

**SUPPORTING STATEMENT FOR REQUEST FOR OMB APPROVAL
UNDER THE PAPERWORK REDUCTION ACT OF 1995, ETA 9141**

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**SUPPORTING STATEMENT
APPLICATION FOR PREVAILING WAGE DETERMINATION
(OMB Control Number 1205-0508)**

A. Justification

A.1. Circumstances that make the collection of information necessary.

The information collection (IC) is required by sections 203(b)(3); 212(a)(5)(A); 212(m), (n), (p), (t); and 214(c) of the Immigration and Nationality Act (INA) (8 U.S.C. §§1153(b)(3); 1182(a)(5)(A); 1182(m), (n), (p), (t); and 1184(c)) and 8 CFR 214.2(h). The INA requires the Secretary of Labor to certify, among other things, that any foreign worker seeking to enter the United States (U.S.) for the purpose of performing certain skilled or unskilled labor temporarily or permanently will not, by doing so, adversely affect wages and working conditions of U.S. workers similarly employed. Before the Secretary of Labor can certify that wages for U.S. workers have not been adversely affected, he must ensure that the wages being paid to foreign workers are the same as those being offered and paid to U.S. workers.

The information contained in the Form ETA-9141 is the basis for the Secretary's determination of the wage employers must pay in order protect against adverse effect on U.S. workers' wages by the employment of a foreign worker. Prior to submitting requests for most labor certifications or a labor condition applications to the Secretary of Labor, employers must obtain a prevailing wage for the job opportunity based on the place of employment in order to ensure that wages are not being adversely affected by paying foreign workers less than a prevailing wage. Form ETA-9141, *Application for Prevailing Wage Determination*, is used to collect the necessary information from employers to enable the Department of Labor (Department) to issue a prevailing wage for the occupation and location of the job offer. The Form ETA-9141 is used in the H-2B, H-1B, H-1B1, E-3, and PERM programs administered by the Department. The Department is not proposing any changes to the collection and is requesting a three year extension.

A.2. How, by whom, and for what purpose the information is to be used.

In order to meet its statutory responsibilities under the INA, the Department must request information from employers seeking to hire and import foreign labor. The Department uses the information collected to determine the appropriate wages that must be paid by an employer to foreign workers in most programs.

A.3. Extent to which collection is automated, reasons for automation, and considerations for reducing impact on burden.

In compliance with the Government Paperwork Elimination Act, the Department allows electronic filing for the form in this collection. The Form ETA-9141 is fully operational as both a fillable and electronically fileable form and is available on the Department's iCert Portal System at <http://icert.doleta.gov/> where it can be accessed by employers who wish to complete and submit it electronically.

A.4. Efforts to identify duplication – why similar information already available cannot be used for purpose described in A.2.

The information requested on the Form ETA-9141 is sufficiently diverse to avoid duplication of activities within the Department for the H-2B, H-1B, H-1B1, E-3, and PERM programs. However, those employers utilizing the electronic filing option can save their contact information and other pertinent information in the iCert system for use on another application.

A.5. Efforts to minimize burden on small businesses.

The information collection is required for all businesses, including small businesses, who want to hire and import foreign labor. However, the recordkeeping requirements largely involve information that already exists in payroll and other records kept by most employers for other purposes.

A.6. Consequences to Federal program if collection not done or done less frequently and any technical or legal obstacles to reducing the burden.

Employers choose how frequently they apply for a prevailing wage determination. The Department cannot issue such benefits without collecting at least basic information on the employer and the job opportunity being offered foreign workers in order to perform its duties under the law and regulations.

A.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 often 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 one 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 that 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 of 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 secrets, 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.

There are no special circumstances that would require the information to be collected or kept in any manner other than those normally required under the Paperwork Reduction Act, except the regulatory requirement that employers retain the records and supporting documents used to fill in the forms for at least three years for the H-2B program; five years for the PERM program; and one year beyond the validity of the certified Labor Condition Application in the H-1B program, including the H-1B1 and E-3 programs.

A.8. Preclearance notice and summary of public comments.

The Department published a Federal Register notice providing the public 60 days to comment on this information collection. See 80 FR 76711, Dec. 10, 2016. The Department received one comment. A synopsis of the comment and the Department's response are provided below.

1. Improve Coordination Between ETA Forms 9141 and 9089

The commenter recommended that the Department's electronic filing systems be modified to directly transfer, to the ETA-9089, certain information an employer has entered on the ETA-9141. The commenter contended that requiring employers completing permanent labor certification applications to manually reenter information they have already entered on the ETA-9141 is burdensome, duplicative, and increases the likelihood of filer error. The commenter argued that automatic transfer of this information would lead to fewer PERM denials for typographical errors, resulting in fewer appeals and reconsideration requests, and could allow DOL to conduct a more streamlined review of applications. The commenter also asked for greater consistency in the questions listed from one form to the other, stating there were some questions on the ETA-9141 that did not have a corresponding question on the ETA-9089.

Answer: In recent months, the Department has made improvements to its PERM Online System designed to reduce the form error rate, including additional system

alerts to filers completing the electronic application. We continue to explore IT improvements for the ETA-9141 and ETA-9089 forms as part of our PERM Modernization effort, and in that context will give thoughtful consideration to the commenter's recommendations about consistency across forms, pre-population of certain fields, and direct transfer of information between forms.

2. Consideration of the Need to Collect Data that Does Not Affect the Prevailing Wage Process

The commenter requested that the Department either eliminate the ETA-9141 question asking for the employer's North American Industry Classification System (NAICS) code (Section C.13) or clarify how the information is relevant to the prevailing wage determination and how the Department uses the information. The commenter also recommended eliminating the ETA-9141 question on the title of the supervisor for the named position (Section E.a.3).

Answer: The National Prevailing Wage Center (NPWC) uses the NAICS code as a key indicator of whether an employer is covered by the American Competitiveness and Workforce Improvement Act (ACWIA). Employers covered by ACWIA – which include institutions of higher education, affiliated or related nonprofit entities, and nonprofit research or Governmental research organizations – must receive the wage rate required by that statute. The NPWC maintains a wage database specifically for use with ACWIA employers. For wage requests based on employer-provided surveys, the employer's NAICS code may also be used to evaluate the cross-industry nature of the survey documents. Section E.a.3, "Job Title of Supervisor for this Position," in combination with other factors, serves as an indicator of the foreign worker's position within the company and plays a role in SOC selection and the designation of a wage level. Therefore, the Department intends to continue to ask these questions.

3. Elimination of the Requirement of a Street Address for the Worksite

The commenter suggested that the Department eliminate the questions at Section E.c about the employer's street address and primary worksite, contending that the wage rate the NPWC assigns is based on the Metropolitan Statistical Area (MSA) of the worksite, and that the specific worksite address within that MSA does not affect the PWD process. The commenter further stated that the collection of this worksite information may unnecessarily increase the Department's workload, as employers with multiple street addresses within a single MSA are likely to submit an ETA-9141 wage request for each of these addresses. The commenter stated that employers change physical work locations according to their business needs and that "[a] move within the same MSA as the original location should not result in any negative consequences relating to PERM or H-1B processing."

Answer: The Department finds the address information very useful in determining prevailing wages and declines to remove this question. It is necessary for the

employer to define the area of intended employment with as much geographic specificity as possible. The Department uses this information in reviewing and verifying compliance with regulatory requirements for advertising, positive recruitment, and prevailing wage determinations. The street address is used, among other things, to determine the normal commuting distance between the primary work site and any secondary worksites. (Area of intended employment means the area within normal commuting distance of the place (address) of intended employment.) Employers with multiple street addresses within a single MSA may enter the additional work sites in Section E.c.7a of the form.

4. Modifications to Improve Efficiency and Reduce Processing Times

The commenter recommended that DOL modify the form to collect additional information that would help the agency make prevailing wage determinations in less time, without Requests for Information (RFIs), and with less burden on employers. The commenter also expressed broader concerns about delays in processing of ETA-9141 wage requests and of employer appeals, and about the prevailing wage determinations process more generally, which the commenter suggested results, at times, in wage rates that are higher than market rate. The commenter recommended that, if the Department could not immediately modify the form, it modify the instructions to make clearer what additional information analysts might need and where on the form employers should add that information.

Answer: The Department has designed the ETA-9141 to collect the information we believe to be key to making accurate prevailing wage determinations. The ETA-9141 is the vehicle for these determinations; to be considered, information required to make the determination, including descriptions of job duties, job requirements, and information about worksites, must be entered on the form. We do not consider employers providing additional information to be a means to reducing processing times.

The form, in its current design, does grant employers some flexibility in how they present the information they believe would assist the NPWC in making its wage determination. For example, Sections E.a.5, "Job Duties," and E.b.5, "Special Requirements," are text fields that can accept up to 4000 characters. FAQs published in February 2013 describe common types of deficiencies that result in an RFI. Employers may use these as reminders of the type of information they should be sure to include in their responses.

5. Revise Portions of the ETA-9141 to Allow Space to Provide a Substantive Answer

The commenter suggested modifying specific fields to allow space for more detailed entries.

a. E.a.2 and 2a: More Space for the Requestor to Suggest Codes and Occupational Titles

The commenter requested space to enter multiple potential SOC codes and an explanation of why a particular SOC is appropriate.

Answer: We do not believe a list of multiple SOC codes is necessary for an accurate prevailing wage determination. The NPWC assigns the most applicable SOC code based on the employer's job description and its list of job duties in the prevailing wage request. While the NPWC considers the employer-requested SOC code in the course of the prevailing wage analysis, the nature of the job, including the employer's compendium of job duties (the information in the free text box in Section E.a.5), is the most important factor in SOC assignment.

b. E.a.6.a: More Space and Guidance for Travel Requirements

The commenter suggested modifying the travel section to permit employers to better describe the frequency, area and type of travel.

Answer: We believe these sections, as currently configured, offer employers sufficient space to enter an adequate response. Section E.a.6a accommodates up to 2000 characters for employers to describe the area, frequency and nature of the travel the job requires. For explanations that exceed the character limit, travel may be explained in Section E.a.5 or E.b.6.

c. Section E.b: Include a Designated Section for Alternative Requirements

The commenter suggested a space be added to allow employers to specify alternate requirements for the job that will align with Section H.8 of the ETA-9089.

Answer: The prevailing wage level is assigned based on an employer's primary minimum requirements; the employer's alternate requirements for the position do not figure into the prevailing wage determination. However, the current form does allow employers to describe their alternate requirements in Section E.a.5, "Job Duties," or Section E.b.5, "Special Requirements." Therefore, the Department does not believe it necessary to modify the form to accommodate such a change.

6. The Instructions to the ETA Form 9141 Should be Updated to Ensure that Employers Use the Document Upload Feature to Provide Complete Information

The commenter suggested that the instructions for the ETA-9141 be modified to include examples of the types of supporting documents that users may upload. The commenter further suggested the Department include a drop-down menu of commonly accepted alternate wage surveys and clearer instructions on both the form and substance of information that is appropriate for upload.

Answer: The Department appreciates this comment and will consider publishing additional guidance on the types of documents that may be uploaded or may be

helpful to inform prevailing wage determinations. We remind employers that the information required for a prevailing wage determination must be entered in the appropriate fields and will not be considered if it only appears or is uploaded in the form of supporting documentation. Applications submitted with uploaded documents that contain information that is different from that which appears on the ETA-9141 – different job duties, work sites or special requirements, for example – will be returned unprocessed. OFLC does not maintain a list of acceptable alternate wage surveys. In the past, we have provided guidance on the criteria for acceptance of Employer Provided Surveys; such surveys must meet both the criteria for acceptance and be acceptable for use with a particular set of job duties, requirements, conditions, and locations.

7. DOL Should Examine the Source of the Ongoing Discrepancy between OES Wages and Real-World Wages

The commenter raised broader concerns about OES data. These comments were not a suggestion to modify the ETA-9141, but rather a comment on how wages assigned do not accurately reflect “real world” wages.

Answer: These comments were outside the scope of this information collection.

A.9. Explanation of decision to provide any payment or gift to respondents.

No payments or gifts will be made to respondents.

A.10. Assurance of confidentiality provided to respondents.

The information collected is not exempt from full disclosure under the Freedom of Information Act (FOIA). There are no assurances of confidentiality. This material will be subject to review and potential disclosure under FOIA

A.11. Justification for any sensitive questions.

The information collected does not involve sensitive matters.

A.12. Estimated hourly burden.

Based on recent program experience, the Department estimates it will receive approximately 8,714 submissions for the H-2B program, 9,047 submissions for the H-1B program, and 113,738 submissions a year for the PERM program. The total hourly burden is 448,540 hours. The hourly burdens are separated by program.

I. The H-2B Program

A. Determination of prevailing wages for labor certification purposes

In order to recruit U.S. workers and complete the Form ETA-9142, an H-2B employer must first obtain a prevailing wage determination from the Department (20 CFR 655.10(a)). The regulations require employers to obtain the prevailing wage determination in advance of recruitment or filing by submitting a completed Application for Prevailing Wage Determination (Form ETA-9141) to the National Prevailing Wage Center (NPWC). The Department receives an average of 8,714 H-2B prevailing wage requests for the H-2B program. The Department estimates that employers will spend 45 minutes preparing and submitting the Form ETA-9141 to the NPWC. The total annual burden is 6,536 reporting hours (8,714 x 0.75 hours).

The H-2B program allows employers to appeal the prevailing wage determinations made by the NPWC. The Department has found that in the past, employers challenged the determination and/or submitted supplemental information in approximately 1.2 percent of the prevailing wage determination requests and that it will take employers 60 minutes to prepare such requests. The Department further found that only one or two employers annually appeal the NPWC Director's decision to the Board of Alien Labor Certification Appeals (BALCA). The Department estimates it takes an employer one hour each to prepare the appeal to both the NPWC Director and BALCA. The annual burden of the H-2B prevailing wage redeterminations is $(8,714 \times 1.2\% \times 1 \text{ hour}) + (2 \times 1 \text{ hour}) = 107$ reporting hours.

B. Retention of Supporting Documentation

The Department estimates that employers will spend about 10 minutes per year per application to retain an application and required supporting documentation as required in 20 CFR 655.10(i). This results in an annual burden of 1,452 recordkeeping hours (8,714 applications x 10 minutes ÷ 60 minutes = 1,452 hours).

6,643 Reporting
1,452 Recordkeeping Hours
8,095 Total Hours

Average Time Per Application Process:
Form ETA-9141 – 55 minutes (filling out form and retention)

Total H-2B Responses: 17,535

Total H-2B Respondents: 8,714

II. The H-1B program (including H-1B1 and E-3)

A. Determination of wages to be paid for purposes of approval of a Labor Condition Application.

In order to complete the Form ETA-9035, Labor Condition Application (OMB control number 1205-0310), an employer must determine the appropriate wage to pay the foreign worker. The regulations require employers to determine the appropriate wage in advance of submitting the Labor Condition Application (LCA). Unlike in the H-2B and PERM programs, under the Department's regulations at 20 CFR 655.731, an H-1B, H-1B1 or E-3 employer has the option of requesting a prevailing wage determination from the NPWC using the Form ETA-9141, which includes reviewing the Department's wage information available through the Online Wage Library at <http://www.flcdatacenter.com/OESWizardStart.aspx>. The employer may choose not to request a formal prevailing wage determination and instead rely on the wage information available through the Department's Online Wage Library without requesting a formal prevailing wage determination from the NPWC, or the employer may rely on another legitimate source of wage information, such as a collective bargaining agreement or another source. The first option, however, has a distinct advantage of affording the employer a safe harbor, a presumption of the legitimacy of the prevailing wage, in the case of an investigation by the Wage and Hour Division. Whether the employer chooses to request a prevailing wage determination from the NPWC using Form ETA-9141 or uses the OES Library, it will take the employer approximately 45 minutes to complete and file the prevailing wage request with the NPWC using the Form ETA-9141 or perform the research itself. Program experience has shown that at least 90 percent of applicants use the first two methods, and 10 percent rely on another legitimate source of wage information such as collective bargaining agreements and other sources readily available to the employer without burden hours. The Department receives an average of 398,000 Labor Condition Applications filed on the Form ETA-9035 a year, of which 9,047 request prevailing wage determinations from the NPWC using the Form ETA-9141. The annual burden for H-1B prevailing wage determinations is 268,650 reporting hours (398,000 x .90 x 0.75 hours).

In the H-1B program, the employer may, in the course of requesting a prevailing wage determination from the NPWC, submit its own survey to the NPWC for validation if it meets the requirements of 20 CFR 655.40(g). If the NPWC finds the survey provided by the employer unacceptable, the employer may submit supplemental information for the NPWC's consideration. The

Department has found that in the past employers challenged the determination and/or submitted supplemental information in approximately 1.1 percent of the prevailing wage determination requests and that it will take employers 45 minutes to prepare such requests. The Department further found that 1.8 percent of those employers appeal the final decision of the Certifying Officer to the Center Director and only one or two appeal the Center Director's decision to the Board of Alien Labor Certification Appeals (BALCA). The Department estimates it takes an employer one hour each to prepare the appeal to both the Center Director and BALCA. The annual burden of the H-1B prevailing wage redeterminations is $(9,047 \times 1.1\% \times 0.75 \text{ hours}) + (100 \times 1.8\% \times 1 \text{ hour}) + (2 \times 1 \text{ hour}) = 79$ reporting hours.

B. Retention of Supporting Documentation

The Department estimates that employers will spend about 10 minutes per year to retain the documentation of its compliance with the required wage rate under 20 CFR 655.731, including, if applicable, the prevailing wage determination and any required supporting documentation during the requisite retention period. This results in an annual burden of 66,333 recordkeeping hours $(398,000 \text{ applicants} \times 10 \text{ minutes} \div 60 \text{ minutes} = 66,333 \text{ hours})$.

Total Annual Burden Hours for the H-1B Information Collections:

Form ETA-9141	–	268,729 Reporting Hours
		<u>66,333 Recordkeeping Hours</u>
		335,062 Total Hours

Average Time Per Application Process:

Form ETA-9141 – 55 minutes (filling out form and retention)

Total H-1B Responses: 756,304

Total H-1B Respondents: 398,000

III. The PERM program

A. Determination of wages to be paid for labor certification

In order to recruit U.S. workers and complete the Form ETA-9089, Application for Permanent Employment Certification (OMB control number 1205-0451), an employer must obtain the appropriate wage in advance of filing the Form ETA-9089 by submitting the Application for Prevailing Wage Determination Form ETA-9141 to the NPWC and receiving a prevailing wage determination. Program experience shows that the majority of employers will accept the NPWC's determination and will, therefore, only spend 45 minutes preparing and submitting the Application for Prevailing Wage Determination (Form ETA-

9141) to the NPWC. The Department receives an average of 113,738 PERM prevailing wage requests a year. The annual burden for PERM prevailing wage determinations is 85,304 reporting hours (113,738 x 0.75 hours).

In the PERM program, the employer has the option of submitting its own survey to the NPWC for validation if it meets the requirements of 20 CFR 656.40(g). If the NPWC finds the survey provided by the employer unacceptable, the employer may submit supplemental information for the NPWC's consideration. The PERM program also allows employers to appeal the prevailing wage determination. The Department has found that in the past employers challenged the determination and/or submitted supplemental information in approximately 1.1 percent of the prevailing wage determination requests and that it will take employers 45 minutes to prepare such requests. The Department further found that 1.8 percent of those employers appeal the decision of the Certifying Officer to the Center Director and only one or two appeal the Center Director's decision to the Board of Alien Labor Certification Appeals (BALCA). The Department estimates it takes an employer one hour each to prepare the appeal to both the Center Director and BALCA. The total annual burden of the PERM prevailing wage redeterminations is $(113,738 \times 1.1\% \times 0.75 \text{ hours}) + (1,252 \times 1.8\% \times 1 \text{ hour}) + (2 \times 1 \text{ hour}) = 963$ reporting hours.

B. Retention of Supporting Documentation

The Department estimates that employers will spend about 10 minutes per year per application to retain an application and required supporting documentation for five years. This results in an annual burden of 18,956 recordkeeping hours (113,738 applications x 10 minutes ÷ 60 minutes = 18,956 hours).

Total Annual Burden Hours for the PERM Information Collection related to Form ETA-9141:

Form ETA-9141	–	86,268 Reporting Hours
		<u>18,956 Recordkeeping Hours</u>
		105,224 Total Hours

Average Time Per Application Process

Form 9141 – 55 minutes (filling out form and retention)

Total PERM Responses: 228,753

Total PERM Respondents: 113,738

Totals For All Programs:

Reporting Hours: 361,639
 Recordkeeping Hours: 86,741

Total Responses: 1,002,592
 Total Respondents: 520,452

V. Total Hourly Cost

Employers filing applications for temporary and permanent alien employment certification may be from a wide variety of industries. The Department concludes that in most companies a Human Resources Manager will perform these activities. In estimating employer staff time costs, the Department used the national cross-industry mean hourly wage rate for a Human Resources (\$56.35), based on the U.S. Department of Labor, Bureau of Labor Statistics, Occupational Employment Statistics survey wage data,¹ and increased it by a factor of 1.43 to account for employee benefits and other compensation for a total hourly cost of \$80.58. This number was multiplied by the total hourly annual burden for the information collection for each foreign labor certification program in order to arrive at total annual respondent hourly costs for all information collections under this extension request. The total annual respondent hourly costs are estimated as follows:

H-2B 8,095 x \$80.58 = \$ 652,295
 H-1B 335,062 x \$80.58 = \$26,999,295
 PERM 105,224 x \$80.58 = \$ 8,478,950

Total Burden Cost: 448,381 hours \$36,130,540

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)	Hourly Rate*	Monetized Value of Respondent Time
H-2B Filing	8,714	1	8,714	45 min.	6,536	\$80.58	\$526,671
H-2B Appeals	107	1	107	1 hour	107	\$80.58	\$8,622
H-2B Retention	8,714	1	8,714	10 min.	1,452	\$80.58	\$117,002
H-1B Wage Determination	358,200	1	358,200	45 min.	268,650	\$80.58	\$21,647,817
H-1B	100	1	100	45 min.	75	\$80.58	\$6,044

¹ Source: Bureau of Labor Statistics. Occupational Employment Statistics: May 2014 National Occupational Employment and Wage Estimates; Management Occupations

Redeter- minations							
H-1B Appeals	4	1	4	1 hour	4	\$80.58	\$322
H-1B Retention	398,000	1	398,000	10 min.	66,333	\$80.58	\$5,345,113
PERM Filing	113,738	1	113,738	45 min.	85,304	\$80.58	\$6,873,796
PERM Rede- terminations	1,252	1	1,252	45 min.	939	\$80.58	\$75,665
PERM Appeal	25	1	25	1 hour	25	\$80.58	\$2,014
PERM Retention	113,738	1	113,738	10 min.	18,956	\$80.58	\$1,527,474
Unduplicated Totals			1,002,592		448,381	\$80.58	\$36,130,540.00

* See Section 12, subsection III.

A.13. Estimated cost burden to respondents.

a) Start-up/capital costs: There are no start-up costs. There is no obligation to own a computer to participate in the programs. Anyone without computer access can request the forms from OFLC. However, to participate in the programs, employers are required to generate records and retain them. The only necessary supplies needed to store and maintain the records are filing cabinets and filing folders. The Department estimates that the initial cost to employers to store and maintain records is minimal because it is a customary and usual business practice for businesses to have storage space.

b) Annual costs: There are no annual costs involved with operation and maintenance because ETA will be responsible for the annual maintenance costs for the free downloadable forms and the web-based data collection and reporting system.

A.14. Estimated cost burden to the Federal government.

The average Federal Government cost for a year of operation is estimated based on an hourly basis multiplied by an index of 1.69 to account for employee benefits and proportional operating costs, otherwise known as Fully Loaded Full Time Equivalent (FLFTE). The index is derived by using the Bureau of Labor Statistics' index for salary plus benefits of each federal employee involved in the process, and the Department's internal analysis of overhead costs averaged over all employees of OFLC. The total cost to the Federal Government for the prevailing wage determinations for H-2B, H-1B, H-1B1, E-3, and PERM is estimated at \$7,029,289 calculated as follows:

I. H-2B program:

<u>Staff Cost for Adjudicating Prevailing Wage Applications</u>	\$458,139
Staff (GS-12, Step 5 x 1.69 FLFTE) @ 45 minutes	
$\$70.10 \times 8,714 \times .75 \text{ hours} = \$458,139$	
<u>Staff Cost for Appealed Required Wage Applications</u>	\$ 9,463
(1.2% of applications are appealed)	
Center Director (GS-15 Step 5 x 1.69) @ 45 minutes	
$\$115.86 \times 105 \times .75 \text{ hours} = \$9,124$	
(Two applications are appealed to BALCA)	
NPWC staff for preparation of appeal file	
Staff (GS-12, Step 5 x 1.69 FLFTE) @ 1 hour	
$\$70.10 \times 2 \times 1 \text{ hour} = \140	
Administrative Law Judge (AL/C3 x 1.69) @ 1 hour	
$\$99.36 \times 2 \times 1 \text{ hour} = \199	
<u>Estimated Total Cost for H-2B</u>	
Staff	= \$467,602

III. H-1B program (including H-1B1 and E-3):
APPLICATIONS FOR PREVAILING WAGE ONLY

<u>Staff Cost for Adjudicating Prevailing Wage Applications</u>	\$475,646
Staff (GS-12, Step 5 x 1.69 FLFTE) @ 45 minutes	
$\$70.10 \times 9,047 \times .75 \text{ hours} = \$475,646$	
<u>Staff Cost for Appealed Prevailing Wage Applications</u>	\$ 8,189
(1.1% of applications are appealed)	
Manager (GS-14, Step 5 x 1.69) @ 45 minutes	
$\$98.49 \times 100 \times .75 \text{ hours} = \$7,387$	
(1.8% of those request Center Director Review)	
Center Director (GS-15 Step 5 x 1.69) @ 2 hours	
$\$115.86 \times 2 \times 2 \text{ hours} = \463	
(Two applications are appealed to BALCA)	
NPWC staff for preparation of appeal file	
Staff (GS-12, Step 5 x 1.69 FLFTE) @ 1 hour	
$\$70.10 \times 2 \times 1 \text{ hour} = \140	
Administrative Law Judge (AL/C3 x 1.69) @ 1 hour	
$\$99.36 \times 2 \times 1 \text{ hour} = \199	

Estimated Total Cost for H-1B **\$483,835**

IV. PERM program:

APPLICATIONS FOR PREVAILING WAGE ONLY

Staff Cost for Adjudicating Prevailing Wage Applications **\$5,979,775**
 Staff (GS-12, Step 5 x 1.69 FLFTE) @ 45 minutes
 $\$70.10 \times 113,738 \times .75 \text{ hours} = \$5,979,775$

Staff Cost for Appealed Prevailing Wage Applications **\$ 98,077**

(1.1% of applications are appealed)
 Manager (GS-14, Step 5 x 1.69) @ 45 minutes
 $\$98.49 \times 1,251 \times .75 \text{ hours} = \$92,408$
 (1.8% of those request Center Director Review)
 Center Director (GS-15 Step 5 x 1.69) @ 2 hours
 $\$115.86 \times 23 \times 2 \text{ hours} = \$5,330$

(Two applications are appealed to BALCA)
 NPWC staff for preparation of appeal file
 Staff (GS-12, Step 5 x 1.69 FLFTE) @ 1 hour
 $\$70.10 \times 2 \times 1 \text{ hour} = \140
 Administrative Law Judge (AL/C3 x 1.69) @ 1 hour
 $\$99.36 \times 2 \times 1 \text{ hour} = \199

Estimated Total Cost for PERM **\$6,077,852**
 =====

Total Cost to Federal Government **\$7,029,289**

A.15. Reasons for any program changes reported in Items 13 or 14.

This ICR requests a change of 112,091 responses (from 890,501 to 1,002,592) and 49,498 burden hours (from 398,883 to 448,381). The changes reflected in this ICR are attributed to the increase of applications in some of the programs.

A.16. Method for publishing results.

Application for Prevailing Wage Determination
1205-0508
March 2016

OFLC discloses information about employer applicants to the public on its public access webpage at <http://www.flcdatacenter.com/CaseData.aspx>. For the prevailing wage determinations, the employer name and address, work locations, the occupation, and the prevailing wage determination by the Department are all disclosed on the website.

A.17. If seeking approval not to display the expiration date for OMB approval, explain why display would be inappropriate.

The Department will display the expiration date for OMB approval on the forms.

A.18. Explanation of each exception in the certification statement identified in Item 19 "Certification for Paperwork Reduction Act Submissions."

The Department is not seeking any exception to the certification requirements.

B. Collection of Information Employing Statistical Methods

This information collection does not employ statistical methods.