

**SUPPORTING STATEMENT FOR OMB APPROVAL
UNDER THE PAPERWORK REDUCTION ACT AND 5 CFR 1320**

Justification

1. Explain the circumstances that make the collection of information necessary.

This paperwork package is being submitted because it is necessary that certain information be collected for the effective enforcement of the Department of Labor's (DOL) regulation implementing the nondiscrimination and equal opportunity provisions Section 188 of the Workforce Investment Act of 1998 (WIA), published at 29 CFR Part 37. Title 29 CFR Part 37 applies to entities receiving financial assistance, in whole or in part, under Title I of the WIA. The Civil Rights Center (CRC), located within the Department of Labor's Office of the Assistant Secretary for Administration and Management, is responsible for the enforcement of WIA Section 188. No changes are anticipated with the reauthorization of WIA Section 188.

In addition, entities receiving financial assistance from DOL through acts other than the WIA (e.g., Title V of the Older Americans Act and Trade Adjustment Assistance Act) are subject to four cross-cutting civil rights laws:

- Section 504 of the Rehabilitation Act of 1973, as amended;
- The Age Discrimination Act of 1972, as amended;
- Title IX of the Education Amendments of 1972, as amended; and,
- Title VI of the Civil Rights Act of 1964, as amended.

The paperwork burdens imposed by Part 37 and the four crosscutting civil rights laws and regulations are:

A. 29 CFR 37.20(b) Assurances

This section requires each applicant for financial assistance under Title I of WIA to include, in its application for financial assistance, standard assurance language that it will comply fully with the requirements of Section 188 of WIA and its implementing regulation.

Federal nondiscrimination regulations that currently apply to DOL financed programs and activities, and require the same assurances of nondiscrimination from those entities that seek to be awarded financial assistance are:

- Department of Justice (DOJ) Title VI coordinating regulations at 28 CFR 42.406(d) and 28 CFR 42.407(b);
- DOJ's section 504 coordinating regulation at 28 CFR 41.5(a)(2);
- DOL's Title VI regulations at 29 CFR 31.6; and
- DOL's section 504 regulations at 29 CFR 32.5.

B. 29 CFR 37.37, 37.38 and 37.39 - Data and Information Collection and Maintenance

These sections require recipients to collect, maintain and under certain circumstances, report information to the Director of CRC as follows:

- Section 37.37(b) requires that each recipient collect such data and maintain such records as the Director deems necessary to determine whether the recipient has complied with or is complying with the nondiscrimination and equal opportunity provisions of WIA or Part 37.
- Section 37.37(c) requires recipients to maintain, and to submit upon request, a log of complaints filed with it that allege discrimination in violation of Section 188 or Part 37.
- Section 37.38 (a) requires that each grant applicant and recipient promptly notify the Director when any administrative enforcement actions or lawsuits are filed against it that alleges discrimination on a ground prohibited by Section 188.
- Section 37.38 (b) requires each grant applicant (as part of its application) to provide the name of any Federal agency (other than DOL) that conducted a civil rights compliance review or complaint investigation and that found the grant applicant to be in noncompliance, and information about any administrative enforcement actions or lawsuits that allege discrimination on any ground protected by Section 188 that were filed against it, during the two years before the grant application was filed.
- Section 37.39 requires that grant applicants and recipients maintain information required by Part 37 for three years.

WIA Section 185 requires that recipients collect and maintain records and other data for various purposes; including showing it's compliance with Section 188 of WIA. Federal civil rights regulations that currently apply to all DOL financial assistance programs and activities, and which currently require recipients to collect, maintain and provide to CRC information are:

- 28 CFR 42.406(a) and 42.410 (DOJ Title VI coordinating regulations);
- 45 CFR 90.42(a) and 90.45 (HHS Age Discrimination Act coordinating regulations);
- 29 CFR 31.5(b) (DOL Title VI regulations enforced by CRC);
- 29 CFR 32.49 (DOL section 504 regulations).

Title 28 CFR 42.408(d) of DOJ's Title VI coordinating regulations require that recipients who process complaints of discrimination filed against it, or one of its sub-recipients are to maintain a log of those complaints.

Title 28 CFR 42.406(d) of DOJ's Title VI coordinating regulations require that applicants and recipients make prompt notification of any administrative complaints and further requires that each applicant include this information in its application.

The three-year record retention requirement is consistent with standard Federal administrative requirements and established DOL audit regulations.

C. 29 CFR 37.54 - Methods of Administration:

In 1984, addressing the intent of the Job Training Partnership Act (JTPA) to balance sub-recipient compliance with JTPA between the Governor and DOL, DOL proposed, and OMB approved the establishment of a written Method of Administration. The 1984 OMB-approved MOA was organized in nine elements. These elements incorporated already existing statutory and regulatory requirements. The MOA requirement has been retained under WIA and incorporated into Part 37 (see attachment 1).

This section requires only continuing State programs to develop and implement a MOA. An MOA is a written document, with supporting documentation, of equal opportunity and nondiscrimination policies, procedures, and systems. The MOA is designed to give the Secretary of Labor reasonable assurance that State programs and activities that receive financial assistance under WIA operate in a nondiscriminatory manner. The MOA requirement is three-fold:

1. Initial submission;
2. Written notification of updates/changes;
3. Two-year re-certification.

Section 184(d)(2) of WIA necessitates recipients to ensure that they monitor the programs to which they have provided WIA funding. Additionally, 28 CFR 42.410 of DOJ's Title VI coordination regulations currently require that state agencies administering a continuing state program that receive Federal financial assistance, establish a Title VI compliance program for itself and other recipients which obtain Federal financial assistance through it. DOL's Title VI Regulations at 29 CFR Part 31.6(b)(2) require that every application by a continuing state program provide or be accompanied by provision for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that the applicant and all recipients under the program comply with all requirements imposed or pursuant to this part.

D. 29 CFR 37.73 and 37.74 B - Complaint Information and Privacy Act Form

Section 37.73 requires that each complaint filed with CRC or a recipient must be in writing and must contain the information specified in 37.73(a) through 37.73(b). Section 37.74 allows complainants to file a complaint by completing and submitting CRC's *Complaint Information and Privacy Act Consent Form* (see attachment 2). This collection of information is necessary to allow the Department to conduct investigations into complaints of discrimination filed by individuals who allege their rights under one or more Federal laws enforced by CRC have been violated.

E. 29 CFR 37.8(a)(2) and (b)(2) and 37.9(f)(2) B - Written justifications of decisions

Section 37.8(a)(2) requires a recipient, having made the decision that an accommodation requested by a person with a disability would, if provided, cause an undue hardship, must put that decision in writing. Similarly, section 37.8(b)(2) requires a recipient, having made the decision that a modification requested by a person with a disability would, if made, fundamentally alter the program, activity, or service, must put that decision in writing. Finally, Section 37.9(f)(2) requires a recipient, having made the decision that an alternate form of communication requested by a person with a disability would, if provided, result in an alteration of the program, activity or service, must put that decision in writing. These requirements are placed upon recipients to ensure they have adequately addressed all issues associated with their obligation

to provide reasonable accommodation/modification and communication, and that denials are based upon sound considerations and are not frivolously denied.

Entities who are subject to this requirement are already required under the Americans with Disabilities Act of 1990 to provide written justification for the denial of a reasonable accommodation/modification or communication. For example, CRC's WIA regulations at 29 CFR 3.6 requires any WIA recipient who is denied an accommodation request to provide a written justification for the denial. This obligation is also found in the Department of Justice's (DOJ) rule implementing Title II of the Americans with Disabilities Act of 1990 (ADA), to which most WIA recipients are subject (see 28 CFR 35.164). Further, 28 CFR 35.150(a)(3) requires the preparation of a written statement by any public entity who believes that the provision of a reasonable accommodation/modification would be unreasonable.

F. 29 CFR 37.29, 37.30, 37.31, and 37.34 B Notices of Rights

Sections 37.29-37.31 contain the requirement that recipients notify a wide variety of interested persons (e.g., applicants for and participants in their programs as well as applicants for and employees of their programs) of those persons' rights under Section 188, including their right to file a discrimination complaint. Section 37.34 requires recipients to include the statements, *Equal Opportunity Employer/Program, and auxiliary aids and services are available upon request to individuals with disabilities*, in recruitment brochures and other materials that are ordinarily distributed to staff, clients, or the public at large, to describe programs funded under Title I of WIA or the requirements of participation by recipients and participants. This requirement is placed on recipients to ensure that all individuals, including applicants for program participation or employment, employees and program participants, are aware of the recipient's obligation to ensure nondiscrimination in its programs and activities and of their right to nondiscrimination, including their right to file a complaint when they believe discrimination has occurred.

This requirement is common among many of the regulations to which recipients are subject. For example, DOJ's Title VI coordination regulation requires that each recipient post, in reasonable numbers, notices that describe the recipient's obligation not to discriminate, see 28 CFR 42.405(c). Recipients are further required by this section to incorporate into their manuals and other publications made available to the public, notice of their equal opportunity obligations. Finally, this section requires recipients to include reference, in public broadcasts, to their equal opportunity obligation. Title 29 CFR Part 31, DOL's regulation implementing Title VI, requires that each recipient make available information regarding its provisions and the applicability to the program under which the recipient receives Federal financial assistance. Title 29 CFR Part 32 also contains the same notice requirement.

2. Identify how, by whom, and for what purpose the information is to be used.

The Department and recipients will use the information collected for the following purposes:

A. Assurances

Assurances are submitted as part of each application for Federal financial assistance and are reviewed by the officials of the grant-making agency and the CRC as part of the pre- award review and approval of the application. The assurance notifies the grant applicant that it is aware, and is agreeable, as a condition of receipt of Federal financial assistance, to conform to the requirements of

the assurance. Additionally, the assurances serve as a legal basis for Federal administrative or judicial enforcement action, if necessary.

B. Data and Information Collection and Maintenance

1. Equal Opportunity Characteristics Data: Both DOL and the recipient have an obligation to ensure that Federally financed programs and activities do not discriminate. The data collected by recipients is vital to this end. For recipients, the data can be important statistical evidence in responding to allegations of discrimination as well as conducting self-assessments. The CRC analyses this data as part of compliance reviews and complaint investigations.

A complaint investigation differs from a compliance review in that a complaint investigation focuses on a specific, individual allegation of discrimination while a compliance review looks at broader issues of systemic discrimination. A compliance review may also assess a recipient's compliance with its administrative obligations. Given this difference, the use of data and statistical analysis play a different, but similarly important, role. With a compliance review, which generally focuses on systemic patterns and practices of discrimination that affects a group or class of individuals, equal opportunity data is the starting point of the investigation. These data are analyzed to identify any significant statistical deviations from averages in rates of services or participation based upon a prohibited ground(s). Significant statistical deviations from the mean can infer discrimination. The next steps of the review involve analysis of records, interviews of staff and/or participants, observation of the environment, and facility inspections. These processes assist the reviewer in determining if inferences of discrimination are in fact real instances of discrimination, or explainable identified disparities.

A complaint investigation, on the other hand, uses equal opportunity statistical data differently. Complaint investigations begin with a specific allegation(s) of an individual discrimination filed with CRC or the recipient by a complainant. The investigation of such a complaint begins with an analysis of the facts surrounding the complainant's allegation. After this analysis has been completed, it is frequently necessary to obtain and analyze equal opportunity data of groups who are in situations similar to that of the complainant. By conducting analysis of this data, meaningful insight into the complainant's allegation maybe obtained.

2. Complaint log: Typically, the recipient's EO Officer maintains the complaint log. An entry is made for each complaint filed with it at the time the complaint is filed. Upon request, the complaint log is electronically submitted to CRC for evaluation. The log is reviewed by CRC to determine the number and type of complaints, as well as the specific program or activity against which the complaint is filed. This evaluation has two purposes: (a) to identify any patterns of discrimination that may exist within a particular program, and (b) to ensure that individuals who file complaints with the recipient are afforded due process in that the complaint is processed in a accordance with the Federal requirements for complaint processing procedures.

3. Information regarding administrative complaints, etc. This information will be used by DOL to assess the compliance status of a grant applicant or a recipient. This information can provide insight into the compliance status of an applicant.
4. Record retention requirement is a standard regulatory obligation of a Federal grant recipient. This requirement is necessary to ensure that the records, paper, film, or electronic, are available to respond to allegations of discrimination. Allegations of discrimination may be filed as late as 180 days after the alleged discrimination, or in certain instances even longer.

C. Methods of Administration

The MOA described in this package, just as those approved by OMB in 1984 and required of continuing State Job Training Partnership Act programs and outlined in 29 CFR 34.33, are designed to give the Secretary of Labor reasonable assurance that each continuing State program funded under Title I of WIA operates in a nondiscriminatory manner, and that the State and these programs are able to comply with their equal opportunity and nondiscrimination obligations.

D. Complaint Information and Privacy Act Form

The Complaint Information and Privacy Act form (CIF) is used: to determine timeliness, jurisdiction; and whether the complaint has apparent merit. In addition, the information may be needed to determine if the complaint should be forwarded to another investigative agency. The CIF is the starting point for the investigation; and the information helps in determining the appropriate remedy.

E. Written Justifications

This written justification serves a number of purposes. First, it ensures that the recipient has given due consideration to its obligation to provide reasonable accommodation/modification and alternative communication to individuals with disabilities, and provides evidence of that consideration if the recipient's actions were to come under question in a subsequent administrative or legal proceeding. Further, it helps ensure that the issues surrounding the request have been discussed with individual making the request. The provisions of both the Americans with Disabilities Act of 1990 and Section 504 place a high priority upon interaction between employers and service providers and individuals with disabilities. Finally, the CRC would review and evaluate this written documentation in any complaint investigation or compliance review that involved a Section 504 issue. Such documentation provides significant insight into the compliance posture of recipients.

F. Notices of Rights

The notice requirement contained in Part 37 is designed to ensure that applicants for and participants in WIA Title I financially assisted programs, as well as applicants for employment and employees are aware of their rights under Section 188 of WIA, including the right to participate and work free of discrimination, as well as their ability to file a complaint if they believe their rights have been violated. Interested members of the public are also notified, because they represent, provide counsel to and refer individuals to WIA programs and activities. These persons can supplement the participants' understanding of their rights, and assist them in securing those rights. Notice of rights under Section 188 particularly important because the bases of prohibited discrimination go beyond those found in the four, cross-cutting civil rights laws that flow from any Federal financial assistance. These bases are: religion;

citizenship; political affiliation or belief; participation in WIA Title I financially assisted programs; and except for educational programs and activities, sex.

As recipients publish information regarding program, services, and employment opportunities it is required to use taglines. These taglines are designed to ensure that the general public is aware that such offerings are provided equally and that they will not be subjected to discrimination.

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.

The obligation to collect EO data from applicants, program participants and employees is a burden imposed by Part 37 that lends itself to the use of automated, electronic, mechanical or other technological collection techniques. CRC has made a concerted effort to use improved information technology to minimize the burden. For example,

- a. CRC has coordinated and will continue to coordinate with a national organization that provides computer services to State Employment Services (ES) in the redesign of their EO data collection and reporting computer software package. The alternative would have been for each State to design its own system. Representatives for this organization are encouraged to conduct a workshop at DOL's national equal opportunity conference.
- b. CRC has worked closely with ETA, the DOL grant agency, in the development of a computerized record collection and record keeping system for the WIA program.
- c. CRC has developed training workshops for Job Corps, ES/UI, and WIA recipients on recordkeeping and data analysis. During these workshops recipients are instructed in the most efficient data collection formats and the most practical methods of data analysis.
- d. CRC has made available the Complaint Information Form (Form DL-2014A) in an electronic form for downloading. CRC is making efforts to automate the process for filing complaints alleging discrimination to minimize the burden. The URL for the Form is <http://www.dol.gov/oasam/programs/crc/CIFENGWord.doc>.
- e. CRC has made available a Discrimination Complaint Log template in an electronic form for downloading. This effort by CRC reduces the burden on recipients to maintain and transmit complaint log data. The URL for the Complaint Log and instructions is <http://www.dol.gov/oasam/programs/crc/Compassis.htm#Methods%20of%20Administration>.
- f. With respect to the Methods of Administration (MOA), to reduce burden and to foster compliance assistance, CRC has made a MOA Analysis Checklist available on its webpage at <http://www.dol.gov/oasam/programs/crc/Compassis.htm#Methods%20of%20Administration>.

4. Describe efforts to identify duplication.

A. Assurance

The assurance required by Section 37.20 is unique to the nondiscrimination provisions of the WIA. There is no other agency that enforces these provisions.

B. Data and Information Collection and Maintenance

The data and information requirements of Part 37 are the same as those of other long-standing civil rights regulations, including 29 CFR Part 37, the rule that implements the nondiscrimination and equal opportunity provisions of WIA. Over the years, CRC has worked closely with the DOL grant agency and others to eliminate duplication. For example, in the early 1980's CRC worked with the Job Corps in the design of their Mainstream Report to ensure that it had a reporting mechanism suitable for EO purposes. Also, CRC worked with the national agency that provided State Employment Service Agencies with computer support to design their systems to ensure that it took into consideration EO reporting. Over the years, CRC has maintained a working relationship with this organization.

CRC has worked closely with the DOL grant agency in the design of the WIA Management Information Reporting System. The system as designed meets both the programmatic needs of the Employment and Training Administration and the equal opportunity needs of CRC.

With respect to data and information collection of Unemployment Insurance (UI) registrants and claimants, the reports required by ETA generally meet CRC's needs. In prior years, CRC prepared and ETA issued, EO recordkeeping and reporting guidance, thus ensuring that CRC could effectively monitor the EO compliance of State UI programs.

Complaint log and information regarding administrative complaints:

The information required by these obligations is unique to Section 188 and Part 34. For example, no other civil rights law includes 10 separate grounds for protection against discrimination.

C. Methods of Administration

When CRC established the MOA as a regulatory requirement, contacts were made with those Federal agencies most likely to impose a requirement similar to an MOA. Regulations enforced by the Office of Federal Contract Compliance Programs (OFCCP) within DOL require an Affirmative Action Program (AAP), a document that is not similar to an MOA. The DOL grant agency has reviewed the MOA requirements and have assured that nothing like an MOA is required by ETA and that the MOA is a vital companion document to the grant application/State plan. Contacts with other Federal departments indicated that nothing similar to the MOA is required. For example, the Equal Employment Opportunity Commission (EEOC) was contacted and reported that the record collection, maintenance and reporting burden imposed by EEOC upon State and Local governments is limited to records and information on the race/ethnicity, sex and age of employees and applicants for employment including State and local governments. The only report filed with EEOC by State and local governments is the annual EEO-4 report. The EEO-4 reports employment data in specific categories. It does not report data on applicants for or participants in a recipient's programs and activities. Finally, contact was made with the national agency that represents most continuing State programs receiving financial assistance from DOL. This agency reported that any Federal agency or department requires neither MOAs nor any similar document.

D. Complaint Information and Privacy Act Form

The form described in Part 37 has been developed to extract information from a complainant given the unique facts of programs financially assisted by DOL. While other agencies (e.g., EEOC and OFCCP) have complaint forms, neither of these (nor any other form) would elicit the information necessary to determine CRC's jurisdiction to conduct investigations.

E. Written Justifications

CRC reviewed regulations to which recipients of WIA Title I financial assistance might be subject. Generally, the duplication of coverage is limited to Title II of the ADA. The mechanics of preparing a written justification is consistent with the requirement of regulations implementing Title II. Given this consistency, CRC will accept a written justification prepared in accordance with Title II regulations, where any duplication might exist.

Physical accessibility standards under Section 504 are in accord with UFAS standards and under ADA ADAG standards. Generally these standards are the same, however, CRC will accept compliance with either standard.

F. Notices

The notice requirements of Part 37 apply to Section 188 of WIA. Other than CRC, no other agency has the authority or responsibility to enforce Section 188. There is no duplication.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

None of the collection requirements affect small businesses or other small entities. The information collection and reporting burden lies with States, counties, cities, and national recipients of financial assistance under Title I of WIA. However, in order to minimize burden, the Department makes available on its website a MOA Analysis Check list and a template for the compliant log (see Item 3 in this supporting statement).

6. Describe the consequences 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.

A. Assurance

The assurance serves two purposes. First, the assurance provides an applicant with full and complete information concerning its compliance obligations. Second, the assurance ensures DOL's ability to enforce Section 188 and 29 CFR Part 37. Lastly, the assurance is a pre-award protection for the government that it is not awarding financial assistance to an entity that discriminates or does not have the appropriate mechanisms in place to ensure nondiscrimination and equal opportunity. The assurance is required once for each application. The information cannot be collected less frequently.

B. Data and Information Collection and Maintenance

Demographic Data: This collection of information cannot be collected less frequently than it presently is. The applicant, participants or employee provides data once. A recipient is requested to submit data only when CRC has scheduled a review of that recipient. Failure to collect this information would render CRC unable to assess the programs and activities it funds to determine the extent to which the programs were operating in compliance with their obligation not to discriminate.

Complaint log: This obligation requires that the recipient record certain information about complaints filed against it. An entry for each item of information is made a single time. It cannot be done less frequently. CRC's evaluation of the information contained on the complaint log assists in determining if the recipient has complied with its obligation to process complaints filed against it and, more importantly, to identify potential areas of discrimination.

Information regarding administrative complaints, etc.:

This information is gathered and analyzed as an aid in determining whether a grant applicant can conform to the requirements of Section 188 and Part 37.

C. Methods of Administration

Part 37 requires that each State adopt an MOA, update it as needed, and every two years re-certify its accuracy. CRC believes that by establishing a two year review cycle, States will make the MOA a living document that serves as an EO guidebook for those at the State and local level who have direct equal opportunity responsibilities.

D. Complaint Information and Privacy Act Form

The CIF is completed a single time for each complaint. It cannot be done fewer times. The CIF contains information vital to CRC's determination of jurisdiction as well as providing the information that allows CRC to conduct its investigation into the complaint.

E. Written Justifications

Failure to prepare written justifications would affect a recipient's ability to show that it had made all appropriate considerations when determining that an accommodation/modification/communication request could be granted. This could make them liable for a complaint in an administrative or judicial forum. Further, the individual making the request would have no assurance that the request was given due consideration prior to it being refused, or that there was an interactive discussion of the issues. Finally, failure to prepare written justifications would inhibit CRC's ability to enforce the law, given that there would be no documentation relative to the discussions of these issues.

F. Notices

Failure to provide notice would have a profoundly negative effect upon the knowledge that applicants, participants and employees need to ensure that their rights are protected. The notice describes the fact that they are protected from discrimination, the bases of discrimination (which as previously, are more expansive than those found in the four cross-cutting civil rights laws), and it provides information about what to do if one believes he/she has been discriminated against. Further, the election not to inform the

general public that program, services, and employment opportunities are provided in a nondiscriminatory manner would have a chilling effect in many communities across the country.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the requirements of 5 CFR 1320.5(c)(2)(i) through (viii).

Not applicable. None of the collection requirements are inconsistent with the requirements of 5 CFR 1320.5(c)(2)(i) through (viii).

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the Agencies notice required by 5 CFR 1320.8(d). Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments.

CRC publish the notice required by 5 CFR 1320.8(d) in the Federal Register on November 30, 2007 (page 67760-67761 of publication Volume 72, Number 230.)

No public comments were received in response to the Civil Rights Center publishing the notice in the Federal Register.

9. Explain any decision to provide any payment or gift to respondents.

No payment provided.

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

The Complaint Information Form provides respondents a notice indicating their rights provided by the Privacy Act. Additionally, the information submitted in the Form is managed in accordance with The Department's Systems of Records titled DOL/OASAM-22 (67 FR 16816).

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.

Not applicable.

12. Provide estimates of the hour burden of the collection of information.

A. Assurances

ETA has incorporated the required assurance into all of its grants and agreements. The requirement to include assurances in grant agreements has been approved by OMB under number 1205-0398. Therefore, the hours associated with the assurance relating to ETA's grant agreements, and subsequent agreements

by the primary recipient and other sub-recipients do not result in any additional burden hours. No burden hour estimate is associated with this requirement.

B. Data and Information Collection and Maintenance

Equal Opportunity (EO) data collection and maintenance: Each of the 1,026 recipients is required to collect and maintain OMB demographic and disability data for specified applicants for benefits and services and applicants for employment and employees. The number of responses is estimated based on the number of applicants for and/or participants in WIA programs services and applicants for employment and employees. The burden hour estimate below is based upon a sample of WIA State recipients. CRC estimates that each applicant requires 20 seconds to record his/her race/ethnicity, sex, age, and disability status.

Table 1: Equal Opportunity Data Collection Burden Hours			
Total Estimated Annual Responses (PY2006 data)	Estimated Average Response Time (seconds)	Total Seconds	Total Hours
24,707,628	20	494,152,560	137,265

Collection of employment data: Recipients already collect and maintain race/ethnicity, sex, age, and disability data for employees and applicants for employment as a result of Title VII of the Civil Rights Act of 1964, as amended and State fair employment practice laws. Therefore there is no additional burden associated with this requirement to collect employment data other than as already captured in Table 1 above.

Data Maintenance: CRC recognizes that the three-year record retention requirement imposed by Part 37 is a paperwork burden. However, DOL’s program regulations applicable program and financial records impose the same three-year retention to recipients. Data is substantially stored and maintained electronically. Any additional storage required by Part 37 is a minimal time and dollar cost and no burden hour estimate is provided.

Complaint log: The following table is CRC’s estimate for maintaining a complaint log. This estimate is based upon information provided by State Workforce Agencies and USDOL-operated Job Corps Centers on the number of complaints received annually.

Table 2: Complaint Log Burden Hours		
Estimated Number of Annual Complaints Filed	Average Time to Log A Single Complaint	Total Burden Hours
1,200	3 minutes	60
Grand Total Burden Hours		60

Notification of administrative enforcement actions and lawsuits: The burden to notify CRC of any administrative action or lawsuit would be negligible and not resulting in any measurable burden hours. The notification is accomplished with a simple short letter to CRC and based on the past occurs very infrequently.

C. Methods of Administration

The chart below summarizes the hour burden associated with the MOA requirement contained in Part 37. This requirement involves three separate obligations:

- States must submit a WIA MOA Continuing State WIA Title-I funded training and employment programs; and the State Employment Security Agency, which generally includes the State’s Unemployment Insurance and Job Service programs must submit a WIA MOA. Under Part 34, States had the option of submitting a single, combined MOA for all of its continuing State programs, or an MOA for each continuing State program. This flexibility resulted in the submission, by the States, of a total of 53 MOAs. Therefore, this requirement is complete and entails no additional burden.
- Title 29 CFR 37.54(b)(2) requires that the State update its MOA as changes in procedures occur. CRC estimates that, on average in a single year, one provision per MOA will require updating, and that each update will take 6 hours. Therefore, each State, over the three year approval of this paperwork package, will submit three revisions to its MOA. Based on past history, the Department estimates that it will receive on average 17 MOA updates per year.
- Title 29 CFR 37.54(b)(2) also requires that the MOA be updated every two years. Therefore, each State will be required to update its MOA(s) sometime in the next three years.

Table 3: MOA Burden Hours			
OBLIGATION	NUMBER	HOURS PER OBLIGATION	ANNUALIZED HOURS
Update of WIA MOA	17	6	106
Biennial Update	53	3	80 (biennial)
		TOTAL HOURS	186

D. Complaint Information and Privacy Act Form

The chart below reflects the burden hours associated with the complainant’s completion of the CIF. Each year, CRC receives approximately 700 CIFs. CRC estimates that complainants take 15 minutes to

complete the CIF. (The IFR allows an individual to file a complaint without completing the CIF. However, the information required by 37.73 must be provided.

Table 4: Complaint Information and Privacy Act Form	
Number of CIFs per year	700
Time to complete one CIF	.25 hour
Total hours	175

E. Written Justifications

The requirement for a written justification will apply very infrequently, since the vast majority of requests will be honored. CRC estimates that 20 written justifications will need to be prepared, each taking 2 hours to prepare. This results in a total burden to this requirement of 40 hours annually.

F. Notices

The Federal Government provides the disclosure information in the notice, which generates no burden for this activity. See 5 CFR 1320.3(c)(2).

Table 5: Burden Summary

Activity	No. of Respondents	Frequency	Frequency Rate	Estimated Total Number of Annual Responses	Estimated Average Response Time	Estimated Total Annual Burden Hours
Grantee Recordkeeping and Reporting Requirements						
Assurances	1,026	Annual	N/A	N/A	N/A	0
Data/Information Collection and Maintenance	1,026	On occasion	24081.51	24,707,628	0.006	137,265
Complaint Log	1,026	On occasion	1.17	1,200	0.050	60
Written Justifications	20	On occasion	1.00	20	2.000	40
Sub-total for grantee recordkeeping:	1,026	//////////	//////////	24,708,848	//////////	137,365
Methods of Administration (MOA)						
Initial Submission	53	One time	0.00	0	N/A	0
Update of WIA MOA	53	On occasion	0.33	17	6.000	105
Biennial Update	53	Biennial	0.50	27	3.000	80
Sub-total for MOA:	53	//////////	//////////	44	//////////	184
Complaints (Individuals)						
Complaint Information Form (DL-1-2014a)	700	On occasion	1.00	700	0.250	175
Sub-total for Complaints	700	//////////	//////////	700	//////////	175
Grand Totals:	1,779	//////////	//////////	24,709,592	//////////	137,725

13. Provide estimates of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

(a) Total capital and start-up cost: \$0. This cost is based upon the fact that this paperwork package requires no new data collection and reporting systems.

(b) Total operation and maintenance and purchase of service components: \$108,243.00. Contacts with recipients indicate that costs of operation, maintenance and purchase are minimal. Estimate based upon a per recipient cost of \$105.50 per year (times 1,026, the total number of recipients). The \$105.50 per year is the prorata share cost of recordkeeping for the collection and maintenance of EO data. These costs are allowable expenders under Federal WIA grant dollars as part of the administrative set-asides. Therefore, no cost burden is taken for these costs.

14. Provide estimates of annualized cost to the Federal government.

A. Assurance

CRC estimates that the total cost to the Federal government of this requirement is \$153.74 per year. This estimate is based upon the number of assurances to be reviewed each year (53) multiplied by the amount of time required to review each assurance (5 minutes), and further multiplied by the average hourly wage of the individual reviewing the assurance (\$36.26).

B. EO Data and Information Collection and Maintenance

EO Data: CRC estimates that the total cost to the Federal government of this requirement is \$2320.64 per year. This estimate is based upon the number of compliance reviews to be conducted each year (4) multiplied by the amount of time required to review the data (16 hours), and further multiplied by the average hourly wage of the individual reviewing the EO data (\$36.26).

Complaint log: CRC estimates that the total cost to the Federal government of this requirement is \$3,541.97 per year. This estimate is based upon the number of complaint logs to be reviewed each year (147) multiplied by the amount of time required to review each complaint log (30 minutes), and further multiplied by the average wage of the individual reviewing the complaint log (\$48.19).

Review of notification of administrative complaints: CRC estimates that the total cost to the Federal government of this requirement is \$36.26 per year. This estimate is based upon the number of notifications estimated to be reviewed each year two multiplied by the amount of time required to review each notification (30 minutes), and further multiplied by the average wage of the individual reviewing the notification (\$36.26).

C. Methods of Administration

CRC estimates that the total cost to the Federal government of this requirement is \$6,878.25 per year. This estimate is based upon the number of Methods of Administration (MOA) to be reviewed per annum (27) multiplied by the amount of time required to review each MOA (5 hours), and further multiplied by the average hourly wage of the individual reviewing the MOA (\$50.95).

D. Complaint Information and Privacy Act Form

CRC estimates that the total cost to the Federal government of this requirement is \$50,764.00 per year. This estimate is based upon the number of forms to be reviewed each year (700) multiplied by the amount of time required to review each form (2 hours), and further multiplied by the average wage of the individual reviewing the form (\$36.26).

E. Written Justifications

CRC would review a written justification only in the overall context of a compliance review or complaint investigation. There is no reportable cost to the Federal government for this requirement.

F. Notices

There is no cost to the Federal government for this requirement.

Total Estimated Annualized Cost to the Federal government: \$63,694.81

15. Explain the reasons for any program changes or adjustments reported in Items 13 and 14 of the OMB form 83-1.

The adjustment in burden hours occurred due to the decline in the number of applicants for and/or participants in Workforce Investment Act programs and services; the number of applicants for employment and employees. Cost burden was eliminated since such costs are allowable expenses under WIA administrative set-asides.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

The information collected will not be published.

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.

There are no plans to not display the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19 of OMB form 83-1.

No exceptions are requested.

LIST OF ATTACHMENTS FOR TITLE 29 CFR PART 37

1. State Guidance for the Development and Implementation of the Methods of Administration required by 29 CFR 37.54
2. Complaint Information and Privacy Act Form