

United States Department of Energy
Supporting Statement
Industrial Labor Relations
OMB Control Number 1910-5143

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

This package requests information from the Department of Energy (DOE or Department) Management and Operating and Facilities Management Contractors for contract administration, management oversight and cost control. This information is used to ensure that Department contractors recruit and retain a workforce in accordance with the terms of their contract and in compliance with statutory and regulatory requirements as identified by the contract. The statutory authority for collection of this data is 42 U.S.C. § 7254, which states that "the Secretary is authorized to prescribe such procedural and administrative rules as he may deem necessary or appropriate to administer and manage the functions now or hereafter vested in him; and 42 U.S.C. § 7256(a), which states that "the Secretary is authorized to enter into and perform such contracts, leases, cooperative agreements, or other similar transactions with public agencies and private organizations and persons, and to make such payments (in lump sum or installments, and by way of advance or reimbursement) as he may deem to be necessary or appropriated to carry out functions now or here after vested in the Secretary."

Department contractors are reimbursed through their contracts for the costs of providing this information, as it is an allowable contract cost under Department of Energy Acquisition Regulations (DEAR) 970.5204-3, 970.5227-1, and 970.5232-3. Therefore, they would not be adversely impacted by the requirement to provide the information. The collection of this information is unlike a request for information imposed upon the general public for which the costs are not reimbursed.

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

This information is used by Department of Energy Heads of Contracting Activities, Contracting Officers, Contracting Officers' Representatives, and program managers for contract administration, management oversight, and cost control of Department of Energy M&O and Facilities Management Contracts.

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.

Information is collected using the WFIS developed by DOE. WFIS is designed around current computer and communications technology. It is a web-based application with users located across the Department's complex of offices and facilities and its hosted pages and relational database located in Morgantown, WV. The application employs Microsoft SQL Server 2008 (MSSQL2008) as its Relational Data Base Management System (RDBMS) and a set of Web pages as its user interface. Operating within this overall architecture, WFIS

consists of a number of independent modules which share a common set of reference tables, user identification protocols, security mechanisms, data entry techniques and other such operating conventions. This system was designed to reduce the information collection burden and improve the timeliness and usefulness of the information collected.

Department M&O and Facilities Management Contractors enter the data manually into the Labor Relations module within the WFIS following the signing of a collective bargaining agreement.

4. Describe efforts to identify duplication.

The data collected is not available from any other source and is not duplicated elsewhere.

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

The collection of information will not have a significant economic impact on a substantial number of small businesses or other small entities. The contractors who manage and operate DOE facilities are responsible for providing the information. The DOE contractors providing the information exceed the SBA's size standards for small businesses. DOE expects that any potential economic impact on the collection of information on small businesses would be minimal because DOE contractors are reimbursed through their contracts for the costs of providing the requested information.

6. Describe the consequence 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.

Effective oversight and management of Department M&O and Facilities Management Contracts and Department mission accomplishment would be hindered without the collection of this information.

The frequency of collection is dictated by the negotiations with union representatives of the DOE Contractor's employees. The contractor negotiates with and union representatives based upon sound management practice, regulations, Departmental orders, and requirements. The frequency of these negotiations vary; but, usually are within a 3 to 5 year frequency with most occurring on a 3 year cycle. When any of these conditions change and information collections can be reduced, reductions are made and the contract documents are adjusted accordingly.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Information collections in this package have been reviewed and justified by Department management, contract administration requirements, statutes, regulations, inter-agency

reporting requirements, Departmental orders, or other internal Department requirements. The collections are consistent with OMB guidelines.

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 C.F.R. § 320.8(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 in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE.

The 60-day Federal Register Notice was published on Monday, May 7, 2012, page 26749, Volume 77, Number 88. No comments were received. Collection of this information is different from collections made of the general public in that this collection is made of Department contractors and is a requirement set forth in the contracts. Contracts are between the Department and the contractor organization and therefore consultation with outside agencies or other persons for these collections is not meaningful.

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

There is no remuneration given for submission of any of the information. The contractor is reimbursed for costs expended fulfilling contractual requirements.

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

When collection of confidential information is involved, the provisions for handling the information are set forth in the contract documents, related Departmental regulations, and the Privacy Act of 1974 (5 U.S.C. § 552a). WFIS includes processes designed to ensure the integrity and access of the data. Each contractor has unlimited access to its own data, and its personnel cannot access the data of any other contractor. DOE Field and Headquarters personnel are able to view the data entered by assigned contractors, but are unable to change the data.

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 collections in this package involving questions that are sensitive, personal, or private in 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.

The burden provided represents the number of estimated labor hours for the contractor to furnish the data for each of the data collection categories.

There are 35 respondents. The collection of information is required only when a new collective bargaining agreement has been approved or changes have been agreed upon by the contractor and its union represented employees. The length of time may be from three to five years depending on the negotiated agreement. The majority of contracts are three years and that timeframe was used for calculating the annual hour burden. The estimated annual total labor hour burden for this package is 64.4 based on an estimate of 5.5 hours per respondent, divided by 3 years, which equals 1.84 hours per year. The 1.84 hours is multiplied by the 35 respondents to equal 64.4 hours annually. Professional judgment and consultation with respondents was used to calculate the burden.

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

The average wage for the Contractor's Labor Relations personnel who enter the data is \$32.00 per hour. The hour burden per year is calculated at 1.84 hours for a total of \$58.88 per year. However, the cost to respondents for this information collection is an allowable contract cost. Therefore, there is no actual cost burden to respondents in the collection of this data.

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

The annualized cost to the Government includes approximately \$6,250 per year to maintain the technology and provide general support to the Work Force Information System (WFIS) Labor Relations segment of the database. Additionally, the government must reimburse the contractor for these collection costs pursuant to their contracts. The average expense is \$58.88 per hour multiplied by 35 contractors, equals a total of \$2,060.80 per year. The total annual cost is estimated to be \$8,310.80.

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

The amount of annual hour burden was reduced by 128.6 hours from the current inventory approved. Respondents only submit information when a new collective bargaining agreement is signed, which occurs only every three to five years. The previous submission erroneously calculated the burden as though information is submitted every year. Additionally, the costs to maintain the Work Force Information System Labor Relations segment and the contract reimbursement costs were not previously reported as a cost to the government.

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

This package contains no collections whose results will be published or for statistical use. Information collection is used to ensure that Department contractors maintain good labor relations and retain a workforce in accordance with the terms of their contracts and in compliance with applicable statutory and regulatory requirements as identified by contract.

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

The Department is not seeking approval to not display the expiration date for OMB approval of the information collections.

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

No exceptions have been taken. This collection of information has been reviewed and justified by departmental management requirements, statutes, external regulations, interagency reporting requirements, departmental orders or other internal DOE requirements and meets the requirements listed in the “Certification for Paperwork Reduction Act Submissions.”