

**SUPPORTING STATEMENT**  
**Equal Employment Opportunity in Apprenticeship Training**  
**OMB CONTROL # 1205-0224**

This Information Collection Request for OMB Control No. 1205-0223 is being submitted according to the paperwork reduction requirements of NPRM RIN 1205-AB59 and to align 29 CFR 29 with the proposed NPRM RIN 1205-AB59 or the proposed changes to the companion regulations, 29 CFR 30.

**A. Justification**

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The National Apprenticeship Act of 1937, Section 50 (29 U.S.C. 50), authorizes and directs the Secretary of Labor "to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, to cooperate with State agencies engaged in the formulation and promotion of standards of apprenticeship, and to cooperate with the Secretary of Education in accordance with Section 17 of Title 20." Section 50a of the Act authorizes the Secretary of Labor to "publish information relating to existing and proposed labor standards of apprenticeship," and to "appoint national advisory committees..."(29 U.S.C. 50a). See <http://www.doleta.gov/OA/fitzact.cfm> for a copy of the Act; the statutes can be located at (National Apprenticeship Act (The Fitzgerald Act), original and amended versions.

Title 29 CFR part 29 implements the National Apprenticeship Act by setting forth labor standards that safeguard the welfare of apprentices by prescribing policies and procedures concerning the registration, cancellation, and deregistration of apprenticeship programs; the recognition of State Apprenticeship Agencies (SAA) as Registration Agencies; and matters relating thereto. On October 29, 2008, the Department of Labor revised part 29 regulations to provide a framework that supports an enhanced, modernized apprenticeship system. 73 FR 64402. These regulations can be accessed on the Office of Apprenticeship (OA) web site at: <http://www.doleta.gov/oa/pdf/FinalRule29CFRPart29.pdf>.

Title 29 CFR part 30 sets forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor and recognized State Apprenticeship Agencies. These regulations prohibit discrimination in registered apprenticeship on the basis of race, color, religion, national origin, and sex, and require that sponsors of registered apprenticeship programs take affirmative action to provide equal opportunity in such programs. These policies and procedures apply to recruitment and selection of apprentices, and to all conditions of employment and training during apprenticeship. The procedures provide for review of apprenticeship programs, for registering apprenticeship programs, for processing complaints, and for deregistering noncomplying apprenticeship programs. The part 30 regulations also provides policies and

procedures for continuation or withdrawal of recognition of State agencies which register apprenticeship programs for Federal purposes. These regulations can be accessed on the GPO web site at:

[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title29/29cfr30\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title29/29cfr30_main_02.tpl)

- The Department is issuing a Notice of Proposed Rulemaking (NPRM) (RIN 1206-AB59) to update the part 30 regulations. Key provisions of the NPRM would:
  - Update the nondiscrimination provisions to reflect current EEO law. Specifically, OA is proposing to add disability, age (40 or older), genetic information, and sexual orientation to the list of protected bases (which are currently race, color, religion, national origin, and sex).
  - Clarify what sponsors must do to comply with their affirmative action obligations.
  - Expand protections of and requirements related to individuals with disabilities.
  - Streamline the process for conducting a utilization analysis.
  - Revise Part 30 to incorporate to the terms and procedures outlined in Part 29, regarding registration of apprenticeship programs and apprentices.
  - Simplify the rules regarding procedures to select apprentices and provide sponsors greater flexibility in choosing a selection procedure.
  - Improve the overall readability of part 30 through a reorganization of the part 30 requirements, basic editing, and by providing clarifying language where needed.

The following sections of the proposed part 30 regulations contain information collection requirements subject to the Paperwork Reduction Act.

- a. 30.3 Equal opportunity standards applicable to all sponsors.

All apprenticeship sponsors must document that their apprenticeship program conforms to equal employment opportunity (EEO) requirements in these regulations or provide evidence that they conform to other similar EEO requirements.

Proposed paragraph 30.3 sets forth the components of the general affirmative action duty, which include:

- Assigning responsibility to an individual to oversee EEO efforts;
- Internally disseminating the EEO policy, including publishing and posting an equal opportunity pledge and conducting orientation and information sessions for apprentices;
- Specific outreach and recruitment obligations, including developing and updating a list of recruitment sources and providing these sources with advance notice of apprenticeship openings, to ensure that recruitment extends to all persons without regard to race, sex, ethnicity or disability; and
- Keeping the workplace free from harassment, intimidation, and retaliation, and providing procedures for handling and resolving complaints on these bases.

If information regarding equal opportunity standards and affirmative action programs was not collected, there would be no formal assurance that the sponsor's apprenticeship program was being operated in a nondiscriminatory manner.

- b. 30.4 Affirmative action programs.
- 30.5 Utilization analysis for race, sex, and ethnicity.
- 30.6 Establishment of utilization goals for race, sex, and ethnicity.
- 30.8 Targeted outreach, recruitment, and retention.

Proposed paragraph 30.4 outlines the five required elements of affirmative action program: (1) utilization analyses for race, sex, and ethnicity; (2) establishment of utilization goals for race, sex, ethnicity, if necessary; (3) establishment of utilization analyses and goal setting for individuals with disabilities; (4) targeted outreach, recruitment, and retention, if necessary; and (5) review of personnel processes.

The purpose of the utilization analysis in proposed paragraph 30.5 is to provide sponsors with a method for assessing whether possible barriers to apprenticeship exist for particular groups of individuals by determining whether the race, sex, and ethnicity for apprentices in a sponsor's apprenticeship program is reflective of persons available for apprenticeship by race, sex, and ethnicity in the relevant recruitment area.

Under proposed paragraph 30.6, a sponsor is required to establish a utilization goal for a particular group in its apprenticeship program, the sponsor must establish a percentage goal at least equal to the availability of the pool of eligible applicants. Utilization goals serve as objectives or targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work.

Proposed paragraph 30.7 establishes a national utilization goal for employment of qualified individuals with disabilities as apprentices for each industry within which a sponsor has an apprenticeship program.

Under proposed paragraph 30.8, where a sponsor has found underutilization and established a utilization goal for a specific group or groups, and/or where a sponsor has not met the national utilization goal for individuals with disabilities established under proposed paragraph 30.7, the sponsor must undertake targeted outreach, recruitment, and retention activities that are likely to generate an increase in applications for apprenticeship from and improve retention of apprentices from the targeted group or groups and/or from individuals with disabilities, as appropriate.

If information regarding equal opportunity standards and affirmative action programs was not collected, there would be no formal approach to determining how an apprenticeship program sponsor is pursuing equal employment opportunity in all aspects of operating its apprenticeship program.

c. 30.9 Review of Personnel Processes.

Any sponsor who is subject to the affirmative action requirements of part 30 (i.e., those with five or more apprentices who are not otherwise exempt) must review its personnel processes on at least an annual bases to ensure it is meeting its obligation under this rule, unless it qualifies for a bi-annual review under proposed paragraph 30.4 (e). This review includes all aspects of apprenticeship program, including qualifications for apprenticeship, wages, outreach and recruitment activities, advancement opportunities, promotions, work assignments, job performance, rotations among all work processes of the occupation, disciplinary actions, handling of requests for reasonable accommodations, and the program's accessibility to individuals with disabilities (including accessibility of information and communication technology) and make all necessary modifications to ensure compliance with the equal opportunity obligations of this part. If this information was not required, there would be no formal approach to ensure that sponsors' affirmative action programs remain in compliance with the regulation.

d. 30.10 Selection of Apprentices.

A sponsor's procedures for selection of apprentices must be included in the written plan for Standards of Apprenticeship submitted to and approved by the Registration Agency. Each sponsor must collect such data and maintain such records as the Registration Agency finds necessary to determine whether the sponsor has complied or is complying with the regulatory requirements. Such records must include, but are not limited to, records relating to:

- Selection for apprenticeship, including applications, tests and test results, interview notes, bases for selection or rejection, and any other records required to be maintained;
- Information relative to the operation of the apprenticeship program;
- Compliance with the requirements of the equal opportunity standards; and
- Any other records pertinent to a determination of compliance with these regulations.

Sponsors are required to keep accurate records on the qualifications of each applicant pertaining to determination of compliance with Title 29 CFR Part 30. Records must be retained, where appropriate, regarding affirmative action programs and evidence that qualification standards have been validated. All of the above records are required to be maintained for three years. If this information was not required, there would be no documentation that the apprenticeship programs were being operated in a nondiscriminatory manner.

e. 30.11 Invitation to self-identify as an individual with a disability.

Proposed paragraph 30.11 requires sponsors to invite applicants to voluntarily self-identify as part of the apprenticeship application process if they are an individual with a disability at three stages: (1) pre-offer: at the time they apply or are considered for apprenticeship; (2) post-offer: after they are accepted into the apprenticeship program but before they begin; and, (3) after-enrollment: once they are enrolled in the program. Program sponsors would be required to remind apprentices yearly that they may voluntarily update their disability status, allowing those who have subsequently become disabled or who did not wish to self-identify during the application and enrollment process to be counted.

The collection of information on the self-identification of a disability is addressed in OMB Control Number 1205-0223.

f. 30.12 Recordkeeping.

Sponsors are required to keep accurate records on the qualifications of each applicant pertaining to determination of compliance with these regulations. Records must be retained, where appropriate, regarding affirmative action plans and evidence that qualification standards have been validated. State Apprenticeship Agencies are also obligated to keep adequate records pertaining to determination of compliance with these regulations. All of the above records are required to be maintained for three years. If this information was not required, there would be no documentation that the apprenticeship programs were being operated in a nondiscriminatory manner.

g. 30.14 Complaints.

Sponsors must provide written notice to all applicants for apprenticeship and all apprentices of their right to file a discrimination complaint and the procedures for doing so. The notice must include the address, phone number, and other contact information for the Registration Agency that will receive and investigate complaints filed under this part. The notice must be provided in the application for apprenticeship and must also be displayed in a prominent, publicly available location where all apprentices will see the notice. If the applicants and apprentices were not notified, they would have no information on the complaint procedures and there would be no assurance that they were properly informed of their rights under the Federal apprenticeship EEO requirements.

Complaint Form – Equal Employment Opportunity in Apprenticeship Programs. ETA 9039, is used to file a discrimination complaint. The currently approved form does not currently include disability status, age (40 or older), or genetic information as bases for discrimination. As part of the rulemaking to review Title

29 CFR part 30, the Office of Apprenticeship will revise ETA form 9039 to add disability, age (40 or older), genetic information, and sexual orientation to the list of protected bases (which are currently race, color, religion, national origin, and sex) for which complainants can file complaints about discrimination. These additions will not add any new or additional time or cost burden to individuals who voluntarily choose to file a complaint form regarding EEO in registered apprenticeship.

h. 30.18 State Apprenticeship Agencies.

All apprenticeship programs registered with State Apprenticeship Agencies for Federal purposes must comply with the requirements of the State's EEO plan within 180 days from the date that the Department provides written approval of the State EEO plan. If this was not required, there would be no assurance that the various State agencies planned to operate their programs consistent with EEO requirements.

A recognized State Apprenticeship Agency must keep all records pertaining to program compliance reviews, complaint investigations, and any other records pertinent to a determination of compliance. These records must be maintained for three years from the date of their creation. If this information was not required, there would be insufficient documentation that the apprenticeship programs were being monitored in accordance with the regulations.

i. 30.19 Exemptions.

State Apprenticeship Agencies must notify the Department of exemptions granted to these regulations affecting a substantial number of employers. If this notification was not required, the Department would have no way of knowing whether appropriate exemptions to EEO requirements had been made.

## **2. Purpose of Information Collection**

The recordkeeping required by Title 29 CFR Part 30 is of the following types:

- a. New sponsors with five or more apprentices are required to submit an affirmative action plan. Once approved, sponsors are required to annually conduct an internal review of the plan annually. If the sponsor's annual review demonstrates that there is no underutilization in any industry within the sponsor's program, and the sponsors' review of personnel practices did not demonstrate need for modification, then the sponsor may wait two years to complete its next affirmative action review, then the sponsor may wait two years to complete the next review.
- b. Sponsors, when selecting new apprentices, are required to maintain records on each applicant, including the reasons for selection or rejection.
- c. Apprenticeship program operations, including:

- 1) Records on each apprentice, such as job assignment, promotion, demotion, transfer, layoff or termination, rates of pay, other forms of compensation, conditions of work, hours of work, hours of training provided, and other personnel records relevant to EEO complaints, etc.
- 2) Compliance with part 30.
- 3) Requests for reasonable accommodations.

All of the above are subject to on-site compliance reviews.

### **3. Technology and Obstacles Affecting Reporting Burden**

The requirements of Title 29 CFR Part 30 are primarily recordkeeping. Use of information technology for storage and retrieval of such records for the EEO Complaint Procedures is at the respondents' option.

The Title 29 CFR Part 30 EEO Complaint Procedure and the currently approved electronic Complaint Form are available on the Office of Apprenticeship website. The website address is <http://www.doleta.gov/OA/complaint2.cfm>.

### **4. Duplication**

Recordkeeping and reporting requirements under Title 29 CFR Part 30 are not duplicated elsewhere.

### **5. Burden on Small Business or Other Small Entities**

The information required under Title 29 CFR Part 30 does not have a significant impact on small businesses. Furthermore, the regulations exempt sponsors with four or fewer apprentices from the need to adopt an affirmative action program under §30.4. (This requirement does not change under the proposed rule).

### **6. Consequences of Failure to Collect Data**

The recordkeeping and reporting requirements are the minimum needed to assure that apprenticeship sponsors are complying with Title 29 CFR Part 30. The specific consequences of not requiring the data to be collected for each section of Title 29 CFR Part 30 are discussed in item 1, above.

### **7. Special Circumstances Involved in Collection of Data Validation Information**

The information is collected in a manner consistent with paperwork requirements. However, a records retention requirement of three years is necessary (proposed Title 29 CFR part30.12 (C) Recordkeeping).

### **8. Pre-Clearance Notice and Responses**

Concurrent with the submission of this ICR, ETA issued an NPRM (RIN 1205-AB59) to update the part 30 regulations. The NPRM provides a 60-day period for public comment. The NPRM instructed that comments on the ICR in the proposed rule could be submitted to ETA and OMB.

## **9. Payments to Respondents**

This information collection does not involve direct payments to respondents. The Office of Apprenticeship does not provide funding to State Apprenticeship Agencies, program sponsors, or program participants.

## **10. Confidentiality**

There is no confidential information collected from states or apprenticeship sponsors. ETA Form 9039, which is completed by individuals, provides respondents with a Privacy Act notice and the information is protected in accordance with a system of records notice (SORN) entitled, "DOL/ETA-4, Registered Apprenticeship Partners Information Management Data System (RAPIDS) at the U.S. Department of Labor/Employment and Training Administration/Office of Apprenticeship."

## **11. Questions of a Sensitive Nature**

Under proposed Title 29 CFR part 30.11, the sponsors will be required to invite each applicant or apprentice to voluntarily identify as an individual with a disability (See OMB Control Number 1205-0223). Any information regarding the medical condition or history of an applicant or apprentice must be collected and maintained on separate forms and in separate medical files and treated as a confidential medical record.

## **12. Respondent Annual Burden**

Equal Employment Opportunity in Apprenticeship Programs (OMB Control Number 1205-0224), is estimated to require an annual burden of 4,121 hours. In addition, there is an associated one-time burden of 52,000 hours for 25 State Apprenticeship Agencies (SAAs) to comply with changes to the EEO regulations. These two burden hour estimates equates to a total burden of 56,121 hours.

There are more than 19,200 active programs nationwide in Fiscal Year (FY) 2014 and almost 5,000 of these programs have 5 or more apprentices according to the Registered Apprenticeship Partners Information Data System (RAPIDS). Of the approximately 1,625 new programs registered nationwide (25 SAAs + 25 OA states) in FY 2014, there were approximately 100 new programs with 5 or more apprentices registered nationwide. Disaggregating the data further, there were approximately 650 new programs registered in the 25 federally administered OA States and approximately 50 of the new programs contained 5 or more apprentices.



### Equal Opportunity Standards

Regulation section:

30.3 Equal Opportunity Standards

1 Annual (1-time basis) Burden: 702 hours

It is unlawful for a sponsor of a registered apprenticeship program to discriminate against an apprentice or applicant for apprenticeship on the basis of race, color, religion, national origin, sex, age (40 or older) or disability. All apprenticeship sponsors must document that their apprenticeship program conforms to the EEO requirements contained in Title 29, CFR Part 30 or provide evidence that they conform to other similar EEO requirements. Furthermore, all sponsors are required to post the equal opportunity pledge in the workplace.

The compliance with the equal opportunity standards is estimated at 1.08 hours per sponsor. This estimate accounts for universal outreach to a variety of recruitment sources, including organizations that serve individuals with disabilities, and the time it takes to post the equal opportunity pledge.

The annual burden is equal to 702 hours (650 new program sponsors x 1.08 hours).

### Affirmative Action Program

Regulation sections:

30.4 Affirmative action programs

30.5 Utilization analysis for race, sex, and ethnicity

30.6 Establishment of utilization goals for race, sex, and ethnicity

30.8 Targeted outreach, recruitment, and retention

30.9 Review of personnel processes

Annual (1-time basis) Burden: 500 hours

All sponsors that employ five or more apprentices are to establish an affirmative action program that is designed to ensure equal opportunity and prevent discrimination in their apprenticeship program. An affirmative action program is more than mere passive nondiscrimination. Such a program requires the sponsor to take affirmative steps to encourage and promote equal opportunity, to create an environment free from discrimination, and to address any barriers to equal opportunity in apprenticeship. It includes those policies, practices, and procedures, including self analyses, that the sponsor implements to ensure that all qualified applicants and apprentices are receiving an equal opportunity for recruitment, selection, advancement, retention and every other term and privilege associated with apprenticeship. An affirmative action program should be a part of the way the sponsor regularly conducts its apprenticeship program.

The purpose of the utilization analysis is to provide sponsors with a method for assessing whether possible barriers to apprenticeship exist for particular groups of individuals by determining whether the race, sex, and ethnicity for apprentices in a sponsor's apprenticeship program is reflective of persons available for apprenticeship by race, sex, and ethnicity in the relevant recruitment area.

Sponsor are required to establish a utilization goal for a particular group in its apprenticeship program, the sponsor must establish a percentage goal at least equal to the availability of the pool of eligible applicants. Utilization goals serve as objectives or targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work.

Where a sponsor has found underutilization and established a utilization goal for a specific group or groups, and/or where a sponsor has not met its utilization goal for individuals with disabilities, the sponsor must undertake targeted outreach, recruitment, and retention activities that are likely to generate an increase in applications for apprenticeship from and improve retention of apprentices from the targeted group or groups and/or from individuals with disabilities, as appropriate.

As part of its affirmative action program, the sponsor must, for each registered apprenticeship program, engage in review of its personnel processes related to the administration of the apprenticeship program to ensure that the sponsor is operating an apprenticeship program free from discrimination based on race, color, religion, national origin, sex, age (40 or older), sexual orientation, and disability.

The compliance with the affirmative action requirements for sponsor that employ 5 or more apprentices is estimated at five hours per sponsor. The burden hour estimate for these affirmative action obligations is broken down as follows:

- (1) One hour to develop, maintain, and update a written plan submitted to and approved by the Registration Agency within one year from time of registration.
- (2) 0.5 hour for utilization analysis for race, sex, and ethnicity in proposed § 30.5
- (3) 0.5 hour for establishment of utilization goals for race, sex, and ethnicity in proposed § 30.6
- (4) One hour for outreach, recruitment and retention for targeted groups in proposed 30.8
- (5) One hour for targeted outreach, recruitment, and retention for individuals with disabilities in proposed § 30.8
- (6) One hour for review of personnel processes (proposed § 30.9)

The annual burden is equal to 500 hours (100 new program sponsors with five or more apprentices x 5 hours).

### Recordkeeping of Active Apprentices

Regulation sections:

30.10 Selection of apprentices

30.12 Recordkeeping

Annual Burden: 321hours

Sponsors are required to keep accurate records on the qualifications of each applicant pertaining to determination of compliance with Title 29 CFR Part 30. Records must be retained, where appropriate, regarding affirmative action programs and evidence that qualification standards have been validated. All of the above records are required to be maintained for three years.

A sponsor's procedures for selection of apprentices must be included in the written plan for Standards of Apprenticeship submitted to and approved by the Registration Agency. Each sponsor must collect such data and maintain such records as the Registration Agency finds necessary to determine whether the sponsor has complied or is complying with the regulatory requirements.

The compliance with the recordkeeping requirements is estimated at 0.0167 hours (1 minute) per sponsor for the actual filing of the information. This includes maintaining records relating to:

- Selection for apprenticeship, including applications, tests and test results, interview notes, bases for selection or rejection, and any other records required to be maintained;
- Information relative to the operation of the apprenticeship program;
- Compliance with the requirements of the equal opportunity standards; and
- Any other records pertinent to a determination of compliance with these regulations.

The annual burden is equal to 321 hours (19,200 active program sponsors x 0.0167 hours).

### Complaint Procedure

Regulation sections:

30.14 Complaints

Annual (1-time basis) Burden: 25 hours

Sponsors must provide written notice to all applicants for apprenticeship and all apprentices of their right to file a discrimination complaint and the procedures for doing so. The notice must include the address, phone number, and other contact information for the Registration Agency that will receive and investigate complaints. The burden on the sponsor is merely to provide written notice to all applicants and apprentices of

complaint procedures. This consists of a one-time notification to each applicant. This notification can include providing a copy of the compliant form.

The Title 29 CFR Part 30 EEO Complaint Procedure and the electronic Complaint Form —Equal Employment Opportunity in Apprenticeship Programs (ETA 9039) are incorporated into the Office of Apprenticeship website. The website address is <http://www.doleta.gov/OA/complaint2.cfm>. (The website contains the currently approved complaint procedures)

The Compliant Form does not currently include disability status, gender identity, genetic information, sexual orientation, and age (40 or older) as bases for discrimination. Therefore, the Department will add these five items to ETA form 9039 to enable complainants to file complaints about discrimination on these bases. These additions will not add any new or additional time or cost burden to individuals who voluntarily choose to complete and file a complaint form regarding Equal Employment Opportunity in registered apprenticeship.

Burden for completion of the complaint form is estimated to be 30 minutes per applicant/apprentice. The 50 complaints estimate is based on 1 complaint per State. Therefore, the annual burden is estimated to be 25 hours (50 applicants/apprentices x 0.5 hour = 25 hours).

#### State Apprenticeship Agencies

Regulation sections:

30.18 State Apprenticeship Agencies

30.19 Exemptions

One-Time Compliance Burden: 52,000 hours

Annual (1-time basis) Burden: 2,573 hours

Total Burden: 54,573 hours

All apprenticeship programs registered with State Apprenticeship Agencies for Federal purposes must comply with the requirements of the State's EEO plan within 180 days from the date that the Department provides written approval of the States' EEO plan. This requirement to submit a revised State EEO plan will create a significant one-time paperwork burden on the 25 State Apprenticeship Agencies. The Department estimates that the process of updating a State's EEO plan to comply with the requirements of the proposed rule will take the equivalent of one full time FTE one year of effort (up to 2,080 hours). This equates to an estimated one-time burden of 52,000 hours (2,080 hours X 25 State Apprenticeship Agencies = 52,000 hours).

A recognized State Apprenticeship Agency must keep all records pertaining to program compliance reviews, complaint investigations, and any other records pertinent to a determination of compliance. These records must be maintained for 3 years from the date of their creation. Based on historical data, the Department estimates that the 25 State Apprenticeship Agencies will register approximately 31,000 new apprentices

annually requiring about five minutes per response. This equates to an estimated annual burden of 2,573 hours (0.083 hours x 31,000 new apprentices).

The burden on the State Apprenticeship Agencies to notify the Department of exemptions made to these regulations consists of merely advising the Department of what exemptions have been granted. We are not aware of any State exemptions granted.

Summary of Burden for 29 CFR Part 30

The total burden is summarized in the following table.

Section(s)	Respondents	Frequency	Total Responses	Average Time Per Response	Burden
<b>Equal Opportunity Standards</b>					
30.3	New OA program sponsors	Annual 1-time basis	650	1.08 hours	702 hours
<b>Affirmative Action Program</b>					
30.4 30.5 30.6 30.8 30.9	New program sponsors with five or more apprentices (nationwide)	Annual 1-time basis	100	5.0 hours	500 hours
<b>Recordkeeping of Active Apprentices</b>					
30.10 30.12	Active program sponsors	Annual	19,200	0.0167 hours	321 hours
<b>Complaint Procedure</b>					
30.13	Applicants/ Apprentices	Annual 1-time basis	50	0.5 hours	25 hours
<b>State Apprenticeship Agencies</b>					
30.12 30.18	State Apprenticeship Agencies: Recordkeeping	Annual 1-time basis	31,000	0.083 hours	2,573 hours
30.18 30.19	State Apprenticeship Agencies: EEO compliance	1-time basis	25	2,080 hours	52,000 hours
Total Annual Burden	----	----	51,025	----	4,121 hours
<b>Total Burden</b>	----	----	51,025	----	56,121 hours

Total Respondents: 19,925

650 New Program Sponsors + 19,200 Active Program Sponsors +  
25 State Apprenticeship Agencies + 50 Applicants/Apprentices

The annual cost of the burden to respondents is estimated to be \$85,593 [\$20.77/hour x 4,121 burden hours]. The \$20.77\* is the median hourly wage for an administrative assistant

The total cost of the burden to respondents, including the one-time cost to the State Apprenticeship Agencies, is estimated to be \$3,482,233 (\$85,593 + \$3,396,640 [\$65.32/hour x 52,000 hours]). The \$65.32\*\* is the median hourly wage for a State Government human resource manager.

\*The estimated hourly compensation rate for an administrative assistant (43-6014) in the private sector was calculated by multiplying the median hourly wage of \$15.98, by 1.30, to account for private-sector employee benefits. The hourly compensation rate for administrative assistant is thus \$20.77. For the median hourly wage, see the Department's BLS National Occupational Employment and Wage Estimates, May 2014, at <http://www.bls.gov/oes/current/oes436014.htm> and for the Employer Costs for Employee Compensation, see BLS New Release, Table A., June 2015 at: <http://www.bls.gov/news.release/pdf/ecec.pdf>

The SAAs have been delegated the responsibility by the Secretary of Labor to review/update the standards; thus, the State staff perform similar functions as the GS-12, Step 5 Federal Apprenticeship and Training Representatives (ATRs) of OA. Experience indicates this takes two hours per sponsor at the cost of \$65.32 per hour (State employee). The annualized cost to the registration agency is \$127,635 (977 x 2 hrs. = 1,954 hrs. x \$65.32).

\* The estimated hourly compensation rate for a State government human resource manager (11-3121) was calculated by multiplying the median hourly wage of \$47.96, by 36.2%, to account for State government employee benefits. The hourly compensation rate for a State government human resource manager is thus \$65.32. For the median hourly wage, see the Department's BLS National Occupational Employment and Wage Estimates, May 2014, at <http://www.bls.gov/oes/current/999001.htm#11-0000> and for the Employer Costs for Employee Compensation see: BLS New Release, Employer Costs for Employee Compensation, Table A., June 2015 at <http://www.bls.gov/news.release/pdf/ecec.pdf>

### **13. Estimated Cost to Respondents**

There are no additional costs other than those mentioned in Number 12 above.

#### **14. Cost to Federal Government**

The burden to the Federal Government, based on the GS-12 average salary of \$68,310 (\$64.42\* per hour) is primarily for reviewing the materials submitted by the potential sponsors and is estimated to take 1/2 hour for those programs with 4 or less apprentices, and 1 hour for those programs with 5 or more apprentices. Total annualized cost would be \$23,964 (\$64.42 per 1/2 hr. x 650 programs = \$20,936; \$64.42 per hour x 47 programs = \$3,028).

The burden to the Federal Government based on the GS-12, Step 5 Federal government compensation of \$64.42 per hour for ATR Federal staff is primarily for reviewing the materials submitted by the sponsors, inputting data in the database, and returning copies to sponsors and other partners, as appropriate. \*The ATR, a Federal government employee, GS-12, Step 5, basic hourly rate of \$38.12 was multiplied by 1.69 to account for Federal Government employee benefits. The hourly compensation rate for an ATR is thus \$64.42. For the basic hourly rate of OA's ATR, see [http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2015/RUS\\_h.pdf](http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2015/RUS_h.pdf). The Department adjusted the wage rates using a loaded wage factor to reflect total Federal Government compensation, which includes health and retirement benefits. Based on internal data from DOL, the 1.69 loaded wage factor for OA's ATR was used.

#### **15. Reasons for Program Change and Change in Burden**

The change in the estimated burden hours reflects a significant one-time increase in burden of 52,000 hours for State Apprenticeship Agencies (SAAs) to comply with changes to the EEO regulations. However, the estimated annual burden hours associated with this collection are estimated to increase slight from the previous PRA submission (from 3,582 to 4,121 burden hours) due to updated data on new programs and apprentices.

This increase in annual burden is largely due to the numbers of newly registered programs and apprentices tracked by the Department have increased since last approval. Therefore, the Department anticipates more responses for SAAs' recordkeeping requirements and apprenticeship program sponsors' EEO obligations than the estimates currently approved for information collections under OMB Control Number 1205-0224 (expiration date of May 31, 2016).

Based on agency experience administering the National Registered Apprenticeship System, the Department assumes an annual rate of 50 responses requiring 30 minutes per response for a total annual burden of 25 hours for this information collection. Exhibit 1 below summarizes the burden hours for Complaint Forms – Equal Employment Opportunity in Apprenticeship Programs.

<b>Exhibit 1: Information Collection for ETA 9039 Complaint Form - Equal Opportunity in Apprenticeship and Training</b>		
	<b>Currently Approved</b> (Current § 30.11)	<b>Proposed Rule</b> (Proposed § 30.13)
Total Respondents	50	50
Frequency	One-time	One-time
Total Responses	50	50
Average Time Per Response	0.5 hour	0.5 hour
<b>Total Burden Hours</b>	<b>25 hours</b>	<b>25 hours</b>

The proposed regulations would carry forward the current part 30's recordkeeping requirements for State Apprenticeship Agencies (SAAs) and would update these requirements to reflect the development and use of electronic recordkeeping, and the broadened scope of the regulation to provide for equal opportunity, nondiscrimination, and affirmative action for applicants or apprentices with disabilities. The proposed part 30 revisions would not change the hour and cost burden for SAAs' recordkeeping requirements. Based on historical data for the National Registered Apprenticeship System, the Department estimates that the 25 SAAs will register approximately 30,000 new apprentices annually requiring about 5 minutes per response. Therefore, the Department estimates ongoing, annual paperwork burden of 2,490 hours (0.083 hours x 30,000 responses = 2,490 hours). As discussed above, the estimated number of responses is higher than the estimates of 13,160 new apprentices currently approved for this information collection under OMB Control Number 1205-0224.

The proposed requirement for submission of a revised State EEO plan would create a significant one-time paperwork burden that is not included in the currently approved information collections under OMB Control Number 1205-0224 (expiration date of May 31, 2016). The Department estimates that process of updating the States EEO plan for conformity with the requirements of the proposed rule will take a full year of effort (2,080 hours to complete). The Department estimates a one-time burden of 52,000 hours for this information collection (2,080 hours x 25 responses = 52,000 hours).

Exhibit 2 below summarizes the burden hours for SAAs currently approved under OMB Control Number 1205-0224, and displays the burdens hours associated with the proposed regulatory changes and with the estimates of reduced numbers of responses, as discussed above. SAAs' responses to this information collection are required for the Agency to retain the Department's recognition of the SAA as the Registration Agency for federal purposes.

**Exhibit 2: Information Collection for State Apprenticeship Agencies**



<b>Regulatory Requirements</b>	<b>Currently Approved</b>	<b>Proposed Rule</b>
<b>SAA records of apprentices</b>	Current § 30.8	Proposed § 30.17
Total Respondents	25 SAAs	25 SAAs
Frequency	On Occasion	On Occasion
Total Responses	12,800	11,700*
Average Time Per Response	0.083 hours (5 minutes)	0.083 hours (5 minutes)
Annual Burden	1,067 hours	975 hours
<b>State EEO Plan</b>	Current § 30.15	Proposed § 30.17
Total Respondents	--	25 SAAs
Frequency	One-time	One-time
Total Responses	--	25
Average Time Per Response	--	2,080 hours
One-Time Burden	Completed in 1978	52,000 hours
<b>Total Burden Hours</b>	<b>1,067 hours</b>	<b>52,975 hours</b>

\* Reduced number of responses not related to provisions in the NPRM.

The regulatory changes would reduce the estimates of total burden hours associated with the third information collection for part 30, “Obligations of apprenticeship program sponsors.”

The burden hours for compliance with proposed revisions to equal opportunity standards (proposed § 30.3, Equal opportunity standards applicable to all sponsors) would increase from currently approved burden of one half-hour to 1.08 hours. This increase is necessary to account for universal outreach to a variety of recruitment sources, including organizations that serve individuals with disabilities, and the 0.08 burden hour required to post the equal opportunity pledge.

The Department estimates that the regulatory changes would modify the distribution of burden hours for compliance with affirmative action provisions, which ultimately would reduce burden hour estimates for obligations of apprenticeship program sponsors. Under the currently approved paperwork burdens (OMB Control Number 1205-0224), the Department attributes a total of 3,380 burden hours for program sponsors obligations for affirmative action provisions in current § 30.4, affirmative action (one hour for each new sponsor with five or more apprentices = 180 hours); current § 30.5, selection procedures (0.5 hour for 5,900 active apprenticeship program sponsors with five or more apprentices = 2,950 hours), and § current 30.6, existing list of eligibles and public notice (5 hours for 50 sponsors = 250 hours).

The proposed regulations would delete current § 30.6, existing list of eligibles and public notice, and would simplify the regulatory structure governing procedures for selecting apprentices (current § 30.5 and proposed § 30.10). Burden hours for affirmative action obligations in current § 30.5 and 30.6 would be eliminated.

The compliance with the affirmative action requirements for sponsor that employ 5 or more apprentices is estimated at six hours per sponsor. Exhibit 3 below summarizes the burden hours for obligations of apprenticeship program sponsors currently approved under OMB Control Number 1205-0224, and displays the

burden hours associated with the proposed regulations and the estimates of reduced number of responses, as discussed above. Responses for information collections regarding program sponsors' obligation are required to obtain or retain benefits as registered apprenticeship program sponsors.

<b>Exhibit 3: Information Collection For Obligations of Apprenticeship Program Sponsors</b>		
<b>Regulatory Requirements</b>	<b>Currently Approved</b>	<b>Proposed Rule</b>
<b>Equal opportunity standards</b>	Current § 30.3	Proposed § 30.3
Total Respondents	New sponsors with five or fewer apprentices	1,000
Frequency	One-time	One-time
Total Responses	1,290	1,000*
Average Time Per Response	0.5 hour	1.08 hours
Burden	645 hours	1,080 hours
<b>Affirmative action</b>	Current § 30.4	Proposed § 30.4**
Total Respondents	180	140
Frequency	One-time	One-time
Total Responses	180	140*
Average Time Per Response	1 hour	6 hours
Burden	180 hours	840 hours
<b>Selection of apprentices</b>	Current § 30.3	Proposed § 30.10
Total Respondents	5,900	0
Frequency	One-time	0
Total Responses	5,900	0
Average Time Per Response	0.541 hour	0
Burden	2,950 hours	0
<b>Existing list of eligibles and public notice</b>	Current § 30.6	0
Total Respondents	50	0
Frequency	One-time	0
Total Responses	50	0
Average Time Per Response	5 hours	0
Burden	250 hours	0
<b>Recordkeeping of active apprentices</b>	Current § 30.8	Proposed § 30.11
Total Respondents	26,700	26,000*
Frequency	One-time	One-time
Total Responses	26,700	26,000*
Average Time Per Response	0.0167 hour	0.0167 hour
Burden	445 hours	434 hours
<b>Total Burden Hours</b>	<b>4,470 hours</b>	<b>2,354 hours</b>

\* Reduced number of responses not related to provisions in the NPRM.

\*\* If sponsors are not exempt from § 30.4, then total six burden hours are associated with meeting the requirements of proposed §§ 30.5, 30.6, 30.8, and 30.9.

Exhibit 4 illustrates the total burden hour estimates for the three information collections in the ICR for part 30, as currently approved under OMB Control Number 1205-0224), and as proposed under the regulatory changes.

<b>Exhibit 4: Burden Summary of Three Information Collections For Part 30 (OMB Control Number 1205-0224)</b>		
<b>Information Collection</b>	<b>Currently Approved</b>	<b>Proposed Rule</b>
ETA 9039 Complaint Form - Equal Opportunity in Apprenticeship and Training (Exhibit 1)		
Total Respondents	50	50
Total Responses	50	50
Burden	25	25 hours
Information Collection for State Apprenticeship Agencies (Exhibit 2)		
Total Respondents	25 SAAs	25 SAAs
Total Responses	12,800	11,725*
Aggregated Burden Hours	1,067	52,975 **
Information Collection For Obligations of Apprenticeship Program Sponsors (Exhibit3)		
Total Respondents	34,120	27,000
Total Responses	34,120	27,000
Aggregated Burden	4,470	2,354
<b>Totals</b>		
Total Respondents	26,778	27,075
Total Responses	46,970	38,915
<b>Total Burden Hours</b>	<b>5,562 hours</b>	<b>55,354 hours</b>

\* Reduced number of responses not related to provisions in the NPRM.

\*\* SAAs' aggregated burden includes a one-time burden for the process of updating the State EEO plans necessary for conformity with the proposed rule.

## 16. Publication of Information

Summary information is used to respond to requests from Departmental Leadership, the White House, Congress, public interest groups, advocacy organizations, apprenticeship sponsors, and the general public.

## 17. Reasons for Not Displaying Date OMB Approval Expires

ETA displays OMB approval and expiration information on the Compliant Form – Equal Employment Opportunity in Apprenticeship Programs (ETA 9039). ETA is not requesting a waiver for the display of the OMB expiration date.

## 18. Exceptions to Certification

There are no exceptions.

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

This information collection does not employ statistical methods.