

# Supporting Statement for Paperwork Reduction Act Submissions

## 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.

All Federal agencies administering programs subject to Davis-Bacon wage provisions are required to enforce Federal wage and reporting provisions in accordance with Department of Labor (DOL) regulations (29 CFR Part 5, Section 5.6 paragraphs (a)(2) and (a)(3), respectively).

HUD, state and local agencies administering HUD-assisted programs must enforce Federal wage and reporting requirements on covered HUD-assisted construction and maintenance work. Enforcement activities include conducting interviews with laborers and mechanics employed on HUD-assisted projects concerning their employment on covered projects. The HUD-11 and HUD-11-SP (Spanish version) are used to assist in the conduct of the interview and to record the information provided by the respondent. The form may be supplemented with additional pages, as needed. Responses and the provision of supplemental information are voluntary on the part of respondents.

This collection is not related to the Patient Protection and Affordable Care Act (PPACA, PL 111-148 and 111-152) or Affordable Care Act.

2. Indicate how, by whom and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Information is used by HUD and agencies administering HUD programs to collect information from laborers and mechanics employed on projects subject to Federal labor standards provisions. The information collected is compared to information submitted by the respective employer on certified payroll reports. The comparison tests the accuracy of the employer's payroll data and may disclose violations. Generally, these activities are geared to the respondent's benefit, that is, to determine whether the respondent was underpaid and to ensure the payment of wage restitution to the respondent, if so.

Since the provision of information is voluntary, a respondent that chooses not to answer any or all of the questions during the interview does not in any way lose status as a worker protected by Federal prevailing wage requirements. However, enforcement actions on behalf of a respondent that chooses not to provide information or to provide only partial information may be hindered because of incomplete data.

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.

This form is available in a Word-fillable format. Any further consideration of using information technology will not reduce the burden for the respondents.

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

Some of the information that will be collected from respondents should duplicate information that is provided by the respondent's employer. The purpose of the collection is to test the veracity of the employer's payroll submissions by comparing that data to information collected from the employee/respondent.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1) describe any methods used to minimize burden.

The information collection does not adversely impact small businesses or other small entities.

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.

HUD would be in direct violation of DOL regulations if it did not conduct interviews with the affected employees. HUD would be less able to detect violations and to carry out enforcement activities to ensure compliance with Federal labor standards provisions. Laborers and mechanics (target respondents) may be underpaid for their labor as a result.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:
- requiring respondents to report information to the agency more than quarterly;
  - requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
  - requiring respondents to submit more than an original and two copies of any document;
  - requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
  - in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study;
  - requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
  - that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
  - requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

Interview forms must be retained by HUD and agencies to document the sufficiency of enforcement efforts. Interview forms must be retained for a period of three years along with the corresponding certified payroll report(s).

Records retention and enforcement requirements are found in Department of Labor Regulations, 29 CFR Part 5, Sections 5.6 paragraphs (a)(2) and (a)(3), respectively.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.
- Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping disclosure, or reporting format (if any) and the data elements to be recorded, disclosed, or reported.
  - Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that preclude consultation in a specific situation. These circumstances should be explained.

The agency's notice announcing this collection of information appeared in the Federal Register on May 5, 2014 (Volume 75, No. 106, Page 31462). No comments were received.

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

There are no payments or gifts to respondents.

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

HUD assures confidentiality to respondents pursuant to DOL regulations 29 CFR Part 5, Section 5.6(a)(5).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature related to this information collection.

12. Provide estimates of the hour burden of the collection of information. The statement should:
- indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally estimates should not include burden hours for customary and usual business practices;
  - if this request covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I; and
  - provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead this cost should be included in Item 13.

Estimated time and cost burdens are based upon two separate and necessary processes for each interview. The first process is the actual collection of information during the interview with the laborer or mechanic. The second process is the comparison of the collected information to the information provided on certified payroll reports supplied by the respective employer, and records retention. HUD estimates 20,000 interviews are conducted each year: It takes fifteen minutes each to conduct the interview (5,000 hours) and an additional ten minutes to compare each interview form to certified payroll reports and file/retain the interview forms (3,200 hours); a total burden of 8,200 hours. Interviews are performed by local agencies (PHAs, HAs, Block Grant Agencies).

Estimated Burden Hours and Cost to Respondents	
*Estimated Number of Respondents:	20,000
Frequency of Response (per annum):	1
Total Number of Responses:	20,000
Burden Hours per Response:	.25 (interview)
Total Annual Burden Hours:	5,000
**Cost per Hour:	\$15.00
Total Annual Cost:	\$75,000

\*Number of respondents based upon FY 2006 data.

\*\*Estimated cost per hour for respondents to review the instructions and provide requested information.

Number of Respondents:	20,000
Staff Hours per Response:	.16
Total Annual Burden:	3,200
*Cost per Hour:	\$34.34
Total Annual Cost:	\$109,888

\*Estimated cost per hour (based on GS-13, Step1 rate) for contract monitors to compare information collected to certified payroll reports (includes time required for records retention).

Total Burden Hours:	8,200	Total Annual Cost:
\$184,888		

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information (do not include the cost of any hour burden shown in Items 12 and 14).
- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful

life of capital equipment, the discount rate(s) and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities;

- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10) utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- generally, estimates should not include purchases of equipment or services, or portions thereof made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no additional capital or start-up costs. There are no total operation and maintenance purchases of service components required for collecting this information.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

There is no cost to the agency.

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

The burden for staff review and recordkeeping have been adjusted (reduced) to more closely represent the actual time required.

16. For collection of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The information gathered from this collection will not be published by HUD.

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.

HUD is not seeking approval to avoid displaying the expiration date for this information collection.

18. Explain each exception to the certification statement identified in item 19.

There are no exceptions to the Certification Statement identified in item 19 of the OMB 83-I. The certification provisions identified in items a through j have been satisfied within this supporting statement, therefore there are no exceptions to the certification statement.

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## **B. Collections of Information Employing Statistical Methods**

There are no statistical methods used in this collection.

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