

## SUPPORTING STATEMENT

### Title 29 CFR Part 29 -- Labor Standards for the Registration of Apprenticeship Programs OMB Control No. 1205-0223

This Information Collection Request for OMB Control No. 1205-0223 is being submitted in association with the Apprenticeship Programs, Equal Employment Opportunity Final Rule, and to align 29 CFR Part 29 with the changes to the companion regulations, 29 CFR Part 30.

#### **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.*

Registered apprenticeship is a combination of on-the-job training and related technical instruction in which workers learn the practical and theoretical aspects of a highly-skilled occupation. Apprenticeship programs are sponsored voluntarily by individual employers, employer associations, or joint apprenticeship training committees that partner organized labor with employers.

The National Apprenticeship Act of 1937 authorizes the U.S. Department of Labor (Department) to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices. 29 U.S.C. 50. The statute is located at <http://www.doleta.gov/oa/history.cfm#amendments>. The standards, set forth at 29 CFR Parts 29, (part 29), Labor Standards for the Registration of Apprenticeship Programs, and 30, (part 30), Equal Employment Opportunity in Apprenticeship and Training are intended to provide for more uniform training of apprentices and to promote equal opportunity in apprenticeship.

The responsibility for formulating and promoting these labor standards lies with the Department's Employment and Training Administration's (ETA) Office of Apprenticeship (OA). As part of its duties, OA registers apprenticeship programs that meet certain minimum labor standards. Also, OA oversees the National Registered Apprenticeship System. Federal staff members are directly responsible for registered apprenticeship activities in 25 States and provide technical assistance and oversight to 27 State Apprenticeship Agencies (SAAs). In these "SAA States/Territories," the SAA has voluntarily requested recognition from the Secretary of Labor to serve as the entity authorized to register and oversee State and local apprenticeship programs for Federal purposes. Therefore, in those 27 States/Territories, the SAA, in accordance with Federal regulations, has responsibility for registering apprenticeship activities.

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 SAAs as Registration Agencies; and matters relating thereto. On October 29, 2008, the Department published an amended part 29 to provide a framework that supports an enhanced,

modernized apprenticeship system. 73 FR 64402. These regulations can be accessed on OA's Web site at: <http://www.doleta.gov/oa/pdf/FinalRule29CFRPart29.pdf>.

Part 30 implements the National Apprenticeship Act by requiring registered apprenticeship program sponsors to provide equal opportunity for participation in their registered apprenticeship programs, and by protecting apprentices and applicants for apprenticeship from discrimination. In addition, Part 30 also requires that sponsors of registered apprenticeship programs take affirmative action to provide equal opportunity in such programs. Only an apprenticeship program or agreement that is in conformity with the requirements of the Department's regulation on Equal Employment Opportunity in Apprenticeship and Training in 29 CFR Part 30, is eligible for OA or SAA registration, Section 29.3(b)(2). For an electronic copy of part 30, see [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 the "Apprenticeship Programs, Equal Employment Opportunity Final Rule" to update the equal opportunity regulations (29 CFR Part 30). Currently 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.

The final rule: (1) revises Part 30 regulations to reflect changes made in October 2008 to Labor Standards for Registration of Apprenticeship Programs, the companion regulations at part 29; (2) updates equal opportunity standards in part 30 to include age (40 or older), genetic information, gender identity, sexual orientation, and disability among the list of protected bases upon which a sponsor must not discriminate; (3) clarifies what sponsors must do to comply with affirmative action obligations, (4) expands protections of and requirements related to individuals with disabilities; (5) streamlines the process for conducting a utilization analysis in an affirmative action plan, (6) revises Part 30 to incorporate the terms and procedures outlined in Part 29, regarding registration of apprenticeship programs and apprentice; (7) simplifies the rules regarding procedures to select apprentices and provide sponsors greater flexibility in choosing a selection procedure; and, (8) improve the overall readability of Part 30 through a reorganization of the Part 30 requirements, basic editing, and by providing clarifying language where needed. In addition, the proposed rule would make technical, conforming amendments to Part 29.

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 information collected on the "Program Registration, Section I," and "Apprentice Registration, Section II," is aligned with the Final Rule of Title 29 CFR Part 29.

For program registration, the sponsor will enter the information electronically (or manually) on the first two pages. The third, fourth, and fifth pages of ETA 671, Section I, consist of definitions and/or instructions to assist the sponsor in completing the instrument. The Apprentice and Training Representative (ATR) reviews this information for compliance before

approving it for entry into the apprenticeship database, Registered Apprenticeship Partners Information Data System (RAPIDS). The ATR will periodically review the information, primarily, for changes to the information previously collected, e.g., active or inactive program and related technical instruction provider. This information needs to be collected to ensure that the program is in conformity with Title 29 CFR Part 29.1(b) so that it can continue to be registered and the welfare of the apprentice is maintained.

The ATR is a Federal employee who promotes Registered Apprenticeship and assists management and labor in the development of training plans, standards, and programs which will have application throughout the industry or that portion of the industry concerned.

To register the apprentice electronically (or manually), the sponsor will enter the information electronically (or manually) for Part A on the first page of Section II. For Part B, twelve fields will be repopulated electronically (or manually) from Program Registration, Section I, through RAPIDS.

The final rule (29 CFR Part 30) requires sponsors to invite applicants for apprenticeship to voluntarily self-identify as an individual with a disability. The invitation may be included with the application materials but must be separable or detachable from the application for apprenticeship or ETA Form 671, Apprentice Registration, Section II and treated as confidential. To voluntarily self-identify as an individual with a disability, there are three protection stages when this can apply, as follows: (1) at the time they apply or are considered for apprenticeship; (2) after they are accepted into an apprenticeship program but before they begin their apprenticeship; and (3) once they are enrolled in the program. Thereafter, sponsors would be required to remind apprentices yearly that they may voluntarily update their disability status, thereby allowing those who have subsequently become disabled or who did not wish to self-identify during the application and enrollment period to be counted. The new rule also proposes that self-identification must be provided to the Registration Agency upon request and that the information may only be used in accordance with the new regulation.

OA has developed a separate tear-off sheet for the Section II of ETA Form 671, Apprenticeship Agreement to address the proposed requirement for sponsor to invite the applicant/apprentice to voluntarily self-identify as disabled. Definitions and instructions on those data elements for this tear-off sheet that are not self-explanatory are on pages 2-3. New instructions will include the sponsor's invitation to the applicant/apprentice to voluntarily self-identify as an individual with a disability on a tear-off sheet.

The ATR will review this information for compliance before approving it for entry into RAPIDS. The ATR will periodically review the information to ensure that the apprentice is receiving the appropriate training and to document all aspects of training agreed upon by the individual apprentice and the sponsor. If this information is not collected, there is no formal agreement or registration between the sponsor and the apprentice and, therefore, no formal apprenticeship program.

Title 29 CFR 29.5 requires sponsors to meet apprenticeship standards to have a registered apprenticeship program. These standards include the program delivery approach, an on-the-job

training outline, the related instruction curriculum, the apprenticeship program operating procedures, and Part 30 compliance. Standards are incorporated by reference in the Apprentice Registration, Section II, top right column, because the standards outline all the conditions for the recruitment, selection, employment, and training of apprentices agreed to in the Apprenticeship Agreement.

A summarization of the information collected in ETA 671 is used to respond to requests from Congress, public interest groups, the apprenticeship sponsor community, and the general public.

#### 29.13 Recognition of State agencies.

The National Apprenticeship Act calls for cooperation with SAAs engaged in formulation and development of standards of apprenticeship. Section 29.13 deals with the recognition of the State agency by the U.S. Department of Labor. Therefore certain information must be submitted and reviewed to ensure the policy and procedures of the state conform to the minimum standards established by the regulations. The information is reviewed and analyzed to determine whether the agency should be recognized to act as agent for the Secretary and approved by OA for continued recognition.

#### 29.14 Derecognition of State agencies.

Section 29.14(g), requiring the notification of all apprentices that recognition for Federal purposes has been withdrawn, serves to safeguard and protect their welfare. Such notification is important so that the apprentices fully understand that all benefits to them of such Federal recognition will no longer exist, and they may act to protect their own interests.

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.*

ETA has implemented an electronic apprentice registration process consistent with the Government Paperwork Elimination Act and E-Government requirements. ETA also implemented an electronic program registration process through its case management system, RAPIDS. These are additional tools to assist sponsors and apprentices in the registration processes and improve data reporting capabilities. The ATR is available upon request to provide full technical assistance and services to those program sponsors and apprentices who do not have computer technology available.

The e-program registration component complements the Apprentice Electronic Registration (AER) process approved by OMB. As of Fiscal Year 2016, more than 80 percent of all apprentices were registered through the AER process. With the re-engineering of RAPIDS, the electronic registration of apprentices and the electronic registration of programs, OA is implementing the Government Accountability's Office recommendation to improve and focus its

program data to target resources that will address and remedy areas in need of assistance.

Consideration has been given to the use of improved information technology to reduce the burden. National Guideline Standards and National Standards have been developed and new ones are continually being developed to provide for local adaptation merely by copying and/or modifying to the extent appropriate the standards which are now available electronically. OA is in the process of implementing a standards builder tool to streamline the registration process. The ATR will be available upon request to provide full technical assistance and services to those program sponsors who do not have computer technology available.

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 29 are not duplicated elsewhere. The Final Rule for 29 CFR Part 30 now requires Part 29 procedures for SAA deregistration, rather than maintaining separate procedures under Part 30.

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

The information collected has a minimal impact on small businesses.

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 registration of apprenticeship programs and apprentices is necessary to carry out the requirements of the National Apprenticeship Act. With the expectation of the requirement that sponsors invite applicants and apprentices to voluntarily self-identify as an individual with disability during any of the three protected stages, apprentice information is only submitted on a one-time basis and, therefore, the collection frequency in regulation cannot be further reduced.

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):*

The information is collected in a manner consistent with paperwork requirements. Data collection and retention is consistent with 5 CFR 1320.5. The consequences of not requiring the data to be collected for OMB Control No. 1205-0223 is discussed in Item 1, above. However, a records retention requirement of five years is necessary. 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 exited the program.

8. *If applicable, provide a copy and identify the data 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 PRA, the Department submitted the identified information collections associated with the NPRM to OMB when the NPRM was published on November 6, 2015 (80 FR 68907). The NPRM provided an opportunity for the public to comment on the information collections directly to the Department; commenters also were advised that comments under the PRA could be submitted directly to OMB. OMB issued a notice of action for each request asking the Department to resubmit the ICRs at the final rule stage and after considering public comments.

The Department received three comments concerning the paperwork requirements of this Final Rule. One commenter questioned the overall need for the rule, claiming that organization was already required to comply with other equal employment opportunity rules and adding recordkeeping requirements would increase paperwork and result in fewer potential sponsors of registered apprenticeship programs. The other two commenters also associated an increase in paperwork associated with the rule. No commenter, however, quantified the claims.

The Department acknowledges the final rule adds recordkeeping and paperwork requirements that may slightly increase paperwork burden. However, this final rule reduces paperwork burden in other ways. More specifically the final rule, streamlines the workforce and utilization analysis required of sponsors with five or more apprentices and clarifies when and how utilization goals are to be established for women and minorities (§§ 30.5 through 30.7); reduces the frequency with which the workforce and utilization analyses must be conducted—from annually under the existing rule to at the time of the compliance review for the utilization analysis (every five years on average) and within three years of the compliance review for the workforce analysis (§ 30.12). The Department has reconsidered the paperwork burden estimates and determined the increased recordkeeping burdens are substantially offset by the reductions.

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 payments to respondents.

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

The Privacy Act Statement is provided in ETA's 671, Apprenticeship Agreement, Section II<sup>1</sup>. The section provides for voluntary disclosure of the Social Security number (SSN). Providing the SSN facilitates accurate, consistent, and uniform retention and wage data from the Unemployment Insurance Wage Records via the Wage Record Interchange System. This information is used to determine OA's program performance outcomes of retention and wage gains related to the common measure of Federal job training and employment programs of ETA. Also included is a statement that informs the apprentice where the information he/she has provided on the collection instrument is stored, the name and location of the system, and the disclosure that the information is protected in accordance with the Privacy Act. To minimize privacy concerns and the possibility of misuse of disability-related information, the Department is proposing that the required invitation ask only for self-identification as to the existence of a "disability," not as to the general nature or type of disability the individual has, or the nature or severity of any limitations the individual has as a result of their disability.

Under the Final Rule for 29 CFR Part 30, any information obtained pursuant to Part 30 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, except that: supervisors and managers may be informed regarding necessary restrictions on the work or duties of the applicant or apprentice and necessary accommodations; First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and Government officials engaged in enforcing this part, the laws administered by Office of Federal Contract Compliance Programs, or the Americans with Disabilities Act, must be provided relevant information on request. Information obtained under companion regulation, Part 30, regarding the medical condition or history of any applicant or apprentice may not be used for any purpose inconsistent with Office of Management and Budget Control No. 1205-0224.

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*

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<sup>1</sup> Privacy Act of 1974; Publication in Full of All Notices of Systems of Records, Including Several New Systems, Substantive Amendments to Existing Systems, Decommissioning of Obsolete Legacy Systems, and Publication of Proposed Routines Uses, Federal Register Notice, 4/29/2016, Page 25766.  
(<https://www.federalregister.gov/documents/2016/04/29/2016-09510/privacy-act-of-1974-publication-in-full-of-all-notices-of-systems-of-records-including-several-new>)

*be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*

The sponsor's will be required to invite each applicant or apprentice to voluntarily identify as an individual with a disability. 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. *Provide estimates of the hour burden of the collection of information.*

#### Description of the information collection instrument, ETA 671

This form has two sections: Section I for the sponsor's information and Section II for the apprentice's information. These two separate sections are used at different times, for different purposes, and with different individuals or entities. The information is not duplicative. Twelve fields will be repopulated electronically from the Program Registration in Section I, through RAPIDS to Section II, Part B. A tear-off sheet was added to this form that addresses the sponsor's invitation to the applicant/apprentice to voluntarily self-identify as disabled. Apprentice information is only submitted on a one-time basis, except for the proposed requirement in the Final Rule for sponsors to invite applicants and apprentices to voluntarily self-identify as an individual with disability during any of the three protected stages. The stages are the following: (1) at the time they apply or are considered for apprenticeship; (2) after they are accepted into an apprenticeship program but before they begin their apprenticeship; and (3) once they are enrolled in the program.

The ATR is available on request to provide technical assistance and services to those sponsors and apprentices who do not have computer technology available.

#### Program Registration, Section I

The primary headings in the ETA 671 Program Registration, Section I, are: Program Sponsor Information, Program Sponsor's Related Contact Information, Journey workers Employed, Related Technical Instruction (RTI) Information, RTI Source Information, Program Sponsor Signature, ATR Information, Program Registration Information, and ATR Signature.

The information requested under most of these headings is routine information such as identification of the entities, their addresses, telephone numbers, e-mail addresses, fax numbers, and web-site addresses. Non-routine exceptions where additional information is requested are under Program Sponsor Information, Journey workers Employed, Related Technical Instruction Information (RTI), Program Sponsor Signature, Program Registration Information, and ATR Signature. Definitions and Instructions, pages 3-5, are also included. The information is collected on an occasional basis, but not more than once a year.



There are no modifications to Section I. However, the estimated average response time has been increased from 12 minutes to 30 minutes per response to more accurately reflect the time necessary for program sponsor's gather information to complete this section.

### Apprentice Registration, Section II

There are three parts (A, B, and C) to the Apprentice Registration, Section II, of ETA 671:

Part A. (To Be Completed by the Apprentice): Apprentice name, Social Security Number, Address, voluntary selection of Ethnicity and Race, Veteran Status, Education Level, Employment Status, Career Linkage or Direct Entry, and Apprentice and Guardian's signature (if a minor) and Date.

Part B. Consists of the identification of the Sponsor (Sponsor's Program Number, Name and Address), Occupational Information related to the Apprentice (Occupation identification, Occupational Code, Interim Credentials if applicable, Occupation Training Approach, Apprenticeship Term, Probationary Period, Credit for Previous Experience, Apprenticeship Term Remaining, Date Apprenticeship Begins, Related Instruction (Hours per Year, if Wages Will Be Paid for Taking Related Instruction, Related Instruction Source), Wages (Before Registered as Apprentice, Apprentice Entry Hourly Wage, Journey worker's Hourly Wage), 10 Periods of Apprenticeship Term (Hours, Months, or Years for Each Period and the Wage Rate as a percent or in dollars for each Period), New Field: Sponsor's Invitation to Applicant/Apprentice to Self-Identify as Disabled, Signature and Date of Sponsor's Representative, and Name and Address of Sponsor's Designee to Receive Complaints (if Applicable).

Except for the Final Rule requirement for sponsors to invite applicants and apprentices to voluntarily self-identify as an individual with disability during any of the three protected stages, apprentice information is only submitted on a one-time basis and, therefore, the collection frequency in regulation cannot be further reduced.

Part C. (To be completed by the Registration Agency): the Identification of the Registration Agency, Signature of Representative of Registration Agency, Date Registration Agency Registered the Apprentice, Identification and Address of Sponsor Designee to Receive Complaints (if applicable) related to labor standards, excluding Equal Employment Complaints, and Apprentice Identification Number.

The estimated average response time remains at five minutes per response.

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

- Section 29.3 (a) of Section 29.3 (a)-(k) is the overarching or dominant element of this Section. It is important because a program is eligible for various Federal purposes only if it is in conformity with apprenticeship program standards published by the Secretary of Labor and if the program is registered with the OA, or a recognized SAA.

- Section 29.3 (b)(1) provides for the registration of the program and apprentice. Program registration not only assures industry consistency relative to the skills sets of the apprenticeable occupation and the related technical instruction, it also protects the welfare of the apprentices because of this consistency and uniformity.
- Section 29.3 (b)(2) is necessary to safeguard the welfare of apprentices to ensure that the program is providing equal employment opportunities. If the information under 29.3 (b) (2) were not collected, there would be no formal agreement or registration between the sponsor and OA or the SAA and there would, therefore, not be a formal apprenticeship program.
- Section 29.3 (c)(1) provides for the registration of apprentices to assure the individuals receive the proper agreed upon skilled training and to make possible the granting of recognition to the individuals for the training received.
- Section 29.3 (c)(2) allows for the filing of a list of apprentices rather than individual agreements.
- Section 29.3 (d) is necessary where a list is used to permit certification that a specific employee is eligible for probationary employment.
- Section 29.3 (e) is necessary to safeguard the welfare of apprentices to ensure that they have not been terminated unjustly, to acknowledge transfers or shifts of apprentice registration, to provide a check for the quality of the program, and to appropriately recognize those that complete the training program.
- Section 29.3 (g) and (h) provides for the provisional approval, permanent registration, and subsequent reviews of programs to ensure conformity to the regulations. It also protects the welfare of the apprentices by ensuring the quality of the programs.
- Section 29.3 (i) ensures that program modifications do not adversely affect apprentices from receiving proper training in accordance with agreed upon standards and that programs include up-to-date technology so that apprentices receive training current for their occupation.
- Section 29.3 (j) is important because the Act calls for bringing together employers and labor for the formulation of programs of apprenticeship, and it is necessary to ascertain that all appropriate parties are properly involved in the training. This requirement also serves to protect the welfare of the apprentice by ensuring proper representation of employees in training matters.
- Section 29.3 (k) is necessary to ensure that programs proposed by an employer or groups of employers have the same opportunity for program registration as those proposed programs with collective bargaining agents. It is necessary to ascertain that all

employers are properly involved in the training. It also safeguards the welfare of the apprentice by increasing the choices of program selection by an apprentice.

### 29.7 Apprenticeship Agreement.

Section 29.7 provides for specific information necessary to protect the welfare of apprentices and ensure proper wages and training (on-the-job and related instruction), various work processes are provided, proper probationary periods are permitted, and equal employment opportunity is ensured.

### 29.5 Standards of Apprenticeship.

This section describes those standards appropriate and necessary to ensure that apprentices receive the proper training for their skilled apprenticeable occupations. See regulation, Title 29 CFR Part 29, for a listing of those standards at <http://www.doleta.gov/oa/pdf/FinalRule29CFRPart29.pdf>, pp 64428-64429. Program sponsors must be fully aware of and agree to meet these standards.

### 29.13 Recognition of State Apprenticeship Agencies. (a)(1)-(5); (b)(1)-(9); (c); (d); (e)(1)-(4).

The National Apprenticeship Act calls for cooperation with SAAs engaged in formulation and development of standards of apprenticeship. Section 29.13 deals with the recognition of the State agency by the Secretary of Labor for Federal purposes and to act as an agent on the Secretary's behalf. Certain information needs to be submitted to and approved by OA for continued recognition. This section also contains provisions for SSAs to request recognition withdrawal, OA's retention of authority, and program registration with OA.

### 29.14 Derecognition of State Apprenticeship Agencies.

Section 29.14(g) requires the notification of all apprentices that recognition for Federal purposes has been withdrawn.

### 29.3 and 29.6

The FY 2015 RAPIDS database indicates there are approximately 19,200 registered apprenticeship programs. Based on this fiscal yearly data, it is estimated that Federal staff registered 690 new programs at an average response time for new program registrations of 12 minutes for Program Registration, Section I. The total annual burden hours are 345 burden hours (690 x .50). Information on Program Registration, Section I, is reviewed periodically but not more than once on a yearly basis. The annual respondent cost is \$7,314 (345 hours x \$21.20\*).

\* The estimated hourly compensation rate for an administrative assistant (43-6014) in the private sector was calculated by multiplying the median hourly wage of \$16.31, by

1.30, to account for private-sector employee benefits. The hourly compensation rate for administrative assistant is thus \$21.20. For the median hourly wage, see the Department's BLS National Occupational Employment and Wage Estimates, May 2015, at <http://www.bls.gov/oes/current/oes436014.htm> and for the Employer Costs for Employee Compensation, see BLS New Release, Table A., June 2016 at: <http://www.bls.gov/news.release/pdf/ecec.pdf>.

Experience has shown that each sponsor responds at least yearly with information on new apprentices, completions, and terminations. According to the FY 2015 RAPIDS data, about 197,500 new apprentices were registered and about 90,000 completions and terminations were recorded nationwide. In calculating the estimates, OA will use Federal workload data (programs managed by OA staff in the Federal system) obtained from the RAPIDS 2015 Report. Estimated annual new apprentice registrations were 89,000 and annual apprentice completions and cancellations were 60,000. The average response time is 5 minutes for new apprentice registrations, completions, and cancellations, resulting in: 7,387 hours (89,000 x .083 minutes), and 4,980 hours (60,000 x .083 minutes), respectively. The annual respondent cost is \$156,604 (7,387 hrs. x \$21.20) and \$105,576 (4,980 hrs. x \$21.20), respectively.

## 29.5

Title 29 CFR part 29, Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations: Final Rule, October 29, 2008, effective December 29, 2008, established that the relationship between the Federal government must be between two government entities, i.e., Department of Labor and the cabinet-level government agency in each State's government that operates and manages the functions of registered apprenticeship in that State, i.e., SAAs. The final rule also defines the following as states: any of the 50 states of the United States, the District of Columbia, Guam, or any territory (Puerto Rico, and the Virgin Islands) or possession of the United States.

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 Federal Apprenticeship and Training Representatives (ATRs) of OA. Approximately 1,000 programs were registered by SAA in FY 2015. Experience indicates this takes two hours per sponsor which results in 2,000 annual burden hours (1,000 x 2 hours). With State employees hourly wage of \$39.07\*\*\*, the annualized cost to the registration agency is \$78,140 (2,000 hrs. x \$39.07).

\*\*\* The estimated hourly compensation rate for a State government management/program analyst (13-1111) was calculated by multiplying the median hourly wage of \$28.65, by 36.4%, to account for State government employee benefits. The hourly compensation rate for a State government management/program analyst is thus \$39.07. For the median hourly wage, see the Department's BLS National Occupational Employment and Wage Estimates, May 2015, at <http://www.bls.gov/oes/current/999201.htm> and for the Employer Costs for Employee Compensation see: BLS New Release, Employer Costs for Employee Compensation, Table A, June 2016 at <http://www.bls.gov/news.release/pdf/ecec.pdf>.

### 29.13

All 29\* SAAs have been recognized as State Registration Agencies for Federal purposes. No new apprenticeship agencies are expected during Fiscal Years 2016-2019.

\*Puerto Rico and Virgin Islands currently do not have active registered apprenticeship programs.

States seeking new or continued recognition must submit information including the State apprenticeship law; the establishment and continued use of a State Apprenticeship Council, including its composition and representation; the State Plan for Equal Employment Opportunity that conforms to the requirements published in 29 CFR part 30; the submission and description of the basic standards, criteria, and requirements for program registration and/or approval; and a description of policies and operating procedures.

To submit information to OA for recognition purposes, the state reviews instructions, searches existing data sources, gathers and maintains the data needed, and completes and reviews the collection of information required. The average annual burden for all 29 SAAs is 58 hours (29 SAAs x 2 hours per response) and the estimated cost is \$2,266 (29 SAAs x 2 hours x \$39.07). This cost is limited to the submission of the information and assumes that the state, in its own desire to have an apprenticeship agency, has already taken all the necessary actions and prepared all the required documents for the conduct of its own apprenticeship program.

### 29.14 (g)

No SAA has been derecognized since 2012. Under this section, the State is required to notify registered apprentices of the withdrawal of recognition for Federal purposes in the event the State did not become what is known as Federal registration state. A placeholder of one burden hour is included in the table below.

### Voluntary Disability Disclosure

Recordkeeping requirements described in the proposed regulations modify ETA Form 671 covered under OMB control number 1205-0223). Specifically, the Final Rule for 29 CFR Part 30 adds age (40 or older), genetic information, sexual orientation, gender identity, and disability to the list of bases upon which registered apprenticeship program sponsors must not discriminate.

Therefore, the Department has revised ETA 671, the Apprenticeship Agreement Form, to provide for collection of information, on a voluntary basis, of an apprentice's disability status. Such information is to be collected on a separate tear-off sheet that will be maintained separately from the Apprenticeship Agreement Form and treated as confidential.

The final rule (29 CFR Part 30) requires sponsors to invite applicants for apprenticeship to voluntarily self-identify as an individual with a disability. The invitation may be included with

the application materials but must be separable or detachable from the application for apprenticeship or ETA Form 671, Apprentice Registration, Section II and treated as confidential. To voluntarily self-identify as an individual with a disability, there are three protection stages when this can apply, as follows: (1) at the time they apply or are considered for apprenticeship; (2) after they are accepted into an apprenticeship program but before they begin their apprenticeship; and (3) once they are enrolled in the program. Thereafter, sponsors would be required to remind apprentices yearly that they may voluntarily update their disability status, thereby allowing those who have subsequently become disabled or who did not wish to self-identify during the application and enrollment period to be counted.

This invitation process to disclose a disability is estimated to take 5 minutes per participant. The estimated number of new apprentices is 89,000 per year. As such, the burden to collect voluntary disability disclosure is estimated to be 7,387 hours per year (89,000 x 0.083 hours) and a cost of \$156,604 (7,417 hrs. x \$21.20).

*The following table can be used as a guide to calculate the total burden of an information collection.*

#### Estimated Annualized Respondent Hour and Cost Burdens for 29 CFR Part 29

ETA Form 671	Type of Respondent	Number of Respondents	Number of Responses per Respondent	Total Number of Responses	Time Per Response (in hours)	Total Burden Hours	Hourly Wage Rate*	Total Burden Costs
Section I 29.3	Sponsor	690	1	690	.50	345	\$21.20	\$7,314
Section II 29.3	Apprentice	89,000	A1	89,000	.083	7,387	\$21.20	\$156,604
Section II 29.6	Apprentice	60,000	1	60,000	.083	4,980	\$21.20	\$105,576
Section II 29.5	SAA	1,000	1	1,000	2	2,000	\$39.07	\$78,140
Section II 29.13	SAA	29	1	29	2	58	\$39.07	\$2,266
Section II 29.14	SAA	1	1	1	1	1	\$39.07	\$39.07
Disability Disclosure	Apprentice	89,000	1	89,000	.083	7,387	\$21.20	\$156,604
<b>Totals</b>		--	-	<b>239,720</b>	--	<b>22,158</b>	--	<b>\$506,543</b>

Data sources: [https://doleta.gov/oa/data\\_statistics.cfm](https://doleta.gov/oa/data_statistics.cfm) and <https://www.rapids.doleta.gov/version5/view/home/Login/login.cfm>

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.

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.*

The burden to the Federal Government based on the GS-12, Step 5 Federal government compensation of \$65.17 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 \$38.56 was multiplied by 1.69 to account for Federal Government employee benefits. The hourly compensation rate for an ATR is thus \$65.17. For the basic hourly rate of OA's ATR, see [http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2016/RUS\\_h.pdf](http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2016/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.

For new apprenticeship program electronic registrations, the process is estimated to take 12 minutes. Approximately 690 programs were registered by Federal staff in FY 2015. The annualized cost to the Federal Government for new program registrations is \$8,993 [138 hours (690 x .20 hours) x \$65.17]. Estimated annualized cost per program registration is \$13.03 (\$8,993 divided by 690).

For new apprenticeship agreements, the process is estimated to take five minutes. The annualized cost to the Federal Government for new apprentice registrations is \$481,411 [7,387 hours (89,000 x 0.083 hours) x \$65.17]. Estimated annualized cost per apprentice is \$5.41 (\$481,411 divided by 89,000).

Also, it is estimated that it takes about five minutes to process approximately 60,000 terminations and completions per year. Thus the total annualized cost to the Federal Government is \$324,547 [4,980 (60,000 x 0.083 hours) x \$65.17]. The Estimated annualized cost per apprentice terminations and completions is \$5.41 (\$324,547 divided by 60,000). The total annualized cost for all actions is \$814,951 (\$8,993 + \$481,411 + \$324,547).

## 29.5

There are more than 950 occupations that are recognized as apprenticeable. Each of these occupations has a set of apprenticeship standards. Once the standards are developed for a particular occupation, they may be reused with minor modifications by program sponsors, who adapt them as necessary to their own requirements. The apprenticeship standards for an individual sponsor are developed on a one-time basis and are modified periodically, based upon changing requirements, such as changes in the collective bargaining agreement, major technological changes that require changes in work processes, and related training.

Approximately, 690 new programs are registered each year, the majority of which use previously developed apprenticeship standards. The burden upon the respondents consists mostly of reviewing apprenticeship standards with the government representative and the apprentice, modifying as necessary, and formally agreeing to them. The cost to the Federal Government is approximately \$89,935 [1,380 (690 x 2 hours) x \$65.17].

### 29.13

OA's State Director (SD), a Federal government employee, GS-14, Step 5, basic hourly rate of \$54.19 was multiplied by 1.69 to account for federal government employee benefits. The hourly compensation rate for an SD is thus \$91.58. For the basic hourly rate of OA's SD, see [http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2016/RUS\\_h.pdf](http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2016/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 SD was used.

The federal cost, which is on a five-year basis, is estimated at \$10,623 [116 (29 SAAs x 4 hours) x \$91.58]. This figure is based on OA's State Directors monitoring of the SAAs according to 29.13 (e) for compliance with the recognition requirements, e.g., on-site visits; review of the records, procedures, and proposed modifications.

### 29.14 (g)

There is no cost to the Federal Government.

<u>Section</u>	<u>Total Cost</u>
29.3 and 29.6	\$814,951
29.5	\$89,935
29.13	\$10,623
29.14	----
Total (all sections)	\$915,509

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

The change in the burden hours reflects an increase of 7,464 burden hours (from 14,724 to 22,188) from that of the previous PRA submission (OMB Control No. 125-0223) which OMB approved until June 30, 2018. This current request is for 22,188 burden hours and 239,720 respondents. This Information Collection Request for OMB Control No. 1205-0223 is being submitted in association with the Apprenticeship Programs, Equal Employment Opportunity Final Rule, and to align 29 CFR Part 29 with the changes to the companion regulations, 29 CFR Part 30. The increase in burden hours is due to an increase in the time required for program



registration from 12 minutes to 30 minutes (Section I—Program Registration of ETA form 671). This increase in burden better reflects the time it takes sponsors to develop program standards. Additionally, burden hours for this collection increased due to the new annual requirement for sponsors to invite participants to disclosure information regarding disabilities.

Based on the Final Rule the revised sections will be as follows:

1. Section 29.5 (b)(21) Compliance with 29 CFR Part 30, including the equal opportunity pledge prescribed in 29 CFR 30.3(c); an affirmative action program complying with 29 CFR 30.4; and a method for the selection of apprentices complying with 29 CFR 30.10, or compliance with parallel requirements contained in a State plan for equal opportunity in apprenticeship adopted under 29 CFR part 30 and approved by the Department. The apprenticeship standards must also include a statement that the program will be conducted, operated and administered in conformity with applicable provisions of 29 CFR part 30, as amended, or if applicable, an approved State plan for equal opportunity in apprenticeship.
2. Section 29.7, (j) Apprenticeship Agreement, will read as follows:
  - (j) A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, gender identity, or disability.
    - (l) A request for demographic data, including the apprentice's race, sex, and ethnicity, and disability status.
3. Section 29.8, Reinstatement of program registration, (b)(1)(i) will be revised to read:
  - (b) Deregistration by the Registration Agency upon reasonable cause.
    - (1)(i) Deregistration proceedings may be undertaken when the apprenticeship program is not conducted, operated, or administered in accordance with the program's registered provisions or with the requirements of this part, including but not limited to: failure to provide on-the-job learning; failure to provide related instruction; failure to pay the apprentice a progressively increasing schedule of wages consistent with the apprentice's skills acquired; or persistent and significant failure to perform successfully.
4. Section 29.14, Derecognition of State apprenticeship agencies, (a) revised paragraph to read as follows:
  - (a) Derecognition proceedings for failure to adopt or properly enforce a State Plan for Equal Employment Opportunity in Apprenticeship must be processed in accordance with the procedures prescribed in this part.
5. Apprenticeship Registration, Section II, changes are as follows:

- (a) On the top right side of the Form, the following statement will be inserted after
- the second sentence ending with Executive Order 11246: “There will be equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, gender identity, or disability.”
- (b) Under Part B, Sponsor, a tear-off sheet related to the sponsor’s invitation to the applicant/apprentice to voluntarily self-identify as disabled. Instructions will also be incorporated. This change will not affect the burden hours or respondents.

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 action.*

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 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 to the certification statement.

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

This collection of information does not employ statistical methods.