

SUPPORTING STATEMENT
APPLICATION FOR FEDERAL CERTIFICATE OF AGE
REGULATIONS 29 C.F.R. PART 570, SUBPART B
FORM WH-14
OMB CONTROL NUMBER 1215-0083

1. Fair Labor Standards Act (FLSA) section 3(l), 29 U.S.C. § 203(l), provides, in part, that an employer may protect against unwitting employment of “oppressive child labor,” as defined in section 3(l), by having on file an unexpired certificate issued pursuant to Department of Labor (DOL) regulations certifying that the named person meets the FLSA minimum age requirements for employment. *See* 29 U.S.C. § 212(c)-(d); 29 C.F.R. § 570.5(a).

FLSA section 11(c) requires all employers covered by the FLSA to make, keep, and preserve records of employees and of wages, hours, and other conditions and practices of employment. *See* 29 U.S.C. § 211(c). A FLSA covered employer must maintain the records for such period of time and make such reports as prescribed by regulations issued by the Secretary of Labor. *Id.*

Regulations, 29 C.F.R. Part 570, Subpart B, set forth the requirements for obtaining certificates of age from the DOL. *See* 29 C.F.R. §§ 570.5-.12, .25. The regulations provide that a State-issued age, employment, or working certificate substantially meeting the Federal regulatory requirements for certificates of age is an acceptable alternative to obtaining a Federal Certificate of Age. *See* 29 C.F.R. §§ 570.5(b)(2), 570.9(a). Since most states issue age certificates, they are widely used as proof of age for FLSA youth employment purposes. *See* 29 C.F.R. § 570.9(a). Form WH-14, Application for Federal Certificate of Age, is the application form that the youth and prospective employer complete to obtain a Federal Certificate of Age when the state does not issue certificates or the state certificates do not meet the Federal regulatory requirements. The employer keeps the state certificate or Federal Certificate of Age on file for the duration of the youth’s employment. *See* 29 C.F.R. §§ 570.5(b), 570.6(b).

2. The information provided on Form WH-14, along with additional evidence of age, allows the Wage and Hour Division (WHD) to determine whether certain FLSA minimum age requirements for employment have been met, thus allowing for the issuance of a Federal Certificate of Age to protect an employer applicant from unwitting employment of “oppressive child labor.” *See* 29 C.F.R. §§ 570.5-.8. When the WHD issues a certificate, the agency forwards it to the youth or his or her employer and returns the evidence of age. *See* 29 C.F.R. § 570.6(b). Without the additional evidence provided with the application, the WHD would not have sufficient proof of age necessary to issue a certificate. Moreover, failure to require the employer to maintain the age certificate would defeat the intended purpose, to protect the employer in situations where compliance with the child labor regulations is questioned.

3. With respect to the Government Paperwork Elimination Act (GPEA), proof of age must be submitted with the application; thus, electronic filing is not feasible. The DOL has previously made Form WH-14 available for completion, downloading, and printing on the Internet; however, that practice will be discontinued in order to ensure that downloaded versions of document are not used for fraudulent purposes, such as identity theft or circumventing FLSA youth employment requirements. In addition, the maintenance of an electronic option to obtain the form is not justified for this information collection that receives approximately 10 responses per year.
4. This information collection does not duplicate existing requirements. As already noted above, the DOL will accept a state certificate meeting the Federal regulatory requirements in lieu of a Federal Certificate of Age.
5. This information collection does not have a significant economic impact on a substantial number of small entities. Small businesses benefit from the use of Form WH-14, because the form helps them to avoid potential fines and civil suits by protecting employers from possible unintentional violations of child labor regulations.
6. The WHD issues Certificates of Age upon request. An employer keeps a certificate on file for the duration of a youth's employment. At the termination of a youth's employment, the employer gives the youth his or her own age certificate for submission to a future employer. *See Id.* The form is primarily for the benefit of businesses to protect themselves from unintentional child labor violations. Less frequent application for certificates is not feasible.
7. There are no special circumstances associated with this information collection.
8. The DOL published a Federal Register Notice on July 2, 2008 inviting public comments about this information collection. 73 Fed. Reg. 37,986. The agency received no comments. The DOL is not aware of any complaints from applicants regarding this information collection.
9. The DOL offers no payments or gifts to respondents in connection with this information collection.
10. The DOL makes no assurances of confidentiality to respondents. As a practical matter, the DOL would only disclose information collected under this request in accordance with the provisions of the Freedom of Information Act, 5 U.S.C § 552; the Privacy Act, 5 U.S.C. § 552a; and their respective regulations, 29 C.F.R. Parts 70, 71.
11. This information collection asks no sensitive questions.
12. The DOL annually receives approximately 10 Forms WH-14 and estimates it takes respondents approximately 10 minutes to complete each application and one half minute to file it, for an annual burden of two hours, rounded. 10 forms x 10 minutes.

Employees and employers of any wide variety of businesses from small farms and retail stores to large manufacturing plants may file Form WH-14. Absent specific wage data regarding applicants, the DOL has estimated respondent costs using the seasonally adjusted February 2008 average hourly rate for non-farm payrolls of \$17.81. See *The Employment Situation: April 2008*, DOL, Bureau of Labor Statistics, <http://www.bls.gov/news.release/pdf/empst.pdf> , p.24).

TOTAL ANNUAL RESPONDENT COSTS FOR TIME (\$17.81 X 2 HOURS) = \$35.62.

13. The information requested is very basic and readily known to the respondent. It requires no system or technology; therefore, there are no costs to the respondents other than the value of their time.
14. Annual Federal costs for this information collection include printing, mailing, processing, and filing approximately 10 applications. Mailing costs for 10 applications are \$4.50. (\$.42 postage + \$.03 per envelope) x 10 applications.

The DOL estimates it takes about 15 minutes for a Federal employee (GS 6 Step 4, Rest of U.S. Schedule = \$ 17.46) to process each application, for a cost of \$43.70. \$17.46 x 15 minutes x 10 applications. This includes, where appropriate, issuing a Federal Certificate of Age.

TOTAL ANNUALIZED FEDERAL COST = \$48 (rounded).

15. The DOL has not changed the annual burden estimates.
16. The DOL does not publish this information collection.
17. The DOL will display the expiration date for OMB approval of this information collection.
18. The DOL is not requesting an exception to the certification requirements.