

**SUPPORTING STATEMENT FOR REQUEST FOR OMB APPROVAL
 UNDER THE PAPERWORK REDUCTION ACT OF 1995
 Migrant and Seasonal Farmworker (MSFW) Monitoring Report and One-Stop Career
 Center Complaint/Referral Record, OMB Control No. 1205-0039**

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B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

**DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION**

**Migrant and Seasonal Farmworker (MSFW) Monitoring Report and One-Stop Career
Center Complaint/Referral Record**

A. JUSTIFICATION

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

Employment and Training Administration (ETA) regulations at 20 CFR 651, 653, and 658 under the Wagner-Peyser Act, as amended by the 1998 Workforce Investment Act (WIA), set forth the requirements to ensure that Migrant and Seasonal Farmworkers (MSFWs) receive services that are qualitatively equivalent and quantitatively proportionate to the services provided to non-MSFWs. Quarterly MSFW reporting is required by 20 CFR 653.108 (q), which mandates State Workforce Agencies (SWAs) to review their performance on a quarterly basis to ensure compliance with 20 CFR 653.100. The data collected represents the minimum information necessary to assure SWA compliance with federal regulations.

Federal regulations at 20 CFR 658, Subpart E, established the Employment Service (ES) Complaint System, which has been integrated into the One-Stop Career Center system. The complaint form, ETA-8429, is called the One-Stop Career Center Complaint /Referral Record. The regulations at 20 CFR 658.400 through 658.418 ensure that SWAs handle complaints appropriately and uniformly. SWAs use ETA-8429 to process complaints pursuant to 20 CFR 658.413.

- 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 Services to MSFW Report, ETA Form 5148, is used to collect data, which are used by the Department of Labor (DOL) and the SWAs to monitor and measure the extent and effectiveness of SWA service delivery to MSFWs. In compliance with 20 CFR 653.109, DOL established record-keeping requirements to allow for the efficient and effective monitoring of SWAs' regulatory compliance. SWAs submit quarterly reports on the services they provide to MSFWs on ETA Form 5148.

These quarterly reports are used to effectively identify the level of services provided to MSFWs through the One-Stop Career Centers and ensure that they are receiving services that are "qualitatively equivalent and quantitatively proportionate" to the services provided to non-MSFWs.

The OSCC Complaint Referral Record, ETA Form 8429, is used by SWAs to record and process complaints. These complaints from MSFWs are coded to receive expedient handling. Expedient handling is necessary to ensure that complaints have a greater probability of being resolved before MSFWs move to another area.

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

SWAs produce quarterly reports through an automated system, the Labor Exchange Agricultural Reporting System (LEARS), which SWAs access via the Internet. Some data elements are generated from the ETA's 9002 Report (OMB Control No. 1205-0240): number of applicants and types of services. Other items, such as outreach contacts and complaint data, are manually compiled at the state level.

ETA at this time does not believe that automating the OSCC Complaint/Referral Record, ETA Form 8429, is beneficial or cost effective. This form is available electronically at the One Stop Centers for downloading, faxing or e-mailing to SWAs for review and processing. The currently approved form includes a field for the complainant's social security number. ETA-8429 has been revised because that particular field, *for the complainant's social security number*, has been removed from the form.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use of the purposes described in Item 2 above.

Efforts are continually underway to identify duplication. None of the information recorded on OSCC Complaint Referral Form, ETA 8429, duplicates any other information already captured by the SWAs. Nor is the information duplicative which is captured in Parts 1, 2, & 4 of the Services to MSFW Report. These parts of ETA 5148 data are unique and not captured elsewhere. There is some duplication on the collection of information on Part 3 of ETA 5148. Some of the data elements that comprise the Equity Indicators (Part 3) are derived from the current ETA 9002 reporting system (OMB Control No. 1205-0240). However, the burden to the states of extracting data from the ETA 9002 reporting system and inserting it into the Services to MSFW, ETA Form 5148, is minimal. ETA 5148 allows State Monitor Advocates, states and federal staff to have a complete view of services to MSFWs in one document.

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

There is no impact to small businesses or other small entities.

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.

Data must be collected quarterly for SWAs and DOL to comply with federal regulations at 20 CFR 653.100 *et. seq.*

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.*

There are no special circumstances concerning the information collection process.

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 record keeping, 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 three 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.

As required by 5 CFR 1320.8(d), a Notice for sixty days' public comment submission was published in the Federal Register on July 1, 2008 (Vol. 73, No. 127), page 37499; no comments pertinent to the collection were received.

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

There is no payment or gift to respondents.

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

There is no assurance of confidentiality of the information collected. There are no individual identifiers on the report submitted to the National Office.

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.

There are no questions 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. Instead this cost should be included in Item 14. Generally, estimates should not include burden hours for customary and usually 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.*

- ✓ *Provides estimates of annualized cost to respondents for the hour burdens for collection 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 in Item 14.*

Estimates of the following burden hours of collection of information were derived after consultations with a number of State Monitor Advocates that are intensively involved with these activities.

COMPLAINT LOG (ETA Form 8429)

Recordkeeping:

Annual average number of complaints	2,142*
Minutes per complaint	.15126
Total Burden Hours	324

Reporting:

Annual average number of forms	2,142*
Minutes per form	8
Total reporting hours	286

TOTAL recordkeeping and reporting hours: 610 (324 hours plus 286 hours)

*Not all complaints that are logged utilize the Employment Service Complaint/Referral Record, ETA Form 8429. The SWA's are only required to utilize this form for MSFW complaints and ES related complaints from non-MSFWs. Based upon contacts with those states with the highest level of reported complaint activity, we believe that fewer than 2,142 complaints were captured on the ETA Forms 8429 in the previous program year.

OUTREACH LOG (ETA Form 5148)

a. **Recordkeeping:**

Annual number of reports (4 reports multiplied by 52 respondents)	208
Estimated minutes per report	205.68
Total recordkeeping hours for State Monitor Advocates	713

b. **Reporting, ETA 5148 Data Collection:**

Annual number of reports (4 reports multiplied by 52 respondents) (52 multiplied by 4 and then by 70 divided by 60 min.)	208
Estimated minutes per report	70
Total reporting hours	243

Total Burden Hours for ETA-5148: 713 recordkeeping hours + 243 reporting hours = 956

Total Burden Hours for both forms = 1,566 (324 + 286 + 713 + 243) or 610+956=1,566

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

- ✓ *The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account cost associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.*
- ✓ *If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.*
- ✓ *Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995 (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.*

There are no annual reporting and recordkeeping cost burdens under this collection.

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 expense (such as equipment, overhead, printing, and support staff), and any other expenses that would not have been incurred without this collection of information. Agencies also may aggregate cost estimated from Items 12, 13, and 14 in a single table.

Based on the annual salary of GS-13 Monitor Advocates in each region (\$81,407), who spend approximately 40 hours @ \$1,565.60 per year to review complaint forms, the average annual Federal cost is \$1,565.60 x 6 regions = \$9,393.60

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

There are no changes or adjustments to reporting items.

16. For collection 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.

At this present time there are no plans to publish data. Other job seekers' service outcome data is published in the ETA 9002 Annual Report (OMB Control No. 1205-0240).

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

ETA intends to display the expiration date for OMB approval of the information collection.

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

There are no exceptions.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODOLOGY.

This collection of information does not employ statistical methodologies.