

**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) regulations implementing the nondiscrimination and equal opportunity provisions of Section 188 of the Workforce Investment Act of 1998 (WIA), published at 29 CFR Part 37 (see attachment 1). 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. (see attachment 2). No changes are anticipated with the reauthorization of WIA Section 188.

In addition, entities receiving financial assistance from DOL through statutes other than the WIA (e.g., Title V of the Older Americans Act and the 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) (see attachment 3);
- DOJ's section 504 coordinating regulation at 28 CFR 41.5(a)(2) (see attachment 4);
- DOL's Title VI regulations at 29 CFR 31.6 (see attachment 5); and
- DOL's section 504 regulations at 29 CFR 32.5 (see attachment 6).

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 following information; (1) 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 during the two years before the grant application was filed or CRC began its examination; and (2) 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 their 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, including regulations of other agencies as well as DOL's own regulations, are:

- 28 CFR 42.406(a) and 42.410 (DOJ Title VI coordinating regulations, see attachment 3);
- 45 CFR 90.42(a) and 90.45 (HHS Age Discrimination Act coordinating regulations, see attachment 7);
- 29 CFR 31.5(b) (DOL Title VI regulations enforced by CRC, see attachment 5);
- 29 CFR 32.49 (DOL section 504 regulations, see attachment 6).

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 (see attachment 3).

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 (see attachment 3).

The three-year record retention requirement is consistent with standard Federal administrative requirements and established DOL audit regulations. (See 29 CFR 95.53(b), attachment 10, and 29 CFR 97.36(i)(11) and 97.42(b), see attachment 11.)

C. 29 CFR 37.54 - Methods of Administration:

In 1984, in an effort to address requirements of the JTPA regarding sub-recipient compliance, 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, setting out equal opportunity and nondiscrimination policies, procedures, and systems. All initial State program submissions were completed in 2001. 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 MOA Review.

Section 184(d)(2) of WIA requires recipients to monitor the programs of subgrantees or contractors to which they have provided WIA funding (see attachment 2). Additionally, 28 CFR 42.410 of DOJ's Title VI coordination regulations currently require that state agencies administering a continuing state program that receives Federal financial assistance establish a Title VI compliance program for itself and other recipients which obtain Federal financial assistance through it (see attachment 3). DOL's Title VI regulations at 29 CFR Part 31.6(b)(2) require that every application by a continuing state program "[p]rovide 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" (see attachment 5).

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

Section 37.73 requires that each complaint filed with CRC or a recipient be in writing and contain the information specified in 37.73(a) through 37.73(d). Section 37.74 allows complainants to file a complaint by completing and submitting CRC's *Complaint Information and Privacy Act Consent Form* (see attachment 8). 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, to 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, to 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, to 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 that are subject to these requirements 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 (see attachment 13). 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 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 their rights under Section 188, including their right to file a discrimination complaint. Section 37.34 requires recipients to indicate that they are an "*equal opportunity employer/program,*" and that "*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 that they are aware of their right to nondiscrimination, including their right to file a complaint when they believe discrimination has occurred.

These notification requirements are 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 and places 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 (see attachment 3). Title 29 CFR Part 31, DOL's regulation implementing Title VI, requires that each recipient make available information regarding the regulations applicable to the program under which the recipient receives Federal financial assistance (see 29 CFR 31.5(d) – attachment 5). Title 29 CFR Part 32 also contains the same notice requirement (see 29 CFR 32.8 – attachment 6).

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 agrees 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 analyzes 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 involving the potential for 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 that affect 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 be the basis for an inference of 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 may be obtained.

2. Complaint log: Typically, the recipient's EO Officer maintains the complaint log. An entry is made for each complaint filed with the recipient 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 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.
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 documents, 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 limited instances even longer.

C. Methods of Administration

The MOA described in this package, just as those approved by OMB in 1984 as part of State programs under the Job Training Partnership Act 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 its programs, subgrantees and contractors 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 should the recipient's actions come under question in a subsequent administrative or legal proceeding. Further, it helps ensure that the issues surrounding the request have been discussed with the individual making the request, because such interaction is required by both the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. 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 of those programs are aware of their rights under Section 188 of WIA. These rights include the right to participate and work free of discrimination, as well as the ability to file a complaint if an applicant, participant or employee believes 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 is 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 protected bases under WIA are: race, color, religion; sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, age, disability, political affiliation or belief; and for beneficiaries only, citizenship or participation in WIA Title I financially assisted programs.

As recipients publish information regarding programs, services, and employment opportunities, they are required to use taglines. Taglines are the required notice the recipients must include in publications, broadcasts, and other communications that indicate that the recipient is an "equal opportunity employer/program," and that "auxiliary aids and services are available upon request to individuals with disabilities." 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 developed training workshops for Job Corps, Employment Security/Unemployment Insurance, 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.
- b. CRC has made available the Complaint Information Form (Form DL-2014A) in an electronic form that is compliant with section 508 of the Rehabilitation Act, 29 U.S.C. 794d and downloadable. 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/cif\(eng\)08.htm](http://www.dol.gov/oasam/programs/crc/cif(eng)08.htm)
- c. CRC has made available a Discrimination Complaint Log template in an electronic form that is compliant with section 508 of the Rehabilitation Act, 29 U.S.C. 794d and downloadable. This effort by CRC reduces the burden on recipients to maintain and transmit complaint log data. The URL for the Complaint Log is <http://www.dol.gov/oasam/programs/crc/Discrimination3.htm>; the instructions are at <http://www.dol.gov/oasam/programs/crc/ComplaintLogInstructions-revised.doc>
- d. With respect to the Methods of Administration (MOA), to reduce burden and to foster compliance assistance, CRC has made an MOA Analysis Checklist available on its webpage at <http://www.dol.gov/oasam/programs/crc/MOAChecklist.htm>.

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. Over the years, CRC has worked closely with the DOL grant agencies 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 those systems took into consideration EO reporting. Over the years, CRC has maintained a working relationship with this organization.

With respect to data and information collection of Unemployment Insurance (UI) registrants and claimants, the reports required by DOL's Employment and Training Administration (ETA), which

administers the UI program, 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 37. 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 dissimilar to an MOA. ETA, the DOL grant agency, has reviewed the MOA requirements and has assured CRC 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 no Federal agency or department requires MOAs or 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 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 has 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 are consistent with the requirements of regulations implementing Title II. Given this consistency, where any duplication might exist, CRC will accept a written justification prepared in accordance with Title II regulations.

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. Therefore, there is no duplication.

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

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 complaint log.

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 provides 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 denied, 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 stated, 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 programs, 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 published the public notice required by 5 CFR 1320.8(d) in the Federal Register on December 13, 2010 (page 77663-77664 of publication Volume 75, Number 238.)

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 or gift to respondents.

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.

There are no questions of a sensitive nature.

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 EO 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.

Total Estimated Annual Responses (PY2010 data)	Estimated Average Response Time (seconds)	Total Seconds	Total Hours
39,231,059	20	784,621,180	217,950

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 to 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 two separate obligations:

- Title 29 CFR 37.54(b)(2) requires that the State notify CRC whenever it updates its MOA as changes occur. CRC estimates that, on average in a single year, one third of the States will have changes to the MOA that 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.
- The regulations implementing the nondiscrimination and equal opportunity provisions of the WIA require that the Governor or his or her designee review, and if necessary revise, the State’s MOA, and the manner in which it has been implemented, every two years from the date on which the State’s initial MOA was submitted to CRC. 29 CFR 37.55(c). If changes to the MOA are needed, the Governor is required to make the appropriate changes and submit them in writing to the CRC Director. If changes are not needed, the Governor is required to certify to the CRC Director in writing that the previously submitted MOA continues in effect. About half of the States conduct the biannual review each year.

1.

Table 3: MOA Burden Hours			
OBLIGATION	NUMBER	HOURS PER OBLIGATION	ANNUALIZED HOURS
Update of WIA MOA	17.6	6	106
Biennial MOA Review	26.5	3	80
		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 900 CIFs. CRC estimates that complainants take 15 minutes to complete the CIF. (The CFR 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	900
Time to complete one CIF	.25 hour
Total hours	225

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	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	0
Data/Information Collection and Maintenance	1,026	Continuous	39,231,059	0.0056	217,950
Complaint Log	1026	Continuous	1,200	0.05	60.00
Written Justification	20	Infrequent	20	2.00	40.00
Sub-total for grantee recordkeeping	1,046	////////////////////	39,233,499	////////////////////	218,050
Method of Administration (MOA)					
Initial Submission	53	One Time	0	N/A	0
Update of WIA MOA	53	On Occasion	17.6	6.00	106
Biennial Update	53	Biennial	26.5	3.00	80
Sub-total for MOA:	53	////////////////////	44.1	////////////////////	186
Discrimination Complaints					
Complaint Information Form (DL-1-2014a)	900	Continuous	900	0.25	225
Sub-total for Complaints	900	////////////////////	900	////////////////////	225
Grand Totals:	1,999	////////////////////	39,234,443	////////////////////	218,461

As respondents come from various levels in the business and professional services industry; consequently, for purposes of this information collection, the DOL has estimated respondent costs using the January 2011 average hourly earnings in that industry of \$27.38, determined by the Bureau of Labor Statistics. See *The Employment Situation— March 2011*, p. 32, Table B-3, http://www.bls.gov/news.release/archives/empisit_04012011.pdf.

218,641 hours x \$27.38 per hour = \$5,986,390.58.

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: \$114,871.00. Contacts with recipients indicate that costs of operation, maintenance and purchase are minimal. Each of the 1026 recipients' share of the \$114,871 total cost is \$111.96 per year, which represents the *pro rata* share cost of recordkeeping for the collection and maintenance of EO data. These costs are allowable expenditures 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 \$146.25 per year. This estimate is based upon the number of assurances to be reviewed each year (30) 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 (\$58.50).

B. EO Data and Information Collection and Maintenance

EO Data: CRC estimates that the total cost to the Federal government of this requirement is \$5,850.00 per year. This estimate is based upon the number of compliance reviews to be conducted each year (5) multiplied by the amount of time required to review the data (20 hours), and further multiplied by the average hourly wage of the individual reviewing the EO data (\$58.50).

Complaint log: CRC estimates that the total cost to the Federal government of this requirement is \$5,294.25 per year. This estimate is based upon the number of complaint logs to be reviewed each year (181) 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 (\$58.50).

Review of notification of administrative complaints: CRC estimates that the total cost to the Federal government of this requirement is \$58.50 per year. This estimate is based upon the number of notifications estimated to be reviewed each year (2) 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 (\$58.50).

C. Methods of Administration

CRC estimates that the total cost to the Federal government of this requirement is \$35,100.00 per year. This estimate is based upon the number of Methods of Administration (MOA) to be reviewed per annum (30) multiplied by the amount of time required to review each MOA (20 hours), and further multiplied by the average hourly wage of the individual reviewing the MOA (\$58.50).

D. Complaint Information and Privacy Act Form

CRC estimates that the total cost to the Federal government of this requirement is \$105,300.00 per year. This estimate is based upon the number of forms to be reviewed each year (900) 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 (\$58.50).

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.

G. Costs allowable expenditures under Federal WIA grant dollars as part of the administrative set-asides equal \$114,871. See Item 13-B of this supporting statement.

Total Estimated Annualized Cost to the Federal government: \$266,620

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

The adjustment in burden hours occurred due to the increase in the number of applicants for and participants in WIA programs services; an increase in the number of complaints filed; and an adjustment to the average hourly wage of the individual reviewing the collected information.

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.

DOL will display the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-1.

There are no exceptions identified with this information collection.

B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.

LIST OF ATTACHMENTS FOR TITLE 29 CFR PART 37

2. Title 29 CFR Part 37
3. Relevant Sections of the Workforce Investment Act of 1998 (Sections include 184, 185 and 188)
4. Relevant Sections of 28 CFR Part 42, DOJ Title VI coordinating regulations (Sections include 42.405, 42.406, 42.407, 42.408 and 42.410)
5. Relevant Section of 28 CFR Part 41, DOJ Section 504 coordinating regulations (Section 41.5)
6. Relevant Sections of 29 CFR Part 31, DOL regulations implementing Title VI of the Civil Rights Act of 1964, as amended (Sections include 31.5 and 31.6)
7. Relevant Sections of 29 CFR Part 32, DOL regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended (Sections include 32.5, 32.8, and 32.49)
8. Relevant Sections of 45 CFR Part 90, HHS coordinating regulations for the Age Discrimination Act of 1975, as amended (Sections include 90.42 and 90.45)
9. Complaint Information and Privacy Act Form
10. State Guidance for the Development and Implementation of the Methods of Administration required by 29 CFR 37.54
11. Relevant Section of 29 CFR Part 95, Grants and Agreements with Institutions of Higher Education, Hospitals, and other non-profit organizations, and with Commercial Organizations, Foreign Governments, Organizations Under the Jurisdiction of Foreign Governments, and International Organizations (Section 95.53)
12. Relevant Sections of 29 CFR Part 97, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (Sections 97.36 and 97.42)
13. Relevant Sections of 28 CFR Part 35, Nondiscrimination on the Basis of Disability in State and Local Governments (Sections 35.150 and 35.164).
14. Title 29 CFR Part 34, regulations implementing the nondiscrimination and equal opportunity provisions of the Job Training Partnership Act, as amended (JTPA)
15. Discrimination Complaint Log Form