

## Office of Federal Contract Compliance Programs

### Construction Contractors—Affirmative Action Requirements: Rescission of Reporting Requirements

**AGENCY:** Office of Federal Contract Compliance Programs, Labor.

**ACTION:** Notice.

**SUMMARY:** As part of its regulatory reform efforts, the Department of Labor is reviewing reporting requirements placed on the public. The Office of Federal Contract Compliance Programs (OFCCP) has determined, as part of its review, that the present routine submission by covered construction contractors of the Monthly Employment Utilization Report (CC-257) is no longer necessary.

**EFFECTIVE DATE:** December 8, 1995.

**FOR FURTHER INFORMATION CONTACT:** Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, OFCCP, 202-219-9430 (voice), 1-800-326-2577 (TDD). Copies of this Notice, including copies in alternative formats, may be obtained by calling OFCCP at 202-219-9430 (voice) or 1-800-326-2577 (TDD). The alternative formats available are: Large print, electronic file on computer disk, and audio-tape.

**SUPPLEMENTARY INFORMATION:** In accordance with Executive Order 11246 (Sections 202, 203, and 301), the equal opportunity clause included in non-exempt Government contracts and federally assisted construction contracts requires contractors to furnish all information and reports required by Executive Order 11246 and by the rules, regulations, and orders of the Secretary of Labor (41 CFR 60-1.4(a)(5), (b)(5)). Also, non-exempt Federal construction contracts and subcontracts, and federally assisted construction contracts and subcontracts include the Standard Federal Equal Employment Opportunity Construction Contract Specifications (41 CFR 60-4.3). These specifications require construction contractors and subcontractors to submit any reports relating to the provisions of the regulations as may be required by the Government (41 CFR 60-4.3(a)(14)).

For many years, the reports routinely required of construction contractors by OFCCP have taken the form of the Monthly Employment Utilization Report (CC-257). Covered construction contractors have been required to record on this form the total hours worked by all construction employees and the number of hours worked by minority and female employees by construction trade, on construction projects in a

specific area. The CC-257s are sent monthly to the OFCCP Area Office with jurisdiction over the location where the contractor's payroll records are kept.

The requirement to file the CC-257, however, has had only limited application. The report has been required only of approximately one-third of the covered construction contractors every month. Briefly, only construction work performed in geographic areas covered by minority goals under a hometown or imposed plan, as listed in the Federal Register in 1978, are required to report. (45 FR 85750; 43 FR 19473, App. B) Approximately 35,000 reports are filed each month.

The ongoing review of regulatory requirements and the identification of existing paperwork requirements which can be eliminated without significantly affecting compliance with the Executive Order has resulted in the decision to no longer require the routine preparation and submission of the CC-257. Eliminating these monthly reports will relieve the affected construction contractors of an estimated 419,000 burden hours per year currently calculated under the Paperwork Reduction Act (44 U.S.C. 3501) (OMB control number 1215-0163). Also, ending this collection of information will permit OFCCP to utilize its limited resources more efficiently.

It is important to note, however, that the Executive Order and regulations cited above continue to authorize the Secretary of Labor to require reporting from contractors subject to the regulations. It is anticipated that such reporting, generally, will be associated with instances involving the resolution of violations of the regulations and as otherwise deemed appropriate to further the purposes of the Executive Order. (For example, during the term of a construction mega project.)

Therefore, upon publication of this Notice, the routine monthly compilation and submission of the form CC-257 is no longer required from construction contractors: *Provided*, that any contractor or subcontractor required to submit such reports pursuant to an extant agreement with OFCCP shall continue to do so for the duration of the agreement.

Signed at Washington, D.C., this 17th day of November 1995.

Bernard E. Anderson,  
*Assistant Secretary for Employment Standards.*

Shirley J. Wilcher,  
*Deputy Assistant Secretary for Federal Contract Compliance.*

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## Bureau of Labor Statistics

### Proposed Information Collection Request Submitted for Public Comment and Recommendations; Multiple Worksite Report and Report of Federal Employment and Wages

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance 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. This program helps to ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of the "Multiple Worksite Report." A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the address section of this notice.

**DATES:** Written comments must be submitted on or before February 6, 1996.

**ADDRESSES:** Send comments to Karin G. Kurz, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, N.E., Washington, D.C. 20212.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kurz on 202-606-7628 (this is not a toll free number).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The ES-202 Program is a Federal/State cooperative effort which compiles monthly employment and quarterly wage data. These data are collected from State Quarterly Contribution Reports submitted to State Employment Security Agencies (SESAs) by employers subject to State Unemployment Insurance (UI) laws. The ES-202 Report, produced for

each calendar quarter, is a summary of these employer (micro-level) data by industry at the county level. Similar data for Federal Government employees covered by the Unemployment Compensation for Federal Employees (UCFE) Program are also included in each State report. These data are submitted by all 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands to the Bureau of Labor Statistics (BLS) which then summarizes these macro-level data to produce totals for the States and the Nation. The ES-202 Report provides a virtual census of nonagricultural employees and their wages, with about 47 percent of the workers in agriculture covered as well.

As part of the ES-202 Program, the States also send micro-level employment and wages data, supplemented with the names and addresses of employers, to BLS. These States' data are used to create a BLS sampling frame, known as the Business Establishment List. This file represents one of the best sources of detailed industrial and geographical data on employers and is used as the sampling frame for most BLS surveys. The Business Establishment List includes the individual employer employment and wages data along with associated business identification information that is maintained by each State to administer the UI program as well as the UCFE program.

For employers having only a single physical location (worksites) in the State and, thus, operating under a single assigned industrial and geographical code, the data from the States' UI accounting file are sufficient for statistical purposes. Such data, however, are inadequate for statistical purposes for those employers having multiple establishments or engaged in different industrial activities within the State. In such cases, the employer's Quarterly Contributions Report may reflect only Statewide employment and wages and is not disaggregated by establishment or worksite. Although this level of data is sufficient for many purposes of the UI Program, more detailed information is required to create a sampling frame and meet the needs of several ongoing Federal/State statistical programs. As a result of the Multiple Worksites Report, improved establishment business identification data elements have been incorporated into and maintained on the Business Establishment List. Establishment identification data elements in the Business Establishment List include a physical location address, secondary name (division, trade name, subsidiary, etc.), and reporting unit description

(store number, plant name or number, etc.) for each worksite of multi-establishment employers.

Employers with more than one establishment reporting under the same U.I. account number within a State are requested to complete the Multiple Worksites Report if the sum of the employment in all of their secondary establishments is 10 or greater. The primary worksite is defined as the establishment with the greatest number of employees. Upon receipt of the first Multiple Worksites Report form, each employer is requested to supply business location identification information. Thereafter, this reported information is computer-printed on the Multiple Worksites Report each quarter. The employer is requested to verify the accuracy of this business identification information and provide only the employment and wages for each worksite for that quarter. By using a standardized form, the reporting burden on many large employers, especially those engaged in multiple economic activities at various locations across numerous States, has been reduced.

Comparable to the Multiple Worksites Report, the function of the Report of Federal Employment and Wages is to collect employment and wage data for each installation of a federal agency. The Report of Federal Employment and Wage aids in the development and maintenance of business identification information by installation. The Report of Federal Employment and Wages was modeled after the Multiple Worksites Report and is used only to collect data from Federal agencies covered by the UCFE program.

## II. Current Actions

No other standardized report is available to collect current establishment-level employment and wages data by SESAs for statistical purposes each quarter. Also, no other standardized report currently is available to collect installation-level Federal employment and wages data by SESAs for statistical purposes.

The Bureau of Labor Statistics has taken steps to help reduce employer reporting burden by developing a standardized format for employers to use to send these data to the States in an electronic medium. The Bureau also established an Electronic Data Interchange (EDI) Collection Center to improve and expedite the Multiple Worksites Report collection process. Employers who complete the Multiple Worksites Report for multi-location businesses can now submit employment and wages information on any electronic medium (tape, cartridge,

diskette, or computer-to-computer) directly to the data collection center, in lieu of each State agency. The data collection center then distributes the appropriate data to each State.

*Type of Review:* Extension of currently approved collection.

*Agency:* Bureau of Labor Statistics.

*Title:* Multiple Worksites Report (MWR) and Report of Federal Employment and Wages (RFEW).

*OMB Number:* 1220-0134.

*Frequency:* Quarterly.

*Affected Public:* Business or other for-profit institutions, not for-profit institutions, Federal Government, and State, local or tribunal government.

*Number of Respondents:* 117,911.

*Estimated Time Per Response:* 22.2 minutes.

*Total Burden Hours:* 174,508 hours.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the ICR; they also will become a matter of public record.

Signed at Washington, DC, this 5th day of December, 1995.

W. Stuart Rust, Jr.,

*Acting Chief, Division of Management Systems, Bureau of Labor Statistics.*

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## Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 95-108, Exemption Application No. D-09973, et al.]

### Grant of Individual Exemptions; Kay Aiden, Inc. Money Purchase Plan (the Plan), et al.

**AGENCY:** Pension and Welfare Benefits Administration, Labor.

**ACTION:** Grant of individual exemptions.

**SUMMARY:** This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The