

SUPPORTING STATEMENT
Equal Employment Opportunity in Apprenticeship Training
OMB Control No. 1205-0224

This Information Collection Request for OMB Control No. 1205-0224 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.*

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

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

Title 29 CFR part 30 sets forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor and recognized State Apprenticeship Agencies. These regulations prohibit discrimination in registered apprenticeship on the basis of race, color, religion, national origin, and sex, and require that sponsors of registered apprenticeship programs take affirmative action to provide equal opportunity in such programs. The Final Rule adds disability, age (40 or older), genetic information, gender identity, and sexual orientation to the list of protected bases. These policies and procedures apply to recruitment and selection of apprentices, and to all conditions of employment and training during apprenticeship. The procedures provide for

review of apprenticeship programs, for registering apprenticeship programs, for processing complaints, and for deregistering noncomplying apprenticeship programs. The part 30 regulation also provides policies and procedures for continuation or withdrawal of recognition of State agencies which register apprenticeship programs for Federal purposes. The current 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. Note: the Final Rule updates to these regulations are addressed below.

The Department is issuing the Final Rule to update the part 30 regulations.

The Final Rule: (1) updates equal opportunity standards in part 30 to include age (40 or older), genetic information, sexual orientation, and disability among the list of protected bases upon which a sponsor must not discriminate; (2) improves and clarifies the affirmative action provisions for sponsors by detailing with specificity the actions a sponsor must take to satisfy its affirmative action obligations, including affirmative action for individuals with disabilities; (3) revises part 30 regulations to reflect changes made in October 2008 to Labor Standards for Registration of Apprenticeship Programs, the companion regulations at 29 CFR part 29 (part 29), as well as other technical changes to conform with part 29; and (4) improves the overall readability of part 30 through restructuring and clarification of the text.

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

a. 30.3 Equal opportunity standards applicable to all sponsors.

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

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

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

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

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

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

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

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

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

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

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

c. 30.9 Review of Personnel Processes.

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

d. 30.10 Selection of Apprentices.

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

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

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

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

Paragraph 30.11 requires sponsors to invite applicants to voluntarily self-identify as part of the apprenticeship application process if they are an individual with a

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

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

f. 30.12 Recordkeeping.

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

g. 30.14 Complaints.

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

Complaint Form – Equal Employment Opportunity in Apprenticeship Programs. ETA 9039, is used to file a discrimination complaint. The currently approved form does not currently include disability status, age (40 or older), genetic information, or sexual orientation as bases for discrimination. As part of the rulemaking to review Title 29 CFR part 30, the Office of Apprenticeship has revised ETA form 9039 to add disability, age (40 or older), genetic information, and sexual orientation to the list of protected bases (which are currently race, color, religion, national origin, and sex) for which complainants can file complaints about discrimination. These additions will not add any new or

additional time or cost burden to individuals who voluntarily choose to file a complaint form regarding EEO in registered apprenticeship.

h. 30.18 State Apprenticeship Agencies.

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

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

i. 30.19 Exemptions.

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

2. *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, sponsors are required to annually conduct an internal review of the plan annually. If the sponsor's annual review demonstrates that there is no underutilization in any industry within the sponsor's program, and the sponsors' review of personnel practices did not demonstrate need for modification, then the sponsor may wait two years to complete its next affirmative action review, then the sponsor may wait two years to complete the next review.
- b. Sponsors, when selecting new apprentices, are required to maintain records on each applicant, including the reasons for selection or rejection.
- c. Apprenticeship program operations, including:
 - 1) Records on each apprentice, such as job assignment, promotion, demotion, transfer, layoff or termination, rates of pay, other forms of compensation, conditions of work, hours of work, hours of training provided, and other personnel records relevant to EEO complaints, etc.

- 2) Compliance with part 30.
- 3) Requests for reasonable accommodations.

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

3. *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 for the EEO Complaint Procedures is at the respondents' option.

The Title 29 CFR part 30 EEO Complaint Procedure and the currently approved electronic Complaint Form (ETA 9030) are available on the Office of Apprenticeship website. The website address is <http://www.doleta.gov/OA/complaint2.cfm>.

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. Furthermore, the regulations exempt sponsors with four or fewer apprentices from the need to adopt an affirmative action program under §30.4. (This requirement does not change under the final rule).

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):*

The information is collected in a manner consistent with paperwork requirements. However, a records retention requirement of three years is necessary (Title 29 CFR part 30.12 (C) Recordkeeping).

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 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 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, 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 Apprenticeship¹."

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.*

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

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

Equal Employment Opportunity in Apprenticeship Programs (OMB Control Number 1205-0224), is estimated to require an annual burden of 16,097 hours. In addition, there is an associated one-time burden of 56,160 hours for 27 State Apprenticeship Agencies (SAAs) to comply with changes to the EEO regulations.

1 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>)

There are approximately 21,000 active programs nationwide in Fiscal Year (FY) 2015 and around 5,000 of these programs have 5 or more apprentices according to the Registered Apprenticeship Partners Information Data System (RAPIDS). Of the approximately 1,800 new programs registered nationwide (27 SAAs + 25 OA states) in FY 2015, there were approximately 100 new programs with 5 or more apprentices registered nationwide. Disaggregating the data further, there were approximately 690 new programs registered in the 25 federally administered OA States and approximately 50 of the new programs contained 5 or more apprentices.

Equal Opportunity Standards

Regulation section:

30.3 Equal Opportunity Standards

Annual Burden: 1,944 hours

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

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

The annual burden is equal to 1,944 hours (1,800 new program sponsors x 1.08 hours).

Affirmative Action Program

Regulation sections:

30.4 Affirmative action programs

30.5 Utilization analysis for race, sex, and ethnicity

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

30.8 Targeted outreach, recruitment, and retention

30.9 Review of personnel processes

Annual Burden: 500 hours

All sponsors that employ five or more apprentices are to establish an affirmative action program that is designed to ensure equal opportunity and prevent discrimination in their apprenticeship program. An affirmative action program is more than mere passive nondiscrimination. Such a program requires the sponsor to take affirmative steps to

encourage and promote equal opportunity, to create an environment free from discrimination, and to address any barriers to equal opportunity in apprenticeship. It includes those policies, practices, and procedures, including self-analyses, that the sponsor implements to ensure that all qualified applicants and apprentices are receiving an equal opportunity for recruitment, selection, advancement, retention and every other term and privilege associated with apprenticeship. An affirmative action program should be a part of the way the sponsor regularly conducts its apprenticeship program.

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

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

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

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

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

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

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

Recordkeeping of Active Apprentices

Regulation sections:

30.10 Selection of apprentices

30.12 Recordkeeping

Annual Burden: 351 hours

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

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

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

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

The annual burden is equal to 351 hours (21,000 active program sponsors x 0.0167 hours).

Complaint Procedure

Regulation sections:

30.14 Complaints

Annual Burden: 52 hours

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

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

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

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

Burden for completion of the complaint form is estimated to be 30 minutes per applicant/apprentice. The 100 complaints estimate is based on 2 complaints per state/territory (Guam/District of Columbia). Therefore, the annual burden is estimated to be 52 hours (104 applicants/apprentices x 0.5 hour).

State Apprenticeship Agencies

Regulation sections:

30.18 State Apprenticeship Agencies

30.19 Exemptions

One-Time Compliance Burden: 56,160 hours

Annual Burden: 13,250 hours

All apprenticeship programs registered with State Apprenticeship Agencies for Federal purposes must comply with the requirements of the State's EEO plan within 180 days from the date that the Department provides written approval of the States' EEO plan. This requirement to submit a revised State EEO plan will create a significant one-time paperwork burden on the 27 State Apprenticeship Agencies. The Department estimates that the process of updating a State's EEO plan to comply with the requirements of the final rule will take the equivalent of one full time FTE one year of effort (up to 2,080 hours). This equates to an estimated one-time burden of 56,160 hours (2,080 hours X 27 State Apprenticeship Agencies). NOTE: this one-time burden is not included in the annual burden table below.

A recognized State Apprenticeship Agency must keep all records pertaining to program compliance reviews, complaint investigations, and any other records pertinent to a determination of compliance. These records must be maintained for 3 years from the date of their creation. Based on historical data, the Department estimates that the 27 State Apprenticeship Agencies will register approximately 53,000 new apprentices annually

requiring about fifteen minutes per response. This equates to an estimated annual burden of 13,250 hours (0.25 hours x 53,000 new apprentices).

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

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 30

ETA Form 9039	Type of Respondents	Number of Respondents	Number of Responses per Respondent	Total Number of Responses	Burden per Response (in Hours)	Total Burden Hours	Hourly Wage Rate*	Total Cost Burden
30.3	New program sponsors with 4 or fewer apprentices in their program (nationwide)	1,800	1	1,800	1.08	1,944	\$21.20	\$41,213
30.4 30.5 30.6 30.8 30.9	New program sponsors with five or more apprentices (nationwide)	100	1	100	5.0	500	\$21.20	\$10,600
30.10 30.12	Active program sponsors (nationwide)	21,000	1	21,000	0.0167	351	\$21.20	\$7,441
30.14	Applicants/Apprentices (nationwide)	104	1	104	0.5	52	\$21.20	\$1,102

30.18 30.19	State Apprenticeship Agencies: Recordkeeping	27	1	53,000	0.25	13,250	\$39.07	\$517,678
Unduplicated Totals	23,031		--	76,004	--	16,097	--	\$578,034

Total Annual Respondents: 23,031

- 23,004 = 1,800 New Program Sponsors + 100 New Program Sponsors Employing 5 or More Apprentices + 21,000 Active Program Sponsors + 104 Applicants/Apprentices
- 27 State Apprenticeship Agencies (SAA)

The annual cost of the burden to private sector respondents is estimated to be \$60,356.40 [\$21.20/hour x 2,847 burden hours]. The \$21.20* is the median hourly wage for an administrative assistant

The annual cost of the burden to all respondents including SAA respondents is estimated to be \$232,225.30 [\$21.20/hour x 2,847 burden hours + \$39.07/hour x 4,399 burden hours]. The \$39.07** is the median hourly wage for a State Government management/program analyst.

The total first year cost of the burden to SAA respondents, including the one-time cost to comply with the regulation, is estimated to be \$2,711,849 (\$517,678+ \$2,194,171 [\$39.07/hour x 56,160 hours]). The annual cost of the burden to SAA respondents is \$517,678.

* 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>

** 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>

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.*

Of the approximately 1,900 new programs registered nationwide (27 SAAs + 25 OA states) in FY 2015, there were approximately 100 new programs with 5 or more apprentices registered nationwide. Disaggregating the data further, there were approximately 690 new programs registered in the 25 federally administered OA States and approximately 50 of the new programs contained 5 or more apprentices.

The burden to the Federal Government, based on the GS-12 average salary of \$65.17*** per hour is primarily for reviewing the materials submitted by the potential sponsors, inputting data in the database, and returning copies to sponsors and other partners (as appropriate). It is estimated to take 1/2 hour for those programs with 4 or less apprentices, and 2 hour for those programs with 5 or more apprentices. Total annualized cost would be \$27,371 [$\$65.17 \times 1/2 \text{ hour} \times 640 \text{ federal programs} = \$20,854 + \$65.17 \times 2 \text{ hours} \times 50 \text{ federal programs} = \$6,517$].

*** 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. 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 annual burden hours reflects an increase in the burden hours from that of the previous PRA submission (from 3,219 annual burden hours to 16,097 annual burden hours). The increase is due to changes in the EEO regulation.

Increases occurred, as follows in:

1. The number of new programs with less than five apprentices (from 325 to 1,944 burden hours).

2. The number of new programs with more than five apprentices (from 50 to 500 burden hours).
3. The number of applicants/apprentices estimated to file a complaint (from 25 to 52 burden hours).
4. A recognized State Apprenticeship Agency must keep all records pertaining to program compliance reviews, complaint investigations, and any other records pertinent to a determination of compliance. The time associated with this effort increased from 5 minutes to 15 minutes (from 999 hours to 13,250).

This ICR is a revision of the existing collection because it accounts for changes in program requirements included in the revised EEO regulation (29 CFR part 30).

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 Departmental Leadership, the White House, Congress, public interest groups, advocacy organizations, apprenticeship sponsors, 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 Employment 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

This information collection does not employ statistical methods.