

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSIONS**

**Title 29 CFR Part 30
Equal Employment Opportunity in Apprenticeship and Training**

A. JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and of each regulation mandating or authorizing the collection of information.**

The National Apprenticeship Act of 1937, Section 50 (29 U.S.C. 50), authorizes and directs the Secretary of Labor "to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, to cooperate with State agencies engaged in the formulation and promotion of standards of apprenticeship, and to cooperate with the Secretary of Education in accordance with Section 17 of Title 20." Section 50a of the Act authorizes the Secretary of Labor to "publish information relating to existing and proposed labor standards of apprenticeship," and to "appoint national advisory committees..." (29 U.S.C. 50a). (See Attachment 1 for a copy of the Act - current Statute and historical Statute).

Title 29 CFR Part 30 sets forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor and recognized State Apprenticeship Agencies. These policies and procedures apply to recruitment and selection of apprentices, and to all conditions of employment and training during apprenticeship. The procedures provide for review of apprenticeship programs, for registering apprenticeship programs, for processing complaints, and for deregistering noncomplying apprenticeship programs. This part also provides policies and procedures for continuation or withdrawal of recognition of State agencies which register apprenticeship programs for Federal purposes.

The following sections of the regulations contain information collection requirements subject to the Paperwork Reduction Act (See Attachment 2 for a copy of the regulations):

- a. 30.3 Equal opportunity standards, and 30.4 Affirmative action plans.

All apprenticeship sponsors must document that their apprenticeship program conforms to equal employment opportunity requirements in these regulations or provide evidence that they conform to other similar EEO requirements. If this information was not collected, there would be no formal assurance that the sponsor's apprenticeship program was being operated in a nondiscriminatory manner.

- b. 30.5 Selection of apprentice

Sponsors are required to notify all applicants who meet the requirements for admission and provide notice to rejected applicants, including reasons for rejection, of requirements for admission to the pool of eligibles and their appeal rights. If this information was not required, applicants and rejected applicants would not know of the reasons for their rejection, the requirements for admission, and their appeal rights.

- c. 30.6 Existing lists of eligibles and public notice.

A sponsor which determines that there are fewer minorities and/or women on its existing list of eligibles than would reasonably be expected, is required to establish new eligibility pools and lists, post such information, and provide 30 days notice in advance of the earliest date for application for admission. If the above was not required, there would be no way of assuring full opportunity for equal consideration of minorities and women to obtain admission to an apprenticeship program.

- d. 30.8 Records.

Sponsors are required to keep accurate records on the qualifications of each applicant pertaining to determination

of compliance with these regulations. Records must be retained, where appropriate, regarding affirmative action plans and evidence that qualification standards have been validated. State Apprenticeship Councils are also obligated to keep adequate records pertaining to determination of compliance with these regulations. All of the above records are required to be maintained for five years. If this information was not required, there would be no documentation that the apprenticeship programs were being operated in a nondiscriminatory manner. Many apprenticeship programs are 4 or more years in duration; therefore, it is important to maintain the records for at least 5 years.

e. 30.11 Complaint procedure.

The sponsor is required to provide written notice to all applicants and all apprentices of complaint procedures. If the applicants and apprentices were not notified, they would have no information on the complaint procedures and there would be no assurance that they were properly informed of their rights under the Federal apprenticeship EEO requirements.

Complaint of Discrimination in Apprenticeship Programs, ETA 9039, is submitted for extension (Attachment 3). The form was developed as a result of the Secretary's 1990 initiative to improve employment opportunities for women in the skilled trades.

f. 30.15 State Apprenticeship Councils.

State councils are required to prepare a revised EEO plan consistent with these regulations to assure that they are in conformance with the EEO requirements consistent with their function as a registration agency, recognized by the U.S. Department of Labor. If this was not required, there would be no assurance that the various State agencies planned to operate their programs consistent with EEO requirements.

g. 30.19 Exemptions.

State councils must notify the Department of exemptions granted to these regulations affecting a substantial number of employers. If this notification was not required, the

Department would have no way of knowing whether appropriate exemptions to EEO requirements had been made.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The recordkeeping required by Title 29 CFR Part 30 is of the following types:

- a. New sponsors with 5 or more apprentices are required to submit an affirmative action plan. Once approved, it is subject to annual updating and is reviewed along with applicant and apprentice records during on-site compliance reviews.
 - b. When selecting new apprentices, sponsors are required to maintain records on each applicant, including the reasons for selection or rejection.
 - c. Sponsors are required to maintain records on each apprentice, such as job assignment, promotion, demotion, layoff or termination, rates of pay, conditions of work, hours of training provided, etc.
- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The requirements of Title 29 CFR Part 30 are primarily recordkeeping. Use of information technology for storage and retrieval of such records is at the respondents' option.

Per OMB request, the Title 29 CFR Part 30 EEO Complaint Procedure and the electronic Complaint Form were incorporated into the Office of Apprenticeship Training, Employer and Labor Services (OATELS) Website. They are located at http://www.doleta.gov/atels_bat/complaint2.cfm and http://www.doleta.gov/atels_bat/ETAForm9039.doc, respectively.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in 2 above.

Recordkeeping and reporting requirements under Title 29 CFR Part 30 are not duplicated elsewhere.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The information required under Title 29 CFR Part 30 does not have a significant impact on small businesses. However, the regulations do exempt sponsors with 4 or fewer apprentices from the need to adopt an affirmative action plan under §30.4 or a selection procedure under §30.5, provided that the program was not adopted to circumvent Title 29 CFR Part 30.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The recordkeeping and reporting requirements are the minimum needed to assure that apprenticeship sponsors are complying with Title 29 CFR Part 30. The specific consequences of not requiring the data to be collected for each section of Title 29 CFR Part 30 are discussed in item 1, above.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;

- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

Generally, the information is collected in a manner consistent with 5 CFR 1320.5. However, a records retention requirement of 5 years is necessary (Title 29 CFR Part 30.8(e) Records). The duration of many apprenticeship programs is 4 years or more, and it is important to keep the records for a period of time after an apprentice has left the program.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The proposed extension of this data collection was placed in the Federal Register on July 6, 2006 [FEDERAL REGISTER /Vol. 71, No. 129, pages 38426-38427] to allow the public 60 days for review and comment. No comments were received.

ETA has been in contact with sponsors/employers and other interested groups on a regular basis and to date no adverse

comments have been received regarding this reporting requirement.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

Other than remuneration of contractors or grantees, no payments or gifts are made to respondents.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

29.3 and 29.6

No confidential information is required.

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

No information is collected that is considered to be of a sensitive nature.

- 12. Provide estimates of the hour burden of the collection of information. The statement should:**

- Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities

should not be included here. Instead, this cost should be included in Item 14.

30.3 Equal opportunity standards.

30.4 Affirmative action plans.

There are approximately 28,800 programs and 8,720 of these have 5 or more apprentices (FY 2005 Registered Apprenticeship Information Management System). At the end of FY 2005, of the approximately 1,600 new programs (23 States of the Office of Apprenticeship programs), there were approximately 70 new registered programs with 5 or more apprentices and approximately 1,540 with 4 or less apprentices. Sponsors with 4 or less apprentices are required under Title 29 CFR Part 29 to include in the materials necessary for registration documentation as to their EEO plans; therefore, the burden is included in that indicated for Title 29 CFR Part 29. Programs with 5 or more apprentices are required to adopt an affirmative action plan and selection procedures, and this burden is also included in the burden for Title 29 CFR Part 29. For the 1,540 new programs annually with 4 or less apprentices, the burden of EEO requirements and documentation is estimated to be ½ hour per sponsor (1,540 x 1/2 hr. = 770 hrs.). For the 70 programs with 5 or more apprentices, estimated burden is 1 hour per sponsor (70 x 1 hr. = 70 hrs.).

30.5 Selection of apprentices.

Reporting EEO information is applicable to programs with 5 or more apprentices estimated at 6,140 programs. Sponsors are required to provide certain notification to applicants. On an average, experience indicates that there are 10 applicants for each apprenticeship position; therefore, a total of 61,400 applicants (6,140 x 10) are notified by the 6,140 sponsors @ 1/2 hour per sponsor (6,140 x 1/2 hr. = 3,070 hrs.).

30.6 Existing lists of eligibles and public notice. The number of sponsors required to provide information in accordance with this section of the regulations is extremely limited and is estimated, by experience, to be approximately 50. Based on 5 hrs. per sponsor, the burden would be 250 hrs. (50 x 5 hrs.).

30.8 Records.

The burden on the sponsors to keep records on the qualifications of each applicant is estimated to be 1 minute for the actual filing of the information (28,800 sponsors x 1 min. =28,800 min.; 28,800 divided by 60 min. = 480 hrs.).

The burden for the State agencies to maintain adequate records consists primarily of time necessary for filing of materials which is estimated to be 5 minutes per program, based on approximately 14,120 programs (14,120 x 5 min. = 70,600 min.; 70,600 min. divided by 60 min. = 1,177 hrs.).

30.11 Complaint procedure.

The burden on the sponsor is merely to provide written notice to all applicants and apprentices of complaint procedures. This consists of a one-time notification (could be handed to) each applicant. ETA 9039 can be provided.

Burden for completion of the complaint form is estimated to be 30 minutes per applicant/apprentice. Most of the complaints are resolved at the local level. The 50 complaints estimate is based on 1 complaint per State. Therefore, the annual burden is estimated to be 25 hours (50 x ½ hr. = 25 hrs.). Per OMB request, the Title 29 CFR Part 30 EEO Complaint Procedure and the electronic Complaint Form were incorporated into the Office of Apprenticeship Training, Employer and Labor Services (OATELS) Website. They are located at http://www.doleta.gov/atels_bat/complaint2.cfm and http://www.doleta.gov/atels_bat/ETAForm9039.doc, respectively.

30.15 State Apprenticeship Councils.

This one-time requirement has been completed and is no longer a burden upon the State agencies. The burden to the Federal Government was also a one-time matter and has been completed.

30.19 Exemptions.

The burden on the State Councils to notify the Department of exemptions made to these regulations consists of merely

advising the Department of what exemptions have been granted. We are not aware of any State exemptions granted.

The total burden is summarized in the following table.

Summary of Burden for 29 CFR Part 30

Sec.	Total Respondents	Frequency	Total Responses	Average Time Per Response	Burden
30.3	1,540	1-time basis	1,540	½ hr./spon.	770 hrs.
30.4	70	1-time basis	70	1 hr./spon.	70 hrs.
30.5	6,140	1-time basis	6,140	½ hr./spon.	3,070 hrs.
30.6	50	1-time basis	50	5 hrs./spon.	250 hrs.
30.8	28,800	1-time/program	28,800	1 min./spon.	480 hrs.
30.8	30 State Agencies	1-time basis	14,120	5 min./spon.	1,177 hrs.
30.11	28,800	1 time	28,800	Handout	- - -
ETA 9039	50 appl/appr.	1-time basis	50	½ hr.	25 hrs.
30.15	30 State Agencies	1-time	Completed	- - - - -	- - -
30.19	30 State Agencies	Varies	- - - -	- - - - -	- - -
TOTALS	28,800	- - - -	50,770	- - - - -	5,842 hrs.

Total Respondents: 28,880 (28,800 sponsors + 30 State Agencies, 50 applicants/apprentices)

Burden Estimates are experienced.

The cost of the burden to respondents is \$85,860 [\$15 x 5,792 {Estimated Burden hrs. 5,842 - Apprentices' estimated burden hrs. 50 = 5,792} = \$92,672. The \$16 mean hourly rate (rounded to the nearest dollar) for the secretary was obtained from the U.S. DOL/BLS National Compensation Survey: Occupational Wages in the United States, July 2004, Secretaries, p. 8, Summary 05-02, August 2005.

- 13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

There are no additional costs other than those mentioned in Number 12 above.

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

29.3 and 29.6

The burden to the Federal Government, based on the GS-12 average salary of \$62,740 (\$30 per hr. rounded to the nearest dollar from OPM General Schedule, effective January 2006) is primarily for reviewing the materials submitted by the potential sponsors and is estimated to take 1/2 hour for those programs with 4 or less apprentices, and 1 hour for those programs with 5 or more apprentices. Total annualized cost would be \$25,200 (\$30 per 1/2 hr. x 1,540 programs = \$23,100; \$30 per hour x 70 programs = \$2,100).

- 15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.**

The change in the estimated burden hours reflects an increase in the number of programs with five or more apprentices from that of the previous PRA submission.

Title 29, Part 30	FY 2002 (11/2/06)			FY 2005 (5/4/06)			# Inc. or Dec.
	Respondents	Responses	Burden Hrs.	Respondents	Responses	Burden Hrs.	
30.3	1,510	1,510	755	1,540	1,540	770	+15
30.4	90	90	90	70	70	70	-20
30.5	6,470	6,470	3,235	6,140	6,140	3,070	-165
30.6	50	50	250	50	50	250	0
30.8	30,880	30,880	515	28,800	28,800	480	-35
30.8	30	14,740	1,228	30	14,120	1,177	-51
ETA 9039	50	50	25	50	50	25	0
Totals	30,960	53,790	6,098	28,880	50,770	5,842	-256

The change in the number of burden hours in the previous PRA from 6,098 to the current submission of 5,842 reflects a drop of 256 burden hours. The data reflects federal workloads only. The primary categories contributing to this decrease in burden hours include the following:

- a. number of responses having active programs with five or more apprentices from 6,470 (burden hours = 3,235) to 6,140 (burden hours = 3,070) which is a drop of 165 burden hours or almost two-thirds percent of the decrease in the total burden hours;
- b. number of active programs with five or more apprentices in State Apprenticeship Council/Agencies from 14,740 (burden hours = 1,228) to 14,120 (burden hours = 1,177) which is a drop of 51 burden hours; and
- c. number of responses with active programs from 30,880 (burden hours = 515) to 28,800 (burden hours = 480) which is a drop of 35 burden hours.

- 16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

Summary information is used to respond to requests from senior management, Congress, public interest groups, the apprenticeship sponsor community, and the general public.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

ETA is not requesting a waiver for the display of the OMB expiration date. It will be displayed on the form and in any ETA/OATELS issuances.

- 18. Explain each exception to the certification statement identified in Item 19. "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.**

There are no exceptions.

- B. Collections of Information Employing Statistical Methods.**

The collection of information does not employ statistical methods.

Attachments:

- 1. Current and historical Statute: National Apprenticeship Act, P. L. 308, August 16, 1937, (Fitzgerald Act).

2. Title 29 CFR Part 30, Equal Employment Opportunity in Apprenticeship and Training, May 12, 1978.
3. Complaint of Discrimination in Apprenticeship Programs, ETA 9039.
4. Copy of the Federal Register notice without the date and page number of the "Proposed Collection; Comment Request"