

Supporting Statement
OMB No. 1225-0077
July 2014

A. Justification

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

This paperwork package is being submitted to support the collection of certain information for the effective enforcement of the nondiscrimination and equal opportunity provisions of Section 188 of the Workforce Investment Act of 1998 (WIA). The Department of Labor's (DOL) implementing regulations are found at 29 CFR Part 37 (see attachment 1) and applies to entities receiving financial assistance, in whole or in part, under Title I of 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).

In addition to the data required under WIA, entities receiving any financial assistance from DOL 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 29 CFR Part 37 and the four crosscutting civil rights laws and regulations are:

A. 29 CFR Part 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 regulations.

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 Part 42.406(d) and 28 CFR Part 42.407(b) (see attachment 3);
- DOJ's section 504 coordinating regulation at 28 CFR Part 41.5(a)(2) (see attachment 4);
- DOL's Title VI regulations at 29 CFR Part 31.6 (see attachment 5); and

- DOL's section 504 regulations at 29 CFR Part 32.5 (see attachment 6).

B. 29 CFR Parts 37.37, 37.38 and 37.39 – Equal Opportunity Data and Information Collection and Maintenance

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

- Part 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.
- Part 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.
- Part 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 allege discrimination on a ground prohibited by Section 188.
- Part 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.
- Part 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 Part 42.406(a) and 42.410 (DOJ Title VI coordinating regulations, see attachment 3);
- 45 CFR Part 90.42(a) and 90.45 (HHS Age Discrimination Act coordinating regulations, see attachment 7);
- 29 CFR Part 31.5(b) (DOL Title VI regulations enforced by CRC, see attachment 5);
- 29 CFR Part 32.49 (DOL section 504 regulations, see attachment 6).

Title 28 CFR Part 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 attachments 3). The DOL has developed a prototype log that recipients may use to track complaints (see attachment 11).

In order to assist recipients to have a viable vehicle to receive complaints, the DOL has developed a prototype agency discrimination complaint form (see attachment 12). Use of the form is optional, and recipients are free to modify it to meet their specific needs.

Title 28 CFR Part 42.406(d) of DOJ's Title VI coordinating regulations requires 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 Part 95.53(b), attachment 9, and 29 CFR Part 97.36(i)(11) and 97.42(b), see attachment 10.)

C. 29 CFR Part 37.54 - Methods of Administration

State governors are responsible for the oversight of all WIA Title I-financially assisted State programs including ensuring compliance with the nondiscrimination and equal opportunity provisions of WIA and 29 CFR Part 37. Each governor has established a Methods of Administration (MOA) for his/her State programs that describes how his or her State will ensure that its WIA Title I-financially assisted programs, activities, and recipients are complying, and will continue to comply, with the nondiscrimination and equal opportunity requirements of WIA and its implementing regulations. MOAs were initially developed and submitted to CRC by every State beginning in 2000.

After the initial MOA submission, the Governors must review the Methods of Administration and the manner in which it has been implemented every two years to determine whether any changes are necessary in order to comply fully and effectively with the nondiscrimination and equal opportunity provisions of WIA and 29 CFR Part 37. If changes are needed, the changes must be submitted to the CRC Director. If no changes are required, the Governor must certify to CRC that the State's current MOA remains in effect.

In addition to the MOA, 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 Part 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 Parts 37.73 and 37.74 - Complaint Information and Privacy Act Form

Part 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). Part 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, or on behalf of, individuals who allege their rights under one or more Federal laws enforced by CRC have been violated.

E. 29 CFR Parts 37.29, 37.30, 37.31, and 37.34 Notices of Rights

Parts 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. Part 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 Part 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 Part 31.5(d) – attachment 5). Title 29 CFR Part 32 also contains the same notice requirement (see 29 CFR Part 32.8 – attachment 6).

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

The collected information is used 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 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. 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 responds to specific, individual allegation(s) 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 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 Equal Opportunity (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. Complaint form: To assist the Equal Opportunity Officer obtain information needed for the complaint log from a person alleging discrimination, the CRC developed a sample discrimination complaint form. Individuals use the form, or a similar one developed by the recipient, to allege discriminatory action.
4. Information regarding administrative complaints, etc. This information will be used by DOL to assess the compliance status of a grant applicant or a recipient.
5. 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.

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 Part 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. 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.

Recipients are required to incorporate equal opportunity taglines anytime they publish information regarding programs, services, and employment opportunities. Taglines must be included 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, 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.

The obligation to collect Equal Opportunity 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 developed a presentation for Job Corps, Employment Security/Unemployment Insurance, and WIA recipients on recordkeeping and data analysis. This training provides information on the most efficient data collection formats and the most practical methods of data analysis. The presentation is available online at <http://www.dol.gov/oasam/programs/crc/addres.htm>.
- b. CRC’s Complaint Information Form (Form DL-2014A) is available in an electronic form in English, Spanish, Bosnian, Russian, Chinese, and Vietnamese.¹ These forms are compliant with section 508 of the Rehabilitation Act, 29 U.S.C. 794d and downloadable. In addition to submitting the traditional written complaint, CRC has minimized the burden and capitalized on technology by allowing individuals to file complaints alleging discrimination using fillable forms that can be electronically submitted to CRC via email. The URLs for the Forms are available at <http://www.dol.gov/oasam/programs/crc/external-enforc-complaints.htm> and <http://www.dol.gov/oasam/programs/crc/index.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 and instructions is <http://www.dol.gov/oasam/programs/crc/rnr.htm>.

¹ Updated foreign language and electronic versions of revised forms will be submitted to the OMB for PRA clearance via the non-material change once the paper English-language version has been approved and documents (e.g., translations) completed.

- 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>. CRC is also allowing States to submit MOA updates electronically.

4. Describe efforts to identify duplication.

A. Assurance

The assurance required by Part 37.20 is unique to the nondiscrimination provisions of 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 Equal Opportunity purposes.

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 2014, CRC worked with ETA to re-issue an Equal Opportunity recordkeeping and reporting directive, thus ensuring that CRC could effectively monitor the Equal Opportunity 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. Information provided by complainants cannot be obtained from any other source.

C. Methods of Administration

MOAs are the plans submitted by Governors to ensure WIA funds are not used to discriminate in his or her State programs. While other agencies use MOAs, the MOAs required by the WIA regulations are the only plans that cover the workforce development system. No other agency's MOA would allow CRC to monitor compliance of the Governor's oversight responsibilities to ensure nondiscrimination.

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. 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.*

None of the collection requirements affects 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 or individual complainants. However, in order to minimize burden on governmental entities, the Department makes available on its website a MOA Analysis Check list, a template for the complaint log and a sample discrimination complaint form (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 a number of 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. The applicant, participants or employee provides data once. A recipient is requested to submit data only when CRC has scheduled a compliance 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. Similarly, the filing of a complaint information with an agency cannot be done less frequently than once.

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 a guide 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. 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 Part 1320.5(c)(2)(i) through (viii).

The collection requirements are consistent with the requirements of 5 CFR Part 1320.5(c)(2)(i) through (viii) and entail no special circumstances.

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 Part 1320.8(d). Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments.

The Department published the public notice required by 5 CFR Part 1320.8(d) in the Federal Register on April 17, 2014 (79 FR 21809.)

No public comments were received.

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

No payments or gifts were or will be provided 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.

Requirements applicable to States and recipients do not entail the collection of sensitive information. Depending on the level of detail a complainant wishes to provide, some information on the complaint forms could be considered sensitive (e.g., information regarding any actual or perceived disability or religious affiliation); however, such information is needed in order to evaluate a complaint.

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 Equal Opportunity 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 (PY2010 data)	Estimated Average Response Time (seconds)	Total Seconds	Total Hours
32,043,281	20	640,865,620	178,018

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: Table 2 presents 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

Complaint form for Agency: The Department estimates that persons who file a complaint with an agency spend an hour per response, the same as filing a complaint with the CRC. 1,200 responses x 1 hour = 1,200 hours.

Table 3: Complaint Information Filed with Recipients	
Number of complaints per year	1,200
Time to complete one complaint	1 hour
Total hours	1,200

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.

C. Methods of Administration

Table 4 summarizes the hour burden associated with the MOA requirement contained in Part 37. This requirement involves two separate obligations:

- Title 29 CFR Part 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 average submitting one revision 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 Part 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 and territories conduct the biannual review each year requiring about 16 hours to complete.

Table 4: MOA Burden Hours			
OBLIGATION	NUMBER	HOURS PER OBLIGATION	ANNUALIZED HOURS
Update of WIA MOA	18	6	108
Biennial MOA Review	27	16	432
		TOTAL HOURS	540

D. Complaint Information and Privacy Act Form

Table 5 reflects the burden hours associated with the complainant's completion of the CIF. Each year, CRC receives approximately 640 CIFs. CRC estimates that complainants take 1 hour to complete the CIF.

Table 5: Complaint Information and Privacy Act Form	
Number of CIFs per year	640
Time to complete one CIF	1 hour
Total hours	640

E. Notices

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

Table 6 summarizes the hours burden for this information collection.

Table 6: Burden Summary

Activity	No. of Respondents	Frequency	Estimated Total Number of Annual Responses	Estimated Average Response Time (Hours)	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	32,043,281	0.00555556 (20 seconds)	178,018
Complaint Log	1,026	Continuous	1,200	0.05	60
Sub-total for grantee recordkeeping	1,026	////// /	32,044,481	////// /	178,078
Method of Administration (MOA)					
Update of WIA MOA	18	On Occasion	18	6.00	108
Biennial Update	27	Biennial	27	16.00	432
Sub-total for MOA:	45	////// /	45	////// /	540
Discrimination Complaints					
Complaints to agencies	1,200	Once	1,200	1	1,200
Complaint Information Form (DL-1-2014a)	640	Once	640	1	640
Sub-total for Complaints	1,840	////// /	1,840	////// /	1,840
Grand Totals (Unduplicated):	2,911	////// /	32,044,366	////// /	180,458

Respondents come from various levels in the business and professional services industry (recipients) or from the general population (complainants). For purposes of this information collection, the DOL has estimated the value of respondent time by increasing the April 2014 average hourly earnings in the business and professional services industry of \$29.02 per hour, determined by the Bureau of Labor Statistics (BLS), by 40 percent to account for fringe benefits (total \$40.63). See *The Employment Situation—June 2014*, at 33, Table B-3, DOL-BLS, http://www.bls.gov/news.release/archives/empst_07032014.pdf.

180,458 hours x \$40.63 = \$7,332,008.54.

13. Provide estimates of the total annual cost burden to respondents or record keepers 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: This information collection does not entail an additional annual cost burden other than time reported in item 12.

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

Federal costs for ICR are based on a GS12-step 4 in the Washington, DC area performing the work. See *Salary Table 2014-GS*, at 32, Office of Personnel Management, <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2014/salhl.pdf>.

A. Assurance

CRC estimates de minimis cost to the Federal government to review assurances, as each applicant for financial assistance under Title I of WIA includes 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.

B. Equal Opportunity Data and Information Collection and Maintenance

Equal Opportunity Data: CRC estimates that the total cost to the Federal government of this requirement is \$12,755.20 per year. This estimate is based upon the number of compliance reviews to be conducted each year (16) 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 Equal Opportunity data (\$39.86). $16 \text{ reviews} \times 20 \text{ hours} \times \$39.86 = \$12,755.20$.

Complaint log: CRC estimates that the total cost to the Federal government of this requirement is \$3,607.33 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 (\$39.86). $181 \text{ reviews} \times 0.5 \text{ hours} \times \$39.86 = \$3,607.33$.

Review of notification of administrative complaints: CRC estimates that the total cost to the Federal government of this requirement is \$39.86 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 (\$39.86). $2 \text{ reviews} \times 0.5 \text{ hours} \times \$39.86 = \$39.86$.

Table 7: Equal Opportunity Data and Information Collection and Maintenance Federal Cost Summary

Review Activity	Annual Frequency	Time per Activity (Hours)	Total Time (Hours)	Hourly Rate	Total Federal Time Value
Equal Opportunity Data	16	20	320	\$39.86	\$12,755.20
Complaint log	181	0.5	90.5	\$39.86	\$3,607.33
Notification of administrative complaints	2	0.5	1	\$39.86	\$39.86
<i>Totals</i>	<i>199</i>	<i>Various</i>	<i>411.5</i>	<i>\$39.86</i>	<i>\$16,402.39</i>

C. Methods of Administration

CRC estimates that the total cost to the Federal government of this requirement is \$21,524.40 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 (20 hours), and further multiplied by the average hourly wage of the individual reviewing the MOA (\$39.86). $27 \text{ reviews} \times 20 \text{ hours} \times \$39.86 = \$21,524.40$.

D. Complaint Information and Privacy Act Form

CRC estimates that the total cost to the Federal government of this requirement is \$51,020.80 per year. This estimate is based upon the number of forms to be reviewed each year (640) 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 (\$39.86). $640 \text{ reviews} \times 2 \text{ hours} \times \$39.86 = \$51,280.80$.

E. Notices

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

Table 8: Federal Cost Summary

Review Activity	Annual Frequency	Time per Activity (Hours)	Total Time (Hours)	Hourly Rate	Total Federal Time Value
Assurance	De Minimis	De Minimis	De Minimis	\$39.86	De Minimis
Equal Opportunity Data and Information Collection and Maintenance	199	Various	411.5	\$39.86	\$16,402.39
Methods of Administration	27	20	540	\$39.86	\$21,524.40
Complaint Information and Privacy Act Form	640	2	1,280	\$39.86	\$51,020.80
Complaint Information and Privacy Act Form	0	0	0	\$39.86	\$0.00
<i>Total</i>	<i>866</i>	<i>Various</i>	<i>2,231.5</i>		<i>\$88,947.59</i>

Total Estimated Annualized Cost to the Federal government: **\$88,947.59.**

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

Minor changes were made to the Complaint Information Form to simplify the language and format of the form and to clarify the information collected from respondents. There have been no changes made to the amount or type of information that is collected from respondents.

The average number of complaints received decreased from 900 to 640 (-260) reflecting processing changes in CRC. Additionally, CRC increased the estimated time required to complete the form from .25 hours to 1 hour to mirror the time estimate used by DOL's Office of Federal Contract Compliance Programs for completing a similar form for filing a discrimination complaint. This creates a net increase of 415 burden hours.

The estimated number of Equal Opportunity demographic data collections was lowered to reflect the latest number of people using the workforce development system prepared by DOL's Employment and Training Administration. Accordingly, the number of people that would be asked to provide the demographic information decreased from 39,231,059 to 32,043,281. This represents a net decrease of 40,251 burden hours, as it takes 20 seconds to record demographic data from participants.

The estimate burden for the Method of Administration was changed to reflect that every State has an existing MOA and would only need to submit information to CRC when they modify the MOA or after Governors complete their required biennial MOA review. CRC also revised the burden hours of the biennial review from 3 hours to 16 hours so the total burden for the MOA requirement 540 hours. The previous ICR underestimated the time it takes to conduct a biennial review.

This ICR breaks out the burden for individuals filing complaints with the grantee and the prototype notice. While the guidance document that included the prototype notice has been previously included in the ICR (<http://www.dol.gov/oasam/programs/crc/rnr.htm>) as part of the instructions to grantees for maintaining the complaint logs, responses from complainants were not separately counted.

Lastly, upon closer review, we have determined item 13 costs should be \$0. Previous submissions inadvertently included as an annual burden cost the value of respondent time reported in item 12.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used.

CRC does not publish information collected as a result of items contained in this request.

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.

CRC does not seek approval to not display the expiration date.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions requested.

B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.

LIST OF ATTACHMENTS

1. Title 29 CFR Part 37
2. Relevant Sections of the Workforce Investment Act of 1998 (Sections include 184, 185 and 188)
3. Relevant Sections of 28 CFR Part 42, DOJ Title VI coordinating regulations (Parts include 42.405, 42.406, 42.407, 42.408 and 42.410)
4. Relevant Section of 28 CFR Part 41, DOJ Section 504 coordinating regulations (Part 41.5)
5. Relevant Sections of 29 CFR Part 31, DOL regulations implementing Title VI of the Civil Rights Act of 1964, as amended (Part include 31.5 and 31.6)
6. Relevant Sections of 29 CFR Part 32, DOL regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended (Parts include 32.5, 32.8, and 32.49)
7. Relevant Sections of 45 CFR Part 90, HHS coordinating regulations for the Age Discrimination Act of 1975, as amended (Parts include 90.42 and 90.45)
8. Complaint Information and Privacy Act Form
9. 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 (Part 95.53)
10. Relevant Sections of 29 CFR Part 97, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (Part 97.36 and 97.42)
11. Discrimination Complaint Log Form
12. Prototype Agency Discrimination Complaint Form