

**SUPPORTING STATEMENT FOR  
Training Agreement for Apprenticeship and Other On-The-Job Training Programs  
Employer's Application to Provide Job Training  
38 CFR 21.4261 and 21.4262  
(OMB 2900-0342)**

**A. Justification**

1. The Department of Veterans Affairs is authorized by 38 U.S.C. 3677 and 3687 to provide a training assistance allowance to veterans, reservists, and other eligible persons under chapters 30, 32, and 35 of title 38, U.S.C., chapters 1606 and 1607 of title 10, U.S.C., Section 903 of Public Law 96-342, and the NCS (National Call to Service) under 10 U.S.C., chapter 31, section 510. Currently, VA regional offices approve apprenticeship and on-the-job training programs in three states. In all other states, there are SAAs (State Approving Agencies), under the authority of 38 U.S.C 3671 and 3672 that perform this approval function.

In most cases, rather than use these VA Form, the SAAs, collect the same information as required in 38 CFR 21.4261 and 21.4262 but use their own tool. This submission now includes the hours of the State approving agencies when they collect information for VA to approve apprenticeship and other on-the-job training programs.

The following administrative and legal requirements necessitate the collection:

- A. 10 U.S.C. 16131(d), 16136, 16166 and section 510 of chapter 31.
- B. 38 U.S.C. 3034(a)(1), 3241(a)(1), 3534(a), 3671, 3672, 3677, 3687(a).
- C. 38 C.F.R. 21.4150(c), 21.4261(b) and (c), 21.4262 (b) and (c), 21.5250(a), 21.7220(a), 21.7720.

2. VA has used current VA Form 22-8864 to ensure that all trainees receive a training agreement as required by regulation. VA has used the current VA Form 22-8865 to ensure that training programs meet the statutory and regulatory requirements for approval. In most instances, SAAs do not use these forms but collect the same information as VA as required in § 21.4261(b), (c), and § 21.4262(b) and (c).

3. VA has converted these forms into an electronic format, which is available on the Internet. However, the form cannot be submitted electronically because VA does not have the means to accept electronic signatures. Signatures on the 22-8864 are required for the approval of training at a VA approved On-the-Job Training or Apprenticeship facility. Signatures on the VA form 8865 are required for VA approval of a facility to offer On-the-Job Training or Apprenticeship programs to VA beneficiaries. Therefore, the form can be completed electronically, but must be signed and either mailed to the Regional Processing Office or faxed.

4. VA is not aware of any duplication of this information collection.

5. The information collected does not have a significant impact on a substantial number of small businesses or other small entities. The information collected is required by statute for approval of job-training programs and payment of training assistance. The information required is not dependent on the size of the business or entity.

6. A trainee must complete and return VA Form 22-8864 or the equivalent when entering an approved program.

A VA Form 22-8865 or the equivalent is submitted only once per program. Since the law requires this information, the VA or the SAA must receive it for the employer to participate in one of these programs or for a trainee to obtain benefits. To collect the information less often would preclude VA from providing training assistance to eligible persons.

7. The collection of the information does not require any special circumstances.

8. The public was informed of the right to submit comments on this information collection. The notice is contained on page 40367 of the Federal Register dated July 24, 2007. No comments were received. While no consultations outside VA have been held since the last submission for approval, employers and trainees have a continuing opportunity to comment on these forms.

9. VA provides no payments or gifts to respondents.

10. VA Form 22-8864 is retained in the trainee's education folder. VA Form 22-8865 or equivalent is retained in a program approval folder. The SAA retains the equivalent information in its records. Our assurance of confidentiality is covered by our System of Records, Compensation, Pension, Education and Rehabilitation Records - VA (58VA21/22) which are contained in the Privacy Act Issuances, 2001 Compilation.

11. None of the questions on this form are considered to be of a sensitive nature.

12. The estimated annual burden for this collection of information is 7,493 hours.

VA estimates it will receive VA Form 22-8865 from 100 employers per year. For those programs approved by the SAA, the estimated number of respondents for the state equivalent of VA Form 22-8865 is 2,897. The total is 2,997 responses.

VA estimates that two respondents will file VA Form 22-8864 for each of the 2,997 programs approved for a total of 5,994 responses.

VA estimates that an employer takes 90 minutes (1.5 hour) to complete VA Form 22-8865 or the equivalent. Multiplying 2,997 responses by 1.5 hours each gives 4,495.5 hours. VA has rounded this up to 4,496 hours for VA Form 22-8865 and the equivalent SAA information.

VA estimates that a trainee and the employer need 30 minutes to complete VA Form 22-8864. Multiplying 5,994 responses at 30 minutes each gives 2,997 hours for VA form 22-8864.

Adding 2,997 hours for VA Form 22-8864 and 4,496 hours for VA Form 22-8865 (and the equivalent SAA information) gives a total of 7,493 hours.

The annual cost to the public is estimated as \$112,395 annually. This cost is composed of the following:

For VA Form 22-8864, the completion cost is \$44,955 based on 2,997 hours at \$15.00 per hour.

For the VA Form 22-8865, the completion cost is \$67,440 based on 4,496 hours at \$15 per hour.

13. This submission does not involve any record keeping costs. The employers are required to keep progress records, however, and employer routinely keeps progress reports of trainees.

14. The estimated cost to the Federal Government is \$628,361.22. This is based on the following:

a. Costs of processing applications (VA Form 22-8865) and agreements (VA Form 22-8864) are as follows:

For VA Form 22-8864, processing time of 15 minutes at a VA regional office (using GS9 step 5 Claims Examiner at \$23.33 hourly) for 5,994 applications, results in the cost to the government of \$34,960. The SAAs do not have a cost associated with processing this form.

For VA Form 22-8865 the total processing cost is \$589,165 as follows:

VA expects to receive 100 VA Forms 22-8865 applications yearly from employers. Total hours expected is 6.94 hours per application times 100 applications gives 694 hours. The cost of the ELR for the 694 hours at \$28.33 hourly results in a cost to the government of \$19,585.

VA received requests and approved 114 programs during the previous 12 months. Processing time includes all hours that an SAA would have spent with the employer. It includes telephone calls, supervisory visits, approval visits, out-reach activities where VA spends time explaining and working with employers but never getting an application returned. It includes travel time to and from these visits. Total hours spent by VA during the past 12 months totaled 791 hours nationwide for 114 applications. This gives an average of 6.94 hours spent for each VA Form 22-8865 received. All review of the applications and approval of programs is by an ELR (Education Liaison Representative) (GS11, step 5). The ELR also handles any informal discussion.

For the equivalent of VA Form 22-8865 for programs received and approved by an SAA, the cost to the SAAs is \$569,580 based on the same 6.94 hours for 2,897 responses annually, at the same equivalent salary of an ELR (\$28.33 per hour). This is actually a cost of the Federal Government as VA awards funding for all SAA work activities SSA's perform administering the provisions in 38 U.S.C. chapter 36.

b. Administrative costs (Prorated costs of form design and printing) total \$460.00 per year.

\$ 310.00 (VA Form 22-8864)  
\$ 150.00 (VA Form 22-8865)  
 \$ 460.00

Mailing costs of VA Form 22-8864 totals \$2,517.48 per year, based on 5,994 responses, at 42¢ each (39¢ for postage and 3¢ for envelope). Mailing costs of VA Form 22-8865 totals \$1,258.74 per year based on 2,997 responses, at 42¢ each (39¢ for postage and 3¢ for envelope). Total mail costs are the sum of \$2,517.48 and \$1,258.74 or \$3,776.22.

Summary of cost to the Federal Government:

\$ 34,960.00	Processing cost for VA Form 22-8864 (GS 9/5)
\$589,165.00	Processing cost for VA Form 22-8865 (GS 11/5)

\$ 460.00	Administrative costs
\$ 3,776.22	Mailing costs
\$628,361.22	TOTAL GOVERNMENT EXPENSE

15. There is a substantial adjustment in burden from the current submission, primarily caused by including the hours that SAAs collect the information to approve on-the-job training and apprenticeship programs.

16. VA does not publish this information or make it available for publication.

17. VA Forms 22-8864 and 22-8865 do not display expiration dates, and if required to do so would result in unnecessary waste of existing stocks of these forms. As this information collection is submitted for approval every few years (as required by OMB), this date requirement would also result in an unnecessary burden on the respondents and would VA action on the benefit being sought. VA also seeks to minimize the cost to itself of collecting, processing, and using the information, by not displaying the expiration date. For these reasons, VA continues to seek an exemption that waives the displaying of the expiration date on VA Forms 22-8864 and 22-8865.

18. The information collection complies with all the requirements stated in item 19 on OMB 83-I.

**B. Collection of Information Employment Statistical Methods**

This collection of information by the Veterans Benefits Administration does not employ statistical methods.