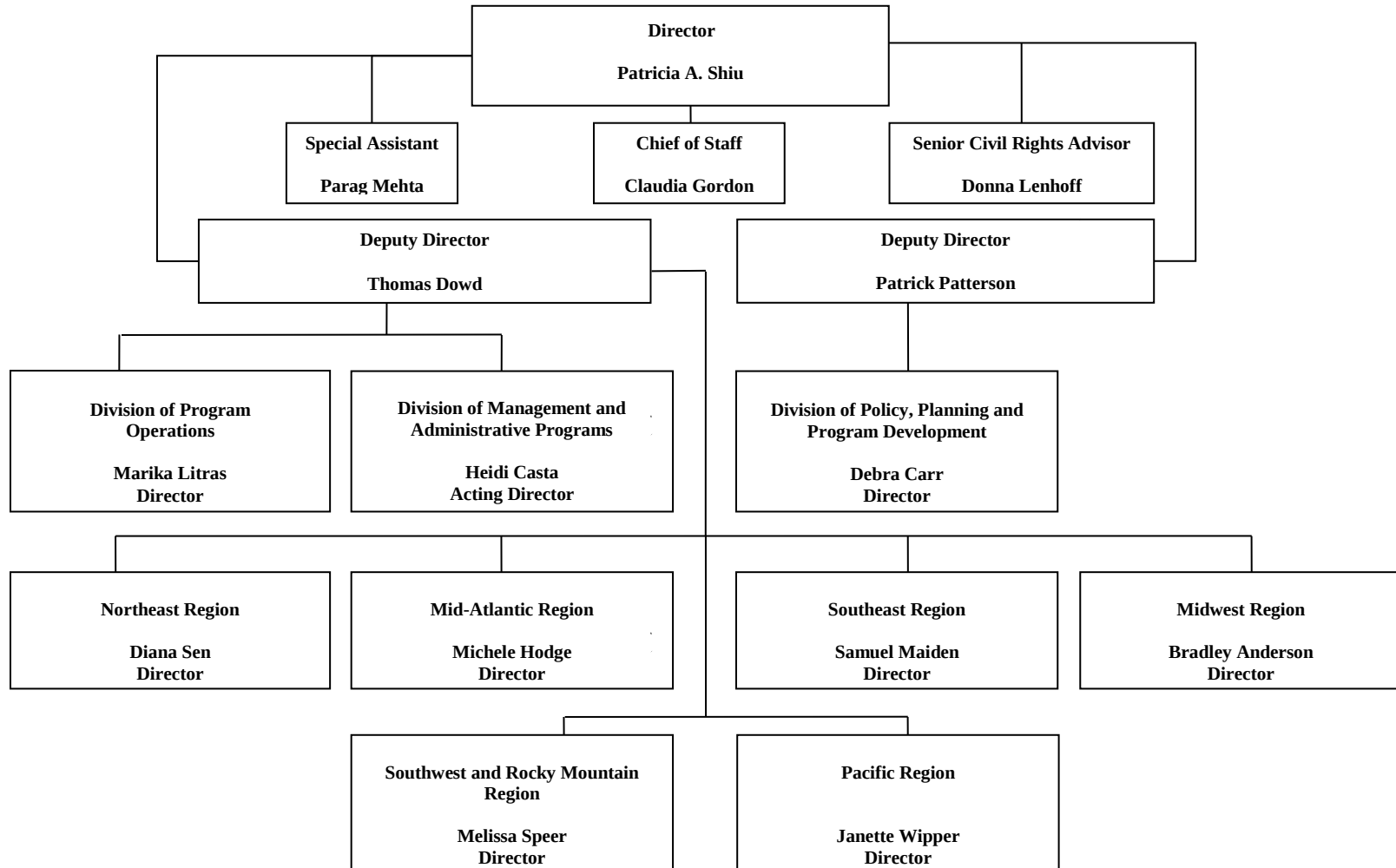
At the requested FY 2016 funding level, OFCCP will complete 3,840 supply and service compliance evaluations that will examine federal contractors' obligations under the statutes and EO that OFCCP enforces. In addition, OFCCP will complete 450 construction contractor reviews in FY 2016, for a total of 4,290 completed compliance evaluations. The FY 2016 target for total completed compliance evaluations is identical to that for FY 2015.

Workload and performance targets in FY 2016 build upon the framework established in prior years and the agency's FY 2014 accomplishments. OFCCP modified its performance measures and workload production goals in FY 2014 to increase the number of comprehensive audits, improve the quality of its investigations including identifying cases of compensation discrimination and engage stakeholders strategically to identify victims. As a result of these efforts, and with improved training, updated procedures, and amended regulations, OFCCP met 93 percent of its target of 4,290 compliance evaluations in FY 2014. Specifically, OFCCP completed 3,987 compliance evaluations resulting in \$11.9 million in back pay to more than 23,000 victims of discrimination, and created nearly 1,300 job opportunities, supporting the Department's goal of breaking down barriers to fair and diverse workplaces.

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Federal Contractor and EEO Standards Enforcement Organization Chart

The OFCCP is comprised of a national office headquartered in Washington, D.C. with three divisions and six regional offices with district and area offices distributed nationwide. The regional offices are located in Atlanta, Georgia (Southeast); Chicago, Illinois (Midwest); Dallas, Texas (Southwest and Rocky Mountain); New York City, New York (Northeast); Philadelphia, Pennsylvania; (Mid-Atlantic); and San Francisco, California (Pacific).



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BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	2014	2015	2016	Diff. 2016 / 2015
Activity Appropriation	104,976	106,476	113,687	7,211
FTE	683	650	660	10

NOTE: FY 2014 reflects actual FTE. Authorized FTE for FY 2014 was 683.

Introduction

In FY 2016, OFCCP will build upon the significant improvements in enforcement achieved in prior years. OFCCP anticipates continuing systemic pay discrimination enforcement improvements based on implementation of its 2013 compensation guidance and related training during 2013-2015. The agency will continue its enforcement on equal employment opportunity in construction. In FY 2016, OFCCP will continue to implement the Section 503 and VEVRAA regulations by devoting substantial resources to staff training and compliance assistance.

Enforcement Efforts

In FY 2016, OFCCP's continued enforcement priority areas will be to: 1) identify and address systemic pay discrimination to help narrow the persistent pay gap based on sex and race; and 2) focus on the elimination of gender, racial and ethnicity-based discrimination in the construction trades. Moreover, OFCCP will perform critical upgrades of its obsolete case management system, which will provide many benefits (described in the section headed "FY 2016", below). In addition, OFCCP will add a focus on ensuring employees and contractors have the information they need for implementing President Obama's historic Executive Order extending nondiscrimination protections to Lesbian, Gay, Bisexual and Transgendered (LGBT) employees of, and job applicants to, federal contractors. Finally, continued enforcement of the Section 503 and VEVRAA regulations implemented in FY 2014 will lead to the fair recruitment, hiring, pay, promotion and retention of veterans and individuals with disabilities in the workplace.

Building on its Active Case Enforcement (ACE) initiative, OFCCP continues to conduct investigations that meet exacting standards for quality, accuracy, and thoroughness. Toward this end, OFCCP:

- Schedules routine and special topic accountability reviews;
- Requires each region to conduct a thorough self-assessment when it is not scheduled for an accountability review; and
- Mandates that the regions conduct quarterly quality audits on 10 percent of closed cases.

These regular audits improve the overall quality of compliance evaluations, allowing the agency to focus training on the areas where it finds deficiencies. The FY 2016 focus on quality assurance builds on several milestones accomplished in FY 2015 to improve consistency in quality assessments and measures, including specialized training for regional quality assurance staff and updates to quality assurance tools and staff guidance.

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OFCCP is also refining its outreach program by leveraging its stakeholder relationships to support case enforcement. Specifically, the agency seeks to increase the number of affected class members located and remedied in its enforcement cases. In FY 2016, OFCCP will also continue to implement a robust language access plan to effectively communicate with key populations, including immigrants and individuals with limited English proficiency. The agency will accomplish this by translating materials into various languages and providing materials that meet the accessibility requirements under section 508 of the Rehabilitation Act. In addition, OFCCP will utilize innovative tools and technologies to engage workers and communities through an enhanced agency Web site, social media and other communication strategies.

Equal Pay Enforcement and Addressing Systemic Pay Discrimination

In FY 2016, OFCCP anticipates the results of a three-year effort to completely overhaul its approach to assessing whether contractors engage in systemic compensation discrimination in violation of EO 11246, a historically under-investigated personnel practice. In FY 2013, OFCCP rescinded outdated and ineffective guidance and announced revised procedures and protocols. Henceforward, OFCCP engaged in extensive training of compliance officers equipping them with the tools to better investigate systemic pay discrimination and built an extensive program of technical assistance. OFCCP saw results of the increasing scope and quality of systemic discrimination investigations and in FY 2014, OFCCP recovered nearly \$1.5 million in back pay and salary adjustments for pay discrimination cases – a substantial increase over the prior year. Seventy-one percent of these settlements were for systemic violations, compared with only 13% in FY 2013. In FY 2016, OFCCP anticipates potential benefits from data provided through the Equal Pay Report -- a tool for contractors to provide summary data on worker compensation by demographics as described in a Notice of Proposed Rulemaking published in FY 2014.⁵ This tool will allow OFCCP to focus investigative resources on those contractors more likely to have pay discrimination violations. OFCCP also proposes an additional funding request for 10 FTE, which will be used to strengthen enforcement efforts to combat pay discrimination by focusing on gender fair pay in the workplace.

Although laws that protect workers from pay discrimination have been on the books for more than fifty years, persistent pay gaps for female and minority workers persist. The pay gap is a tangible problem that continues to shortchange American workers and their families. Census data on annual earnings shows that women working full-time earn approximately 78 cents on the dollar compared to men. According to the latest Bureau of Labor Statistics (BLS) data, women's weekly median earnings are about 82 percent of that for men.⁶ The wage gap is significantly greater for many women of color. BLS data reveals that African-American women, Hispanic women, and Asian-American women make approximately 68 cents, 59 cents, and 87 cents, respectively, for every dollar earned by a non-Hispanic white man.⁷ Comparable figures, based

⁵ 79 FR 46561 (August 8, 2014).

⁶ Bureau of Labor Statistics (BLS), U.S. Department of Labor, Current Population Survey (CPS), Labor Force Statistics from CPS, available at <http://www.bls.gov/cps/earnings.htm#demographics>; Updated quarterly CPS earnings figures by demographics by quarter for sex through the end of 2013 available at <http://www.bls.gov/news.release/wkyeng.t01.htm>.

⁷ CPS, Earnings by Demographics 2012, available at <http://www.bls.gov/cps/earnings.htm#demographics> (last accessed March 28, 2014).

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on Census data, are 64 cents for African-American women, 56 cents for Hispanic women, and 86 cents for Asian-American women. Women of color also earn less than men within their racial and ethnic groups.

Regardless of how it is measured, over time that pay gap can have a substantial impact. According to one analysis by the Department of Labor, a typical 25-year-old woman working full-time would have already earned \$5,000 less over the course of her working career than a typical 25-year old man. If that earnings gap is not corrected, by age 65, she will have lost hundreds of thousands of dollars over her working years. Decades of research show this wage gap remains even after accounting for factors like the type of work people do, and qualifications such as education and experience. Although occupational segregation is an important contributing factor to the gender pay gap, women earn less than men even within occupations.

Moreover, while some women may work fewer hours or take time out of the workforce because of family responsibilities, research suggests that discrimination, and not just choices, can lead to women with children earning less.⁸

OFCCP compliance evaluations play a unique role in closing the pay gap for employees of federal contractors and subcontractors. Because many workers do not know how their pay compares to others, they may not know when they are being underpaid due to discrimination. OFCCP's ability to obtain and review contractor data without a complaint means the agency can address the problems that individual workers may not be able to solve on their own. Other federal enforcement agencies do not have this same opportunity.

To this end, under President Obama's National Equal Pay Task Force, OFCCP has been building a robust enforcement strategy for investigating and resolving pay discrimination by federal contractors. Between January 2010 and September 2014, OFCCP has closed more than 100 compliance evaluations with financial settlements remedying pay discrimination on the bases of gender and race. Through those efforts, OFCCP recovered nearly \$4.5 million in back pay and salary adjustments for more than 2,000 workers. Since 2013 about a third of OFCCP's successful settlements address compensation discrimination, and as discussed above, an increasing number address systemic pay discrimination claims.

To build on these prior efforts, in FY 2016, OFCCP will continue to focus on systemic compensation cases where agency reviews can have the greatest impact. Systemic cases⁹ provide remedies to larger numbers of workers, and their visibility generates a greater deterrent effect to incentivize voluntary compliance. Since investigating systemic cases places increased demands on compliance officers, OFCCP will continue building capacity by continuously

⁸ Shelley J. Correll, Stephen Benard, & In Paik, "Getting a Job: Is There a Motherhood Penalty?," 112 American Journal of Sociology 1297 (2007).

⁹ OFCCP's definition of systemic discrimination satisfies one of two criteria: (a) the case addresses a measurable pattern of discrimination (either based on findings from a regression analysis or based on any other aggregate statistical measure such as mean differences) or (b) the case addresses an identified practice applicable to multiple employees that results in pay discrimination (such as a practice of steering employees who are members of a protected class toward lower paying jobs at hire). There is no specific numeric threshold used to define a systemic case.

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training staff and hiring ten specialized staff with expertise in conducting the complex data analyses necessary for evaluating pay practices. With the additional staff, OFCCP will not only continue increasing the quality and quantity of its work on systemic pay discrimination, but it will also provide sufficient expert support for improved data collection and analysis. OFCCP's compensation targets are projected to increase to 40% of all discrimination violations and settlements in FY 2015 and FY 2016 (up from 35% in FY 2014). In addition, in FY 2014 the agency began significantly increasing the percentage of compensation violations that involved systemic issues, and systemic cases now comprise the vast majority of OFCCP's pay discrimination enforcement activities. By 2016, OFCCP expects that virtually all compensation violations and successful settlements will involve systemic issues.

Eliminating Discrimination in the Construction Industry

For years, the construction sector has been an important source of skilled, middle-class jobs for millions of American workers. Yet construction was one of the hardest-hit industries during the recent economic downturn. According to BLS, employment in the construction sector is projected to grow 2.6 percent annually. As the construction industry recovers, it is crucial that minorities, women, people with disabilities, and veterans have a fair opportunity to obtain those jobs and earn wages that increase their purchasing power and tax contributions, helping to spur the nation's economic growth.

OFCCP enforces the legal requirements mandating that federal and federally-assisted construction contractors and subcontractors, which comprise approximately 17 percent of all federal contracts, provide equal employment opportunity and increase employment for women, minorities, and others who have traditionally been excluded. Therefore, identifying and remedying discrimination and affirmative action violations in the construction industry is an important part of OFCCP's enforcement priority. Overall, in FY 2014, OFCCP completed 385 construction evaluations resulting in almost \$1.1 million in back pay to almost 2,000 victims of discrimination, and created 68 job opportunities.

In FY 2016, OFCCP will continue focusing on Mega Construction Projects to increase the number of potential job applicants and employees in federally-funded or federally-assisted construction projects. Since Mega Construction Projects have a value of \$25 million or more, are expected to last for at least one year, and are highly visible in their communities, they have the potential for increasing the representation of minorities, women, people with disabilities, and protected veterans in skilled trades. OFCCP's effort builds on its FY 2014 accomplishments which included development of standard operating procedures and training for OFCCP staff in conducting effective Mega Construction Projects. This effort also capitalizes on OFCCP's anticipated FY 2015 accomplishments, which include entering into a Memorandum of Understanding with the Department of Transportation to identify projects for early involvement and collaboration. The agency also continues to identify key community-based organizations that can help connect the prime contractor and subcontractors on Mega Construction Projects to sources of qualified workers.

Regulatory Reform

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In FY 2016, OFCCP expects to be implementing several new regulations that OFCCP anticipates finalizing during FY 2015, as well as continuing to support contractor implementation of regulations that were phased-in during FY 2014.

On April 8, 2014, by Presidential Memorandum, President Obama directed the Department of Labor to develop a pay data collection proposal that would: (1) maximize efficiency and effectiveness by directing OFCCP's enforcement efforts toward entities for which reported data suggest potential discrepancies in worker compensation; (2) minimize the burden on contractors, especially small businesses and small nonprofit organizations; and (3) use the data to encourage greater voluntary compliance and to identify and analyze industry trends. Consequently, OFCCP issued a Notice of Proposed Rulemaking (NPRM) in late FY 2014 proposing to amend existing regulations to add a requirement that federal contractors and subcontractors provide summary data on the compensation paid to employees by sex, race, ethnicity, and specified job categories in the proposed new information collection report. The proposed rule also describes benefits to the contractors, including improved contractor compliance and self-assessment. Pending issuance of a final rule in late FY 2015, implementation would continue during FY 2016.

Additionally, in FY 2014, President Obama amended EO 11246 to prohibit discrimination against employees who discuss or disclose their pay and to prohibit employment discrimination based on sexual orientation or gender identity.¹⁰ These amendments apply to contracts entered into on or after the effective date of the rules. An NPRM to implement the prohibition on discrimination against employees who discuss or disclose their pay was published in the Federal Register on September 17, 2014 for a sixty day comment period. The issuance of a final rule is anticipated during FY 2015. A final rule amending EO 11246 regulations to add sexual orientation and gender identity to the bases on which employment discrimination is prohibited was published in the Federal Register on December 9, 2014. Implementation of the agency's new regulations began in FY 2015 and continues through FY 2016. Moreover, OFCCP will continue working with federal contractors to support their compliance with recent regulatory changes to Section 503 and VEVRAA during the same period.

Finally, OFCCP's regulatory agenda also includes new sex discrimination guidelines to update the guidance in 41 CFR part 60-20 which is more than 30 years old and warrants a regulatory look back. Pending promulgation of a final rule in FY 2015, implementation would continue or begin during FY 2016.

Training and Education for External Stakeholders and Compliance Officers

In addition to the case-specific outreach activities that support improved enforcement, OFCCP's stakeholder engagement activities also involve providing the regulated community with technical support and access to resources so they can meet their equal employment opportunity and nondiscrimination obligations under OFCCP's programs. Specifically, to assist contractors in complying with their responsibilities, in FY 2016 OFCCP will conduct 600 compliance assistance activities, the same target set for FY 2015. Furthermore, OFCCP will accomplish this

¹⁰ EO 13665, *Nonretaliation for Disclosure of Compensation Information* (April 8, 2014) and EO 13672, *Further Amendments to Executive Order 11478, Equal Employment in the Federal Government, and Executive Order 11246, Equal Employment Opportunity* (July 21, 2014).

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with some improved tools and materials directed at self-assessment of contractor pay practices. OFCCP will continue to issue fact sheets and brochures in various languages describing OFCCP's role, the laws it enforces, and what companies can do to achieve compliance.

While OFCCP's Training Academy primarily conducts training for compliance officers and staff, it also continuously provides sessions for OFCCP's external stakeholders including contractors, community-based organizations, and others particularly on new regulations, policies or procedures. During FY 2016, OFCCP will develop and deliver contractor and staff training materials such as tools, templates, technical assistance guides and manuals, and educational and informational material for the general public with special emphasis on educating those populations most at risk for being victims of employment discrimination. These efforts support contractor compliance with new regulatory requirements, support quality and consistency in enforcement, and educate workers about their rights.

More specifically, the OFCCP Training Academy will develop and deliver training relating to the aforementioned regulatory reform efforts on pay secrecy, sexual orientation and gender identity, and collection of summary compensation data, among others. In FY 2016, the Training Academy plans to offer training on at least three agency Information Collection Requests, the Equal Pay Report, Mega Construction, and the Functional Affirmative Action Program (FAAP) data collections as authorized by the Office of Management and Budget during FY 2015. To determine the effectiveness of its training courses and instructors, the OFCCP Training Academy will continuously evaluate and measure the level of participant satisfaction, the degree to which participants absorbed the training material, or the achievement of an enabling skill. This evaluative process will be further refined in FY 2016.

Customer Service

OFCCP has significantly improved the quality of its interactions with the public by providing timely and accurate information about its program. This is expected to continue in FY 2016 with the agency's ongoing use of the Customer Relations Management (CRM) tool, improvements in the training and knowledge base of staff responsible for responding to public inquiries, the continued use of simultaneous interpreter services to effectively communicate with individuals contacting OFCCP that are not native English speakers, and the translation of outreach and education materials.

Specifically, the CRM tool, a Web-based content management software program, is designed to:

- Provide customers options for self-service and automated Web support;
- Create a knowledge database of the most frequently ask questions or areas of inquiry; improve processing and tracking of online customer inquiries;
- Generate reports on inquiry volume, and response time; and
- Provide employees and customers with a common database from which to access accurate information.

The tool also allows OFCCP staff to devote more time to other mission-related activities while, at the same time, ensuring that stakeholders with complex or nuanced questions receive personal

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attention when it is required. OFCCP staff providing stakeholder or customer service as a part of their job will be given access to specialized customer service training during FY 2016. They will also be required to participate in subject matter expertise training to support their knowledge of OFCCP's program and operations.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2011	\$105,386	775
2012	\$105,187	755
2013	\$99,685	729
2014	\$104,976	683
2015	\$106,476	650

FY 2016

The FY 2016 request for OFCCP is \$113,687,000 and 660 FTE, which includes dedicated funding of \$3,300,000 for the continued development of an improved enforcement case management database system and \$1,147,000 and 10 FTEs for targeted work to identify and address pay discrimination enforcement.

The enforcement case management database system, on which OFCCP began work in FY 2015, will improve the agency's ability to target its enforcement efforts more effectively and efficiently and use data to evaluate the effectiveness of its interventions. The proposed modernization would also support DOL's Digital Government Integrated Platform (DGIP), which is designed to modernize legacy systems within DOL and support enterprise data analytics, mobile data applications, and enhance staff productivity and efficiency. OFCCP is upgrading its system in conjunction with implementation of the DOL DGIP to ensure compatibility and leverage those investments.

The funds devoted to pay discrimination enforcement will aid in identifying and addressing systemic pay discrimination based on sex and race with the goal of narrowing the persistent wage gap. OFCCP anticipates that after the rule making process is complete, the new system would take about one year to build and implement before data collection begins.

The request will allow the agency to more efficiently carry out its strategic enforcement agenda focused on high quality, complex, and timely processed systemic investigations resulting in greater remedies for workers as well as greater federal contractor compliance. Specifically, the request will allow the agency to:

- Implement uniform workflows across the agency's regions and field offices to ensure consistent and high quality compliance evaluations and more transparency for federal contractors as they undergo compliance evaluations across the country.

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- Obtain a high level of data quality, integrity and timeliness on case actions, status dates and case dispositions to provide accurate and timely case information to Congress, the general public, and other OFCCP stakeholders.
- Facilitate collaboration across OFCCP field offices, national office expert advisors and the Office of the Solicitor required for the development of high quality, complex, and often multi-establishment systemic discrimination investigations.
- Efficiently carry out the agency's quality assurance program in real time, on both open and closed case files, to monitor case quality and timeliness, inform immediate training needs at all staff levels, and ultimately improve remedies for workers.
- Systematically track OFCCP activities and outcomes related to conciliation agreement monitoring (not possible in the current system) to allow OFCCP to monitor, evaluate and improve its effectiveness in finding victims and delivering to them the remedies that it negotiates in conciliation agreements.
- Continue substantial focus on investigating and remedying systemic pay discrimination, including supporting collection and analysis of Equal Pay Report data.
- Continue the focus on eliminating discrimination and promoting affirmative action in the construction trades through increased involvement in Mega Construction Projects.
- Continue to focus on strategic case-specific outreach to increase the number of affected class members located and remedied.
- Continue the work on its regulatory agenda by concluding its rulemaking and shifting its focus to implementing new regulations on prohibiting discrimination based on certain pay disclosures, sex discrimination, the summary collection of compensation data, and discrimination by federal and federally-assisted construction contractors.
- Continue to facilitate the success of contractors by providing accurate and timely training and technical assistance, and helping them identity outreach and recruit resources to meet their regulatory affirmative action obligations.
- Continue to expand the delivery of staff training through the OFCCP Training Academy, including training that supports regulatory implementation and compliance, quality audits, and quality compliance evaluations.
- Continue to professionalize the delivery of customer service to public.

FY 2015

The FY 2015 enacted funding for OFCCP was \$106,476,000 and 650 FTE. In FY 2015, OFCCP continues to focus on strong enforcement, regulatory reform and implementation and planned outreach for workers and their employers by implementing effective enforcement strategies to ensure that all workers (including veterans and individuals with disabilities) are recruited, hired, promoted, retained, and compensated fairly and equitably by Federal contractors and subcontractors. OFCCP focuses its enforcement resources on key areas, including:

- The quality and timely completion of compliance evaluations and complaint investigations to maximize remedies and job opportunities for workers;
- Progress in identifying, investigating and resolving systemic compensation discrimination by improving training and tools to support and increase the capacity of the

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agency's in-house experts, increasing the quality of its data analysis and improving the agency's overall investigative work on complex pay discrimination cases;

- Targeting training on conducting Mega Construction Projects that have the greatest potential impact on workers and on new regulations;
- Providing technical assistance to Federal contractors regarding all regulations; and
- Implementing strategic case-specific outreach to increase the number of affected class members located and remedies;
- Completing a regulatory agenda that includes new regulations implementing Executive Orders on prohibiting discrimination based on certain pay disclosures, sexual orientation, and gender identity, and a Presidential Memorandum on the summary collection of compensation data;
- Facilitate the success of contractors by providing accurate and timely training and technical assistance, and helping them identify outreach and recruitment resources to meet their regulatory affirmative action obligations;
- Expanding the delivery of staff training through the OFCCP Training Academy, including training that supports regulatory implementation and compliance, quality audits, and quality compliance evaluations; and
- Professionalizing the delivery of customer service to the public.

FY 2014

The FY 2014 enacted funding for OFCCP was \$104,976,000 and 683 FTE. In FY 2014 OFCCP's priorities focused on:

- Narrowing the persistent pay gap between men and women, and substantially increasing the number of systemic violations as well as the size and scope of pay discrimination settlements;
- Continued improvements to the quality and efficiency of its compliance evaluations and complaint investigations;
- Increased efforts to eradicate gender, racial, ethnicity, disability, and veteran status-based discrimination in the construction trades;
- Provided federal contractors with assistance to recruit, hire, and retain veterans and individuals with disabilities;
- Strengthened outreach to an array of stakeholders for education of workers and the regulated community to enable a comprehensive understanding of the new rules regarding disability and veteran status-discrimination; and
- Implemented an enterprise-wide investigative process (as opposed to focusing on individual establishments) to see that changes in personnel practices are implemented throughout a contractor's entire corporate structure.

OFCCP completed 3,602 supply and service compliance evaluations that examined federal contractors' obligations under the two laws and executive order that OFCCP enforces. This total is 92% of the number of supply and service evaluations completed in FY 2013. OFCCP is maintaining its focus on increasing the percentage of systemic compensation discrimination cases, which are more complex, while continuing to direct resources to cases involving

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individuals with disabilities (Section 503) and veterans (VEVRAA). Though the agency has historically focused upon reviewing supply and service contractors, OFCCP completed 385 construction contractor reviews during FY 2014, a 14 percent decrease from those completed during FY 2013. This decline in overall cases is related to an increased focus on identifying and remedying discrimination and affirmative action violations among contractors and subcontractors associated with Mega Construction Projects which is up 17 percentage points compared to FY 2013.

Because of their extended duration, OFCCP's early involvement, and the collaborative efforts with industry, unions, government, and community-based organizations that OFCCP's involvement fosters, Mega Construction Projects can help create robust pipelines that include qualified women and minority workers who can be connected with available jobs at the time of hiring. Mega Construction Projects have the potential for better success in increasing the representation of minorities, women, people with disabilities, and protected veterans in skilled trades through effective recruitment and training, thereby stretching enforcement dollars, and OFCCP is committed to focusing resources in this area to ensure effective affirmative action and non-discrimination. To support this effort, OFCCP also developed new Standard Operating Procedures and associated training on identification, early involvement, and conducting compliance evaluations on Mega Construction Projects.

Additionally, despite the fact that OFCCP conducted 8% fewer compliance evaluations in FY 2014 than in FY 2013, the number of victims receiving back pay more than doubled from 9,268 in FY 2013 to 23,018 in FY 2014. Moreover, back pay amounts to victims increased during the same period from \$7.8 million to \$11.9 million, which supports the effectiveness of OFCCP's strategies.

In FY 2014, OFCCP continued its educational and compliance assistance campaign by providing compliance officers subject matter training and providing federal contractors access to technical assistance. The focus was primarily on aiding both groups in understanding the new regulatory requirements issued during FY 2013 and implemented in FY 2014. The campaign included delivering formal training opportunities, issuing guidance to clarify regulatory language, making available frequent, all access Web-based training through recorded webinars, and conducting and participating in meetings and gatherings throughout the nation. These efforts were in part made possible through OFCCP's improved use of information technology.

In FY 2014, the OFCCP Training Academy built upon the prior fiscal year's staff development and training efforts for compliance officers and:

- Developed and conducted 22 contractor and staff webinars, and
- Trained more than 400 compliance officers and staff on the new Section 503 and VEVRAA regulations.

OFCCP continued to provide compliance assistance to federal contractors, with a special emphasis on the new regulations. Guidance was provided in the form of guides, webinars, FAQs, directives, and tools. In FY 2014 OFCCP:

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- Developed and issued a staff directive that reasonably ensures consistency and accuracy in the application of the new Section 503 and VEVRAA regulations through coordinated national office review of proposed violations,
- Developed and issued a directive clarifying for compliance officers the citation style and format for new Section 503 and VEVRAA violations,
- Mapped the Case Management System (CMS) to add violations under the new VEVRAA and Section 503 regulations,
- Provided technical assistance and general information to contractors on implementation issues, and to the general public, by processing more than 8,200 public inquiries through the Customer Service Desk;
- Created a new VEVRAA database on the Web site for contractors to either adopt the national hiring benchmark as their hiring benchmark or create a customized benchmark based on Census and other data;
- Developed a new Web-based resources list to facilitate connecting contractors to community-based and other organizations to help fulfill their affirmative action obligations;
- Developed a new Web-based database, the Disability and Veterans Community Resources Directory, to provide more than 200 resources for hiring and recruiting individuals with disabilities and veterans;
- Created new Web site content, including more than 100 FAQs addressing a range of contractor implementation questions related to Section 503 and VEVRAA;
- Implemented the new Functional Affirmative Action Program guidance; and
- Engaged contractors and explored ways to recognize or award high performing contractors and leverage them as peer-to-peer mentors to improve compliance by others, and also to demonstrate how companies could effectively increase the hiring of individuals with disabilities and veterans.

OFCCP continued to prioritize effective community engagement and relationship building with stakeholders. Through these relationships, OFCCP was able to reach and engage workers, amplify its message, support its enforcement and policy efforts and ultimately increase positive outcomes for workers. OFCCP revamped the definition of outreach events to distinguish between quality, impactful events and necessary meetings to establish and foster meaningful relationships. By refocusing the definition of events, OFCCP continued to enhance its ability to prioritize and conduct fewer events, while measuring the most significant and high-impact outreach events. Specifically, in FY 2014, OFCCP hosted 204 community engagement and worker education events which were attended by more than 22,000 individuals. Eighty-seven percent of these events targeted those most at risk of experiencing workplace discrimination (e.g., individuals with disabilities, veterans, and women and minorities in construction.) Also in FY 2014, the Chief Evaluation Office (CEO) initiated an evidence-based study to evaluate the effectiveness of OFCCP's relationships with community-based organizations in increasing positive outcomes for workers. The results of this study, anticipated in FY 2017, will help shape future outreach strategies.

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OFCCP continued fostering the customer-centric culture it began to implement in FY 2012 to provide reliable information to its customers irrespective of the channel they use to access information (email, phone, Internet). In FY 2014 OFCCP:

- Continued to provide timely and accurate information to stakeholders through its toll-free phone lines and public email box to the Department's National Contact Center;
- Continued to examine methods for receiving customer feedback and adopt best practices for improving customer experience; and
- Used metrics and standards to determine the effectiveness of customer service efforts.

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DETAILED WORKLOAD AND PERFORMANCE					
		2014		2015	2016
		Target	Result	Target	Target
Office of Federal Contract Compliance Programs					
Strategic Goal 3 - Promote fair and high quality work-life environments					
Strategic Objective 3.1 - Break down barriers to fair and diverse workplaces and narrow wage and income inequality					
OFCCP-01	Number of Supply and Service (S&S) Evaluations Completed	3,840	3,602	3,840	3,840
OFCCP-02	Number of Construction Evaluations Completed	450	385	450	450
OFCCP-04b	Number of Compliance Evaluations and Complaint Investigations Completed	--	3,987	4,290	4,290
OFCCP-05	Number of S&S FAAP Evaluations	96	70	76	76
OFCCP-08	Percent of Discrimination CAs with Pay Discrimination Findings	35%	27%	40%	40%
OFCCP-22	Number of Compliance Assistance Events	600	581	600	600

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

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Workload Summary

OFCCP was just short of its FY 2014 target (at 93 percent) for the number of completed compliance evaluations, including 3,602 supply and service evaluations (including FAAP), and 385 construction evaluations. At the same time, however, OFCCP realized increased financial remedies, job opportunities and salary adjustments to victims of discrimination as the agency continued to focus on quality, timeliness and systemic discrimination cases that maximized results for workers in a variety of employment practices. In FY 2015, OFCCP is projected to complete 4,290 compliance evaluations. In FY 2016, OFCCP will maintain this level of 4,290 compliance evaluations in order to continue to maximize case quality and prioritize larger systemic discrimination cases with the potential for helping more workers and thereby realizing even larger total back pay recovery amounts.

With its increased emphasis on enforcement of compensation discrimination, OFCCP also has targeted a 13-percentage point increase in the incidence of discrimination conciliation agreements with pay discrimination findings for FY 2015 compared to the actual FY 2014 level. OFCCP will achieve this target by prioritizing cases where the agency believes there is a high likelihood of pay discrimination findings. OFCCP plans to maintain this target for FY 2016 and beyond.

Compliance assistance is a critical component of OFCCP's enforcement efforts. Since OFCCP conducts annual compliance evaluations of a small percentage of the entire federal contractors, voluntary compliance achieved through compliance assistance is an important component of overall regulatory compliance. In turn, OFCCP's increase in compliance assistance events to 600 in FY 2014 and FY 2015¹¹ means that more federal contractors and subcontractors are aware of their affirmative action and non-discrimination obligations, regardless of whether they are subject to a scheduled audit. OFCCP achieved 97 percent of its target in FY 2014, confirming that the targeted 4.2 percent increase in compliance assistance events in FY 2014 was necessary to accommodate the demand for compliance assistance associated with OFCCP's new regulations. OFCCP will maintain this level in FY 2016, but improve the efficiency of events, by conducting events with the potential to reach larger audiences and incorporating new regulatory topics into existing presentations and materials.

Similarly, effective enforcement through quality and timely compliance evaluations must be accompanied by worker and community outreach to link audited contractors with appropriate recruitment resources and to educate workers about their rights. Ultimately, OFCCP's external engagement provides a pathway for the protection of worker rights regardless of whether their workplace is scheduled for an OFCCP audit. In FY 2016, OFCCP will focus on case-specific outreach strategies to increase the agency's ability to locate class members eligible to receive remedies resulting from compliance evaluations. Therefore, the agency will deemphasize events altogether to focus and leverage relationships that align with these enforcement objectives. This strategy fits with OFCCP's overall direction of targeted improvement in its enforcement efforts.

¹¹ Please note that the chart shows the FY 2013 result of 687, but the target for FY 2013 was 576. Therefore, in FY 2014 and FY 2015, the target of 600 compliance assistance events represents an increase of 4.2 percent.

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BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		2014	2015	2016	Diff. 2016 / 2015
11.1	Full-time permanent	59,348	58,544	60,015	1,471
11.3	Other than full-time permanent	158	148	148	0
11.5	Other personnel compensation	475	490	490	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	59,981	59,182	60,653	1,471
12.1	Civilian personnel benefits	18,154	18,472	19,564	1,092
13.0	Benefits for former personnel	1,241	17	17	0
21.0	Travel and transportation of persons	799	635	635	0
22.0	Transportation of things	2	1	1	0
23.1	Rental payments to GSA	5,936	6,144	6,397	253
23.2	Rental payments to others	71	66	66	0
23.3	Communications, utilities, and miscellaneous charges	1,311	1,039	1,039	0
24.0	Printing and reproduction	60	21	21	0
25.1	Advisory and assistance services	0	0	0	0
25.2	Other services from non-Federal sources	152	1,130	1,130	0
25.3	Other goods and services from Federal sources 1/	10,392	10,916	12,011	1,095
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	6,469	7,385	10,685	3,300
26.0	Supplies and materials	199	356	356	0
31.0	Equipment	209	1,000	1,000	0
41.0	Grants, subsidies, and contributions	0	0	0	0
42.0	Insurance claims and indemnities	0	112	112	0
	Total	104,976	106,476	113,687	7,211
	1/Other goods and services from Federal sources				
	Working Capital Fund	9,721	10,256	11,351	1,095
	DHS Services	605	630	630	0
	Services by DOL Agencies	33	15	15	0
	Services by Other Government Departments	33	15	15	0

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CHANGES IN 2016

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$156
Personnel benefits	1,092
Employee health benefits	0
Moving allowance	0
One day more of pay	168
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	253
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	1,095
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$2,764**

Net Program **\$4,447**

Direct FTE **10**

	Estimate	FTE
Base	\$109,240	650
Program Increase	\$4,447	10
Program Decrease	\$0	0