

Supporting Statement
Equal Employment Opportunity in Apprenticeship Programs
OMB Control No. 1205-0224

This ICR is considered a revision because the agency has clarified that the assurance of confidentiality of limited to the extent permitted by law.

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.*

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 30 sets forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor (the Department) and recognized State Apprenticeship Agencies. 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 registering apprenticeship programs, for reviewing apprenticeship programs, for processing complaints, and for deregistering non-complying apprenticeship programs. The part 30 regulations also provide policies and procedures for continuation or withdrawal of recognition of State Apprenticeship Agencies (SAAs) 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

The following sections of the regulations contain information collection requirements subject to the Paperwork Reduction Act:

a. 30.3 Equal opportunity standards, and
30.4 Affirmative action plans.

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. If this information was not collected, there would be no formal assurance that the sponsor's apprenticeship program was being operated in a nondiscriminatory manner.

b. 30.5 Selection of apprentices.

Sponsors are required to notify all applicants who meet the requirements for admission and provide notice to rejected applicants, including reasons for rejection, of requirements for admission to the pool of eligibles and their appeal rights. If this information was not required, applicants and rejected applicants would not know of the reasons for their rejection, the requirements for admission, and their appeal rights.

c. 30.6 Existing lists of eligibles and public notice.

A sponsor which determines that there are fewer minorities and/or women on its existing list of eligibles than would reasonably be expected, is required to establish new eligibility pools and lists, post such information, and provide 30 days notice in advance of the earliest date for application for admission. If the above was not required, there would be no way of assuring full opportunity for equal consideration of minorities and women to obtain admission to an apprenticeship program.

d. 30.8 Records.

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. SAAs are obligated to keep adequate records pertaining to determination of compliance with these regulations. All of the above records are required to be maintained for five years. If this information was not required, there would be no documentation that the apprenticeship programs were being operated in a nondiscriminatory manner. Many apprenticeship programs are four or more years in duration; therefore, it is important to maintain the records for at least five years.

e. 30.11 Complaint procedure.

The sponsor is required to provide written notice to all applicants and all apprentices of complaint procedures. 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, Employment and Training Administration (ETA) Form 9039, is submitted for extension. The form was developed as a result of the Secretary's 1990 initiative to improve employment opportunities for women in the skilled trades.

f. 30.15 State Apprenticeship Agencies.

State agencies are required to prepare a revised EEO plan consistent with these regulations to assure that they are in conformance with the EEO requirements consistent with their function as a registration agency, recognized by the Department. If this was not required, there would be no assurance that the various State agencies planned to operate their programs consistent with EEO requirements. States have already completed this action.

g. 30.19 Exemptions.

SAA's 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. *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.*

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, it is subject to annual updating and is reviewed along with applicant and apprentice records during on-site compliance reviews.
 - b. Sponsors, when selecting new apprentices, are required to maintain records on each applicant, including the reasons for selection or rejection.
 - c. Sponsors are required to maintain records on each apprentice, such as job assignment, promotion, demotion, layoff or termination, rates of pay, conditions of work, and hours of training provided, etc.
3. *Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and*

the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

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

Per request from the Office of Management and Budget (OMB), the Title 29 CFR Part 30 EEO Complaint Procedure and the electronic complaint form were incorporated into the Office of Apprenticeship (OA) Website. The website address for the complaint procedure is <http://www.doleta.gov/oa/complaint2.cfm>; and for the complaint form it is <http://www.doleta.gov/oa/pdf/ETAForm9039expires02282013.pdf>.

- 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.*

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

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

The information required under Title 29 CFR Part 30 does not have a significant impact on small businesses. However, the regulations do exempt sponsors with four or fewer apprentices from the need to adopt an affirmative action plan under §30.4 or a selection procedure under §30.5, provided that the program was not adopted to circumvent Title 29 CFR Part 30.

- 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.*

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. Explain any special circumstances that would cause an information collection to be conducted in a manner that implicates the special circumstances listed in regulations 5 CFR 1320.5(d)(2):*

Only one special circumstance is implicated by this ICR. A records retention requirement of five years is necessary (Title 29 CFR Part 30.8(e) Records). The duration of many apprenticeship programs is four years or more, and it is

important to keep the records for a period of time after an apprentice has left the program.

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 on 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 may preclude consultation in a specific situation. These circumstances should be explained.

In accordance with the Paperwork Reduction Act of 1995, a Federal Register Notice regarding the extension of this information collection was published for sixty days' public comment on December 17, 2015 (80 FR 78772). No comments were received.

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

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

There is no confidential information collected from states or apprenticeship sponsors. ETA Form 9039, which is completed by individuals, informs complainants that, to the extent permitted by law, their names and addresses will not be disclosed and 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. *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.

No information is collected that is considered to be of a sensitive nature.

12. *Provide estimates of the hour burden of the collection of information.*

There are approximately 19,200 programs 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 Office of Apprenticeship (OA) states and approximately 50 of the new programs contained 5 or more apprentices.

Sponsors with four or less apprentices are required under Title 29 CFR Part 29 to include in the materials necessary for registration documentation as to their EEO plans. Therefore, the burden is included in that indicated for Title 29 CFR Part 29. Programs with five or more apprentices are required to adopt an affirmative action plan and selection procedures, and this burden is also included in the burden for Title 29 CFR Part 29. See Control Number 1205-0223.) For the 650 new programs annually with 4 or less apprentices, the burden of EEO requirements and documentation is estimated to be ½ hour per sponsor or 325 burden hrs. (650 x 1/2 hr. = 325 hrs.). For the 50 programs with 5 or more apprentices, the estimated burden is 1 hour per sponsor or 50 burden hrs. (50 x 1 hr. = 50 hrs.).

30.5 Selection of apprentices.

Reporting EEO information is applicable to programs with 5 or more apprentices estimated at 2,500 programs/sponsors in the 25 federally administered OA states. Sponsors are required to provide certain notification to applicants. On an average, experience indicates that there are 10 applicants for each apprenticeship position. Therefore, a total of 25,000 applicants (2,500 programs/sponsors x 10 applicants) are notified by the 2,500 sponsors @ 1/2 hour per sponsor (2,500 divided by 1/2 hr. = 1,250 hrs.). The burden would be 1,250 hrs.

30.6 Existing lists of eligibles and public notice.

The number of sponsors required to provide information in accordance with this section of the regulations is extremely limited and is estimated, by experience, to be approximately 50 sponsors. Based on 5 hours per sponsor, the burden would be 250 hrs. (50 x 5 hrs.).

30.8 Records.

The burden on the sponsors to keep records on the qualifications of each applicant is estimated to be 1 minute for the actual filing of the information. The estimated burden would be 320 hrs. (19,200 sponsors x 1 min. = 19,200 mins; 19,200 mins. divided by 60 mins. = 320 hrs.).

The burden for the 27 State agencies to maintain adequate records consists primarily of time necessary for filing of materials which is estimated to be 5 minutes per program, based on approximately 11,990 programs. The estimated burden would be 1,097 hrs. (11,990 x 5 mins. = 59,950 mins.; 59,950 mins. divided by 60 mins. = 999 hrs.).

30.11 Complaint procedure.

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 (could be handed) to each applicant. ETA Form 9039 can be provided. The time to provide the form is considered de minimis, and no burden has been taken.

Burden for completion of the complaint form is estimated to be 30 minutes per applicant/apprentice. Most of the complaints are resolved at the local level. The 50 complaints estimate is based on 1 complaint per State. Therefore, the annual burden is estimated to be 25 hours (50 x ½ hr. = 25 hrs.).

30.15 State Apprenticeship Agencies.

This one-time requirement has been completed and is no longer a burden upon the State agencies. The burden to the Federal Government was also a one-time matter and has been completed.

30.19 Exemptions.

The burden on the State 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; consequently, no burden has been associated with the requirement.

The total burden is summarized in the following table.

Summary of Burden for Title 29 CFR Part 30

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)	Hourly Rate	Monetized Value of Respondent Time
30.3	650 New program sponsors with 4 or fewer apprentices in their programs	1-time basis	650	½ hr./Sponsors	325 hrs.	\$20.77	\$6,750.25
30.4	50 New program sponsors with 5 or more apprentices in their programs	1-time basis	50	1 hr./Sponsors	50 hrs.	\$20.77	\$1,038.50
30.5	2,500 Active program sponsors with 5 or more apprentices	1-time basis	2,500	½ hour	1,250 hrs.	\$20.77	\$25,962.50
30.6	50 Existing list of eligibles and public notice	1-time basis	50	5 hours	250 hrs.	\$20.77	\$5,192.50
30.8	19,200 Active program Sponsors	1-time/ program	19,200	1 minute	320 hrs.	\$20.77	\$6,646.40
30.8	27 State Agencies (SAAs)	On occasion	11,990	5 minutes	999 hrs.	\$20.77	\$20,749.23
30.11	19,200 Active program Sponsors	1 time basis	-----	-----	---	---	---
ETA 9039 EEO Complaint Form	50 Applicants/Apprentices	1-time basis	50	½ hour	25 hrs.	\$20.77	\$519.25
30.15	30 State Agencies	1-time	Completed In 1978	-----	---	---	---
30.19	27 State Agencies	On occasion,	-----	-----	---	---	---

		but there have been no known exemptions.					
TOTAL S	19,277	----	34,490	-----	3,219 hrs.	---	\$66,858.63

Total Respondents: 19,277 = (19,200 Program Sponsors + 27 State Apprenticeship Agencies + 50 Applicants/Apprentices)

The cost of the burden to respondents is \$69,859 (\$20.77 x 3,319 estimated burden hrs.).

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>

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

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

14. *Provide estimates of annualized costs 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.*

29.3 and 29.6

The burden to the Federal Government, based on \$64 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 four or less apprentices, and 1 hour for those programs with five or more apprentices.

Total annualized cost would be \$20,800 (\$64 per 1/2 hr. x 650 programs) and \$3,200 (\$64 per hour x 50 programs).

The burden to the Federal Government, based on the GS-12 average salary of \$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 four or less apprentices, and 1 hour for those programs with five or more apprentices. *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. 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. *Explain the reasons for any program changes or adjustments reported on the burden worksheet.*

The change in the estimated burden hours reflects a decrease in the burden hours from that of the previous PRA submission (from 3,582 burden hrs. to 3,219 burden hrs.). The decrease is due to the number of active apprentice programs having decreased since the prior submission.

Decreases occurred, as follows in:

1. The number of new programs with less than five apprentices (from 380 burden hrs. to 325 burden hrs.).
2. The number of new programs with five or more apprentices (from 87 burden hrs. to 50 burden hrs.).
3. Active programs with five or more apprentices (from 1,350 burden hrs. to 1,250 burden hrs.).
4. The number of active programs in State agencies (from 1,097 to 999 burden hrs.).

This ICR is a revision because the agency has clarified that the assurance of confidentiality is limited to the extent permitted by law.

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

Summary information is used to respond to requests from senior management, Congress, public interest groups, the apprenticeship sponsor community, and the general public.

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

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

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

There are no exceptions.

B. Collections of Information Employing Statistical Methods

The collection of information does not employ statistical methods.