

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

**TABLE OF CONTENTS**

---

**SUPPORTING STATEMENT  
CW-1 APPLICATION FOR TEMPORARY EMPLOYMENT CERTIFICATION  
ICR Reference Number 201903-1205-001**

---

This Information Collection Request (ICR) seeks approval under the Paperwork Reduction Act (PRA) for a new collection made necessary by a statutory requirement for a CW-1 temporary labor certification. More specifically, the Department of Labor (DOL or Department) proposes to create a Form ETA-9142C, *Application for Temporary Employment Certification* and appendices, and new Form ETA-9141C, *Application for Prevailing Wage Determination* to carry out new responsibilities created for the Department under the Northern Mariana Islands U.S. Workforce Act of 2018 (Pub. L. 115-218).

The Department is also proposing the creation of the following Form ETA-9142C appendices to standardize the collection of information under CW-1 collection requirements:

- Appendix A: *Employer-Client Information*, which will require employers operating as job contractors to disclose the name and contact information of their employer-client(s);
- Appendix B: *Additional Worksite and Wage Information*, which will require employers to disclose on a single application multiple worksites and wage offers within the Commonwealth of the Northern Mariana Islands (CNMI or Commonwealth); and
- Appendix C: *Attorney/Agent/Employer Declarations*, which will require an employer's attorneys or agents to attest to compliance with all of the terms, assurances, and obligations of the CW-1 program.

The Department also proposes to create the Form ETA-9142C, *Final Determination: CW-1 Temporary Labor Certification Approval* that will be issued to employers electronically. The Department will issue this document to employers granted temporary labor certification under the CW-1 program.

The ICR is being submitted under the emergency processing provisions outlined at 5 CFR 1320.13, and the Department requests the maximum six-month approval. Because this ICR relates to an interim final rule that the Northern Mariana Islands U.S. Workforce Act of 2018 required to be promulgated on an expedited basis, there was no opportunity to engage in normal clearance activities. Public harm would result by a failure timely to enact the information collection, because employers and jobseekers would not have the protections afforded the Workforce Act.

## **A. Justification**

*A.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.*

In 2008, Congress extended U.S. immigration laws to the CNMI through the Consolidated Natural Resources Act of 2008. See Pub. L. 110-229, Title VII, 122 Stat. 754, 853 (May 8, 2008) (48 U.S.C. 1806 note). Previously, CNMI employers were able to employ foreign workers without reference to U.S. immigration requirements. Under the CNRA, federal immigration laws would apply after a five-year (2009 – 2014) transition period. Once the federal system took effect, a percentage of the foreign workforce would likely not meet the requirements of U.S. temporary employment visas, and thus would be ineligible to enter or reenter CNMI, negatively impacting the local economy. Thus, the CRNA provided for a new Commonwealth-Only Transitional Worker (CW-1) visa classification, to be administered by the Department of Homeland Security (DHS), with the proviso that, to incrementally reduce the Commonwealth's dependence on foreign labor, the number of permits issued would decrease each year, ending with the issuance of zero permits by the end of the transition period. The CNRA directed the Secretary of Labor, in consultation with the Secretaries of Homeland Security, Defense, and Interior, and the Governor of the CNMI, to determine, before the end of the transition period, whether the transition should be extended for a period of up to five years, to make certain the Commonwealth had the workers it needed, and to publish this determination in the Federal Register. The Secretary of Labor determined an extension was necessary, and published this determination. See Department of Labor, *Secretary of Labor Extends the Transition Period of the Commonwealth of the Northern Mariana Islands-Only Transitional Worker Program*, 79 Fed. Reg. 31988 (June 3, 2014). Later that year, in keeping with the Secretary's determination, Congress extended the transition period another five years, from December 2014 to December, 2019. See Consolidated and Further Continuing Appropriations Act, 2015, Pub. L. 113-235, sec. 10, 128 Stat. 2130, 2134 (Dec. 16, 2014) (extending the transition period to December 31, 2019).

On July 24, 2018, President Donald J. Trump signed the Northern Mariana Islands U.S. Workforce Act of 2018 (the Workforce Act). See Pub. L. 115-218, 132 Stat. 1547 (July 24, 2018), amending 48 U.S.C. 1806. The Workforce Act extends the transition period (and thus, the CW-1 visa program) through 2029 and requires that a CW-1 petition for temporary employment filed with DHS be accompanied by an approved temporary labor certification from DOL. See Pub. L. 115-218, sec. 3, 48 U.S.C. 1806(a)(2). The purpose of the Workforce Act is to encourage the hiring of U.S. workers in the CNMI workforce, and ensure that no U.S. worker is placed at a competitive disadvantage compared to a non-U.S. worker or is displaced by a non-U.S. worker. Pub. L. 115-218, sec. 2. Thus, the Workforce Act provides that a petition to import a nonimmigrant worker under the CW-1 visa classification may not be approved by the DHS unless the employer has received a temporary labor certification from DOL confirming that (1) there are not sufficient U.S. workers in the CNMI who are able, willing, qualified, and available at the time and place needed to perform the services or labor involved in the petition; and (2) the employment of a nonimmigrant worker who is the subject of a petition will not

adversely affect the wages and working conditions of similarly employed U.S. workers. 48 U.S.C. 1806(d)(2)(A).

This new Information Collection Request (ICR) is being created in connection with the Department's Interim Final Rule (IFR) implementing the labor certification requirement. The Workforce Act requires the Secretary of Labor to promulgate an IFR implementing the CW-1 temporary labor certification and related provisions no later than 180 days from the date of enactment. See Pub. L. 115-218, sec. 3(b)(2). The IFR informs program users of the statutory authority for the CW-1 temporary labor certification process, and the scope of the Department's role in receiving, reviewing, and adjudicating applications for temporary labor certification, and upholding the integrity of *CW-1 Applications for Temporary Employment Certification*.

It is through the regulatory provisions set forth in the IFR that the Secretary of Labor makes the statutory determination that: (1) there are not sufficient U.S. workers in the Commonwealth who are able, willing, qualified, and who will be available at the time and place needed to perform the services or labor for which an employer desires to import foreign workers; and (2) the employment of the CW-1 worker(s) will not adversely affect the wages and working conditions of U.S. workers similarly employed. Additionally, the IFR sets forth the Secretary of Labor's authority to promulgate minimum standards and obligations with respect to the terms and conditions of the temporary labor certification with which CW-1 employers must comply, as well as the rights and obligations of CW-1 workers and workers in corresponding employment.

The information contained in the Form ETA-9141C is the basis for the Secretary's determination of the prevailing wage that employers must pay in the hiring of a foreign worker, to protect against any adverse effect on U.S. workers' wages. Prior to submitting requests to the Secretary of Labor for most labor certifications and, as needed, labor condition applications, employers must obtain a prevailing wage for the job opportunity based on the place of employment. The Form ETA-9141C is used to collect the necessary information from employers in the CNMI to enable the Department to issue a prevailing wage for the occupation and location of the job offer.

As provided in the Department's regulations at 20 CFR 655, Subpart E, the information contained in the new Form ETA-9142C, *CW-1 Application for Temporary Employment Certification* and all appropriate appendices, constitutes the basis for DOL's determination that an insufficient number of qualified U.S. workers are available to fill the employer's job opportunity, and the wages and working conditions of similarly employed U.S. workers will not be adversely affected by the employment of CW-1 workers. This determination is required before a petition may be approved by the Department of Homeland Security (DHS).

The Department is seeking public comments on this new collection under OMB Control Number 1205-053X, containing Form ETA-9142C, *CW-1 Application for Temporary Employment Certification* and its appendices. ETA is also creating a new Form ETA-9141C, *Application for Prevailing Wage Determination*.

**Statutory Authority:** 48 U.S.C. 1806

**Regulatory Authority:** 20 C.F.R. 655, Subpart E

*A.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 ETA Office of Foreign Labor Certification (OFLC) will use this information collection to meet its statutory and regulatory responsibilities for administering the CW-1 temporary labor certification program. An employer seeking to employ CW-1 workers must file a completed *CW-1 Application for Temporary Employment Certification* (Form ETA-9142C), all appropriate appendices, and a valid *Application for Prevailing Wage Determination*, with the OFLC National Processing Center (NPC). These forms and all supporting documentation constitute the CW-1 application submitted by an employer to secure a temporary labor certification determination from the OFLC.

OFLC reviews an application submitted by an employer requesting temporary labor certification for compliance with all applicable program requirements and issues either a Notice of Deficiency (NOD) or Notice of Acceptance (NOA) on the application. Where deficiencies in the application are discovered, the NOD provides the employer with 10 business days to correct the deficiencies. OFLC may issue one or more additional NODs before issuing a decision. Where all program requirements are met, the NOA authorizes the recruitment of U.S. workers in the CNMI for the employer's job opportunity and requests the employer provide a written report of its recruitment efforts.

Upon review of the recruitment report, OFLC may grant a full or partial temporary labor certification determination or deny the employer's CW-1 application. In determining whether there are insufficient U.S. workers in the CNMI to fill the employer's job opportunity, OFLC will count as available any U.S. worker who applied (or on whose behalf an application is made) directly to the employer, but who was rejected by the employer for other than a lawful job-related reason. Thus, a partial temporary labor certification granted by OFLC reduces the number of CW-1 workers the employer initially requested by each U.S. worker who is qualified and available to perform the job. OFLC will grant a temporary labor certification only after the employer's CW-1 application has met all the requirements for approving a labor certification under 20 CFR 655, Subpart E. In accordance with regulatory requirements, OFLC sends certified CW-1 applications to the employer, and a copy to the employer's attorney or agent if applicable, by means normally assuring expedited delivery.

The *CW-1 Application for Temporary Employment Certification* and all supporting documentation must be retained by the employer for three years from the date of certification (for approved applications), the date of adjudication (for denied applications), or the date OFLC received the employer's letter of withdrawal (for withdrawn applications). Employers must be prepared to produce all information and records contained in this ICR for DOL or other federal agencies in the event of an audit examination, investigation, or other enforcement proceedings in the CW-1 program.

Specifically, OFLC will use the information collections in the manner described as follows:

Form ETA-9142C, CW-1 Application for Temporary Employment Certification

An employer must include on the main Form ETA-9142C basic information related to its business for the purpose of determining whether the establishment operating in the CNMI is *bona fide*; contact information of an employee of the employer who is authorized to act on behalf of the employer in labor certification matters; and, if applicable, contact information of an attorney or agent who is authorized to act on behalf of the employer in labor certification matters. Because the Department sends and receives communications during the course of processing an employer's application, the Form ETA-9142C requires the entry of a valid electronic mail address from both the employer contact and, if applicable, the employer's authorized attorney or agent. For an employer who is represented in the filing of the application by an agent, the form collects information to assess whether the agent has provided a current agreement or other documentation demonstrating the agent's authority to represent the employer.

The Form ETA-9142C also collects basic information related to the employer's job opportunity and need for CW-1 workers, including the job title and occupational classification, number of workers, period of intended employment, services or labor to be performed, and minimum job requirements. To ensure no adverse effect on the wages of similarly employed U.S. workers and that all work expected to be performed by CW-1 workers will be located within the Commonwealth, the form collects information on all places of employment (i.e., worksites) and the wage rates to be paid to workers at those worksites, the latter of which allows OFLC to compare the reported wage rates with the prevailing wage rates obtained by the employer for those worksites.

Form ETA-9142C, Appendix A - Employer-Client Information for Job Contractors

The Department's regulations require an employer filing as a job contractor and acting as a joint employer with its employer-client to submit a single application. In filing the application, the job contractor must disclose the identity and contact information of its employer-client by completing the *Appendix A*. Information on the *Appendix A* will permit OFLC to verify whether the executed contracts or other agreements establishing the joint-employer relationship of the workers sought under the application is *bona fide*, and ensure that all advertising requirements unique to job contractors under the regulations are met. Additionally, the collection of this information will be used in post-adjudication audit examinations and/or program integrity proceedings (e.g., debarment actions).

Form ETA-9142C, Appendix B - Additional Place(s) of Employment and Wage Information

In circumstances where work needs to be performed at worksite locations other than the primary one identified on the main Form ETA-9142C, the employer must complete *Appendix B* identifying all places of employment and details about the wage offers for each of those places of employment. OFLC uses information on the *Appendix B* to ensure all places of employment are located within the Commonwealth and that the employer is offering wages that are at least equal to the prevailing wage covering each place of employment. Additionally, the collection of this information will be used in post-

adjudication audit examinations and/or program integrity proceedings (e.g., debarment actions).

Form ETA-9142C, Appendix C - Attorney/Agent/Employer Declarations

To obtain a temporary labor certification, the Department's regulations require an employer, and its attorneys or agents if applicable, to submit a completed *Appendix C* that attests to compliance with all of the terms, assurances, and obligations of the CW-1 program. For an employer operating as a job contractor seeking temporary labor certification, the Form ETA-9142C requires disclosure and submission of a signed and dated *Appendix C* completed by the employer-client. Additionally, the collection of this information will be used in post-adjudication audit examinations and/or program integrity proceedings (e.g., debarment actions).

Form ETA-9142C, Final Determination: CW-1 Temporary Labor Certification Approval

Where the employer's application has met all the regulatory requirements, the Department will complete and electronically send to the employer and, if applicable, the employer's authorized attorney or agent, the Form ETA-9142C, *Final Determination: CW-1 Temporary Labor Certification*. This one-page certification form provides the official certification that a sufficient number of qualified U.S. workers have not been identified as being available at the time and place needed to fill the job opportunities for which certification is sought, and the employment of the CW-1 temporary workers in such labor or services will not adversely affect the wages and working conditions of U.S. workers similarly employed. The employer will use the Form ETA-9142C, *Final Determination: CW-1 Temporary Labor Certification*, as well as any other required documentation to support the filing of a CW-1 petition with DHS's United States Citizenship and Immigration Services (USCIS). Additionally, the collection of this information will be used in post-adjudication audit examinations and/or program integrity proceedings (e.g., debarment actions).

*A.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.*

Pursuant to 20 CFR 655.420(c), an employer or, if applicable, the employer's agent or attorney must submit to the NPC a completed Form ETA-9142C and all required supporting documentation to the NPC using an electronic method(s) designated by the OFLC Administrator. Unless the employer requests an accommodation due to a disability or inadequate access to electronic filing (e-filing) under paragraphs 655.420(c)(2) and (c)(3), the NPC will return, without review, any *Application for Temporary Employment Certification* submitted using a method other than the electronic method(s) designated by the OFLC Administrator.

To implement the e-filing requirement, employers or, if applicable, their agents or attorneys will prepare and submit *Applications for Temporary Employment Certification* using the OFLC's Foreign Labor Application Gateway (FLAG) System. In circumstances where the application is

filed using the traditional paper-based method, OFLC staff will manually enter the data and information contained on the paper application into the FLAG System's internal case management system for processing in a similar manner as those filed electronically.

The FLAG System will permit an employer or, if applicable, its authorized attorney or agent to efficiently prepare and submit CW-1 applications for processing by OFLC. During the preparation of applications, the FLAG System will provide employers with a series of electronic data checks and prompts to ensure each required field is completed and values entered on the form are valid and consistent with regulatory requirements. The OFLC website and the FLAG System's CW-1 Case Preparation Module will include detailed instructions designed to help employers understand what each form collection item means and what kind of entries are required. Where it is not practical to collect supporting documentation using a standard OMB-approved appendix, the FLAG System will permit an employer to upload documentation supporting the application in an acceptable digitized format (e.g., Adobe PDF, Microsoft Word, .TXT).

When the employer or, if applicable, its authorized attorney or agent initially enters contact information and establishes a FLAG System Account, the CW-1 Case Preparation Module automatically pre-populates all contact information on the draft Form ETA-9142C, significantly reducing the time and burden for repeated online data entry. Additionally, the CW-1 Case Preparation Module provides employers with an option to "reuse" previously filed applications, which automatically copies information into a new draft Form ETA-9142C. Under this option, employers only have to change a limited set of information on the new application to accommodate the job opportunity, such as the number of workers being requested for certification, period of employment, and the intended place(s) of employment. This option significantly reduces the time and burden for online data entry, particularly for those employers who need to access the program to hire nonimmigrant workers for seasonal jobs that predictably recur each year. OFLC's experience is that the submission of all required documentation, at the time of filing the application, facilitates a more efficient and consistent review of the employer's application, and reduces the incidence of OFLC returning the incomplete application without further review or issuing a NOD to request missing documentation or corrections for obvious errors or inaccuracies.

In compliance with the Government Paperwork Elimination Act, ETA will continue to make all forms and appendices approved under this ICR easily accessible on both the FLAG System (<https://flag.dol.gov/>) and OFLC website (<https://www.foreignlaborcert.doleta.gov/form.cfm>) and electronically fillable and fileable. The Department will seek OMB approval of the electronically fileable form and all appendices prior to introducing it for public use. However, the proposed Form ETA-9142C, *Final Determination: CW-1 Temporary Labor Certification Approval* will not be made available in an electronically fillable format, because it is for the Department's use only and not to be completed by the employer and its authorized attorney or agent, if applicable. Where the employer's application has met all regulatory requirements, the FLAG System will release the one-page, Form ETA-9142C, *Final Determination: CW-1 Temporary Labor Certification Approval*, to the employer and, if applicable, its authorized attorney or agent using electronic mail (email) and pre-populate it with key information reflecting OFLC's decision to grant approval of the employer's request for temporary labor

certification. The employer will download, print, and submit the Form ETA-9142C, *Final Determination: CW-1 Temporary Labor Certification Approval*, along with any other required documentation to support the filing of a CW-1 petition to the USCIS for processing.

*A.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.*

The information requested on the form ETA-9142C and accompanying appendices, as well as the form ETA-9141C, is sufficiently diverse to avoid duplication of activities within the Department for the CW-1 program. The information collections covered by this ICR only apply to entities seeking CW-1 workers; consequently, there is no duplication of information collection requirements.

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

The information collected under this ICR is required of small businesses who wish to employ temporary nonimmigrant workers under the CW-1 visa classification. The Department cannot make any exemptions or eliminate forms for small businesses; the statute does not create such an exemption and the Department's regulations, in turn, require all employers seeking temporary labor certification to make the necessary attestations and provide the information requested. This collection is not disproportionately more burdensome for small entities than large ones; the forms and accompanying appendices are easy to understand and provide all of the necessary attestations and assurances, so that the employer does not need to find the appropriate law or regulation to know how to request a temporary labor certification. It is not possible to reduce the burden on small entities by shortening the forms, because the forms collect from all employers the minimum information needed to determine program eligibility and issue a labor certification determination. The use of electronic filing and collection of business email addresses on the forms will serve to minimize the burden on respondents by increasing the completeness and quality of applications received and enhancing electronic communications during the application review process. Any recordkeeping requirements largely involve information that already exists in payroll and other records kept by most employers for other purposes.

*A.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 information collected under this ICR must be provided at the time an employer requests a prevailing wage determination (e.g., when requesting a prevailing wage based on a Governor-reported survey) or temporary labor certification to employ nonimmigrant workers under the CW-1 visa classification. The Department would be in direct violation of its statutory and regulatory mandates if this information were not collected. The information must be collected to enable the Department to meet its obligations to determine whether an insufficient number of qualified U.S. workers in the CNMI are available to fill the employer's job opportunity and that the wages and working conditions of similarly employed U.S. workers will not be adversely affected by the employment of CW-1 workers.



*A.7. Explain any special circumstances that would cause an information collection to be conducted in a manner that requires further explanation pursuant to regulations 5 CFR 1320.5.*

There are no special circumstances that would require the information to be collected or kept in a manner that requires further explanation pursuant to the regulations set forth at 5 C.F.R. 1320.5(d)(2).

*A.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.*

This new ICR supports an interim final rule; consequently, there was no opportunity to obtain public comment prior to this submission. This ICR has been submitted to OMB using emergency processing procedures outlined in regulations 5 CFR 1320.13.

In accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*, the public is being given 60 days to comment on this information collection in connection with the Department's Interim Final Rule. The Department will provide a summary of the public comments after receipt, and describe the actions taken by the Department in response to the comments received, during the next PRA cycle. Subsequently, the Department will provide the public an additional 30-days to submit comments to OMB when the ICR is subsequently submitted to OMB for review.

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

No payments or gifts will be made to respondents in exchange for the information provided through these information collection tools.

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

No assurances of confidentiality are provided.

*A.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.*

The information collections do not involve sensitive matters.

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

Based on USCIS' previous program and filing experience with the USCIS, the Department estimates it will receive on average approximately 8, 303<sup>1</sup> Form ETA-9142C submissions, for the CW-1 program. The estimated Time Reporting Burden per CW-1 Application Process for Form ETA-9142C is forty-five minutes, excluding appendices and recordkeeping requirements. While actions associated with the form collection vary depending on the nature and complexity of the employer's job opportunity and need for temporary nonimmigrant workers, the estimated average hourly reporting burden includes those elements that are common to the majority of applications.

## **I. Hourly Burden Estimates**

### **A. Agents and Recruiters**

1. *Proof of Agent Relationship (20 CFR 655.404)*. The regulations require all agents who file CW-1 applications on behalf of employers to demonstrate that a bona fide relationship exists between them and the employer. The Department is not requiring any specific form to document the relationship and will accept a copy of the agent agreement or other document demonstrating the agent's authority to act on behalf of the employer. We estimate that it takes 30 minutes to write, print, sign, and deliver a letter confirming the relationship. Based on the number of unique employers in the USCIS beneficiary data over the FY 2012-2018 period, the Department estimates that there are 2,314 employers. Therefore, we estimate that 579 letters (25% of 2,314 employers) will need to be created between agents or attorneys and their clients and then copied and attached to applications, for an hourly burden of 300.5 reporting hours. (579 filings x 0.50 hour = 289.5 hours).
2. *Contracts with Third Parties to Comply with Prohibitions (20 CFR 655.423(o))*. The Department requires employers to prohibit in a written contract any agent or recruiter whom the employer engages in international recruitment of CW-1 workers, from seeking or receiving payments or other compensation from prospective workers,

---

<sup>1</sup> To estimate the number of CW-1 employers, the Department identified the total number of unique employers in the USCIS beneficiary data over the FY 2012-2018 period, which was 2,404 employers. Then, the Department calculated the ratio of projected CW-1 workers to employers for FY 2019, which is 5.4 (=13,000÷2,404). Next, the Department divided the numerical cap of CW-1 workers for FY 2020 and FY 2021 by 5.4 to project the number of CW-1 employers. The numerical cap for FY 2020 is 12,500, so the projected number of CW-1 employers in FY 2020 is 2,315 (=12,500÷5.4). The numerical cap for FY 2021 is 12,000, so the projected number of CW-1 employers in FY 2021 is 2,222 (=12,000÷5.4). So, the average over three years is 2,314.

either directly or indirectly. Based on USCIS beneficiary data, the Department estimates 55 percent of employers (approximately 1,273) will utilize foreign agents and recruiters, and that it takes an employer an average of 15 minutes to comply with this requirement. Thus, we estimate the third-party disclosure burden for this collection to be 330.50 reporting hours. (1,273 filings x 0.25 hour = 318.25 hours).

## **B. Prevailing Wage Determinations**

1. Form ETA-9141C (20 CFR 655.410). The Department requires all employers participating in the CW-1 program to obtain a prevailing wage determination from NPWC. Based on program experience with other temporary foreign labor certification program applications, the form takes approximately 46 minutes to complete (or approximately 77 percent of one hour). Based on data received from USCIS, we estimate 8,303 applications will be filed annually. Thus, we estimate that the total hourly burden for the filing of the Form ETA-9141C is 6,393.31 reporting hours. (8,303 applications x 0.77 hour = 6,393.31 hours).
2. Appeals (20 CFR 655.411). An employer who does not agree with a prevailing wage determination may apply for a new wage determination, appeal under 20 CFR 655.411, or acquiesce to the initial prevailing wage determination. Based on program experience with other temporary foreign labor certification program applications filing Form ETA-9141C appeals, we estimate that five percent of 8,303 applications (415.15, rounded to 415) will be appealed annually. The Department estimates that it takes an employer approximately one hour to complete and submit an appeal from a Prevailing Wage Determination. Thus, the total hourly burden associated with PWD appeals is 415 reporting hours. (415 appeals x 1hour = 415 hours).
3. Retention of Documentation (20 CFR 655.10(j) and 20 CFR 655.410). The employer must retain the prevailing wage determination for 3 years from the date of issuance or the date of a final determination on the *CW-1 Application for Temporary Employment Certification*, whichever is later. All employers are required to retain documents associated with the filing of their Form ETA-9141C. To print and store such documents will take ten minutes (or 17 percent of one hour). We estimate 8,303 applications will be filed annually. Therefore, the total hourly burden associated with the recordkeeping requirement for the Form ETA-9141C is 1,411.51 reporting hours. (8,303 applications x 0.17 hours = 1,411.51 hours).

## **C. CW-1 Application for Temporary Employment Certification**

1. Form ETA-9142C, Application for Temporary Employment Certification (20 CFR 655.420). The Department requires completion of the Form ETA-9142C when an employer seeks a temporary labor certification to employ nonimmigrant workers under the CW-1 visa classification. Based on program experience with other temporary labor certification programs, the form takes approximately 45 minutes to complete. Based on data received from USCIS, we estimate 8,303 applications will

- be filed annually. The total hourly burden for the filing of the Form ETA-9142C is 6,227.25 reporting hours. (8,303 applications x 0.75 hour = 6,227.25 hours).
2. Appendix A of Form ETA-9142C, Employer-Client Information of Job Contractor (20 CFR 655.421). The Department requires that when an employer submits a Form ETA-9142C requesting temporary labor certification, the employer filing as a job contractor must submit a completed *Appendix A* to disclose its employer-client who will jointly employ the workers under the application. Based on experience with other temporary labor certification programs, the Department estimates it takes a job contractor 15 minutes to disclose the required information about its employer-client on *Appendix A*. We estimate an *Appendix A* will be filed for thirty-five percent of the 8,303 applications filed, meaning 2,906 *Appendices A* will be filed annually. The total hourly burden for the filing of *Appendix A* is 726.50 reporting hours. (2,906 appendices x 0.25 hour = 726.50 hours).
  3. Appendix B of Form ETA-9142C, Additional Place(s) of Employment and Wage Information (20 CFR 655.420). The Department requires an employer submitting a Form ETA-9142C also submit a completed *Appendix B* when workers will be expected to perform the services or labor in geographic locations other than the primary place of employment that is disclosed on the Form ETA-9142C. Based on experience with other temporary labor certification programs, the Department estimates that an *Appendix B* will be filed for seventy percent of the 8,303 applications filed, meaning 5,812 *Appendix B* forms will be filed annually, and that it takes 20 minutes to complete the form. The total hourly burden for the filing of *Appendix B* is 1,917.96 reporting hours. (5,812 appendices x .33 hour = 1,917.96 hours).
  4. Appendix C of Form ETA-9142C, Attorney/Agent/Employer Declarations (20 CFR 655.420). The Department requires that an employer filing a Form ETA-9142C attach a signed and dated *Appendix C* that declares compliance with the assurances and obligations of the CW-1 program. We estimate 8,303 *Appendix C* forms will be filed annually and it will take 20 minutes to complete. The total hourly burden associated with *Appendix C* is 2,739.99 reporting hours. (8,303 appendices x 0.33 hour = 2,739.99 hours).
  5. Waiver of Obtaining a Prevailing Wage Determination due to Emergency Situations (20 CFR 655.422). The Department permits an employer who, for good and substantial cause, is unable to obtain a prevailing wage determination prior to filing the *Application for Temporary Employment Certification* to request a waiver by submitting a letter of explanation along with the completed application. Based on experience with other temporary labor certification programs, the Department estimates that it takes an employer 30 minutes to compose, print, and send such a written request. The Department anticipates receiving a waiver request for ten percent of applications (830), for a total burden of 415 reporting hours. (830 requests x 0.50 hour = 415 hours).

6. *Submission of a Modified Application or Job Offer (20 CFR 655.432)*. The Department permits CW-1 employers to modify and resubmit their applications to cure the insufficiencies listed in the NOD. Based on experience with other temporary labor certification programs, we estimate that one third of applications (2,768) received each year will require modification. Based on program data under the current IFR model, we estimate it takes one hour to respond to a NOD for a total burden of 2,768 reporting hours. (2,768 applications x 1 hour = 2,768 hours).
7. *Amending the Application (20 CFR 655.434)*. The Department permits employers to amend their applications at any time before the Department makes a final determination to grant or deny the application. Based on experience with other temporary labor certification programs, the Department anticipates receiving amendments for fifteen percent of applications, or 1,245 applications, and that it takes an employer 30 minutes on average to prepare and file an amendment, for a total burden of 623 reporting hours. (1,245 amended applications x 0.50 hour = 623 hours).

#### **D. Recruitment of U.S. Workers**

Under the regulations, the resources expended by employers to comply with the recruitment provisions at 20 CFR 655.441- .442 and 20 CFR 655.446 are included in compiling the paperwork burden estimates.

1. *Placing an Advertisement with CNMI Department of Labor (20 CFR 655.442)*. The Department's requirement that the employers' advertisements meet the standards set forth in 20 CFR 655.441. Based on experience with other temporary labor certification programs, the Department estimates that it takes employers one hour to complete and post an advertisement on the CNMI Department of Labor's job listing system, and ensure that it includes all of the required information and disclosures in compliance with 20 CFR 655.423, governing employer assurances and obligations. The total burden is 8,303 reporting hours. (8,303 job advertisements x 1 hour = 8,303 hours).
2. *Contacting Former Employees (20 CFR 655.443)*. The Department requires employers to contact their former U.S. workers employed in CNMI in the same occupation during the previous year, including those who were laid off within 270 calendar days of the employer's date of need, unless they were dismissed for cause or abandoned the worksite prior to the completion of the last work period. The regulations require that employers contact these employees by mail or other effective means, disclose the terms of the *Application for Temporary Employment Certification*, and solicit their return to the job. Based on experience with other temporary labor certification programs, the Department estimates that employers will need to contact such employees on average 1.5 times per application (8,303 applications x 1.5 = 12,455 third-party contacts total). Additionally, the Department estimates it takes employers one hour per application filed with the Department to contact former employees for a total burden of 12,455 hours. (12,455 third-party contacts x 1 hour = 12,455 hours).

3. *Notice of Posting Requirement (20 CFR 655.444)*. The employer must post the availability of the job opportunity in at least two conspicuous locations at the place of anticipated employment or in some other manner for 21 consecutive calendar days, in order to provide reasonable notification to all employees in the job classification and area in which the work will be performed by the CW-1 workers. The Department estimates employers will take 30 minutes per application to prepare and post the notice. The total disclosure burden is thus 4,151.50 hours. (8,303 applications x 0.50 hour = 4,151.50 hours).
4. *Additional Employer-conducted Recruitment (20 CFR 655.445)*. The Department, at its discretion, may require employers to conduct additional reasonable recruitment. Based on experience with other temporary labor certification programs, the Department estimates that, on average, the Certifying Officer will require employers to conduct additional recruitment in thirty-five percent of cases (2,906). If the additional employer-conducted recruitment consists of placing an additional newspaper advertisement, we estimate that it takes an employer approximately 15 minutes to comply with this requirement for a total burden of 726.50 hours. (2,906 applications x 0.25 hours = 726.50 hours).
5. *Recruitment Report (20 CFR 655.446)*. The time needed to prepare the recruitment report required by 20 CFR 655.446 of the regulations is not excludable in estimating the PRA burden. Under this provision, employers must prepare, sign, and retain a written summary report describing the steps undertaken to recruit U.S. workers and the results achieved, including the number of hires and, if applicable, the number of U.S. workers not hired, and the lawful job-related reason(s) for not hiring those workers. The employer is required to provide a report of its recruitment efforts to the Department prior to certification no fewer than two calendar days after the date which the last advertisement appeared. *See* 20 CFR 655.446(a). Additionally, under the audit process described in 20 CFR 655.470, the Department may request that the employer submit the final recruitment report contained in the employer's files along with the resumes or applications of U.S. workers that were rejected, organized by the reasons they were rejected. Based on the number of CW-1 applications filed, the Department estimates that employers will prepare approximately 8,303 reports. The Department estimates that it takes employers 1 hour to prepare a recruitment report for a total burden of 8,303 hours. (8,303 reports x 1 hour = 8,303 hours).

#### **E. Disclosure of work contract to U.S. and foreign workers**

1. *Translating the Work Contract (20 CFR 655.423)*. The Department requires employers to provide a copy of the work contract to a CW-1 worker outside of the United States no later than the time at which the worker applies for the visa, or to a worker in corresponding employment no later than on the day the work commences. For a CW-1 worker changing to another CW-1 employer, the work contract must be provided no later than the time the subsequent offer of employment is made. The work contract must be provided in a language understood by the worker. Based on

experience with other temporary labor certification programs, the Department estimates that it takes employers one hour to translate the work contract for a total burden of 8,303 hours. (8,303 reports  $\times$  1 hour = 8,303.00 hours).

2. Reproducing the Work Contract (20 CFR 655.423). The Department requires employers to provide a copy of the work contract to CW-1 workers and U.S. workers in corresponding employment, which necessitates reproducing each work contract. The Department added the projected number of CW-1 workers (12,500 average for FY 2019-2021) to the estimated number of corresponding U.S. workers (8,353).<sup>2</sup> Based on experience with other temporary labor certification programs, the Department estimates that it takes employers 5 minutes to reproduce each work contract for a total burden of 1,668.24 hours. (20,853 copies of contracts  $\times$  0.08 hour = 1,668.24 hours).
3. Mailing the Work Contracts (20 CFR 655.423). The Department requires employers to provide a copy of the work contract to CW-1 workers and U.S. workers in corresponding employment, which necessitates mailing work contracts to workers. The Department added the projected number of CW-1 workers (12,500 average for FY 2019-2021) to the estimated number of corresponding U.S. workers (8,353). Based on experience with other temporary labor certification programs, the Department estimates that it takes employers 10 minutes to mail each work contract for a total burden of 3,545.01 hours. (20,853 copies of contracts  $\times$  0.17 hour = 3,545.01 hours).

## F. Retention Requirements

1. Retention of Form ETA-9142C Documents (20 CFR 655.410(h), and 655.456). The Department requires employers who file an *Application for Temporary Employment Certification* (Form ETA-9142C and all appendices), and all supporting documentation to retain all such documents and records not otherwise submitted proving compliance with 20 CFR 655, subpart E. Based on experience with other temporary labor certification programs, the Department estimates that employers will spend about 10 minutes per year per application to comply with this recordkeeping requirement. This results in an annual burden of 1,411.51 hours for the Form ETA-9142C and its accompanying documents (8,303 applications  $\times$  0.17 hour = 1,411.51 hours).

## F. Post-certification Requirements

1. Notification of Abandonment or Termination (20 CFR 655.423(v)). The regulations require employers to notify the Department when any of their CW-1 workers

---

<sup>2</sup> To estimate the number of corresponding U.S. workers in the CNMI, the Department used data from the CNMI Department of Commerce on the number of U.S. citizens and non-U.S. citizens by major occupation as documented in the CNMI Department of Commerce, Statistical Yearbook 2017, Table 5.24 "Average Hourly Wages by Occupation and Citizenship, CNMI: 2016." The Department calculated the ratios of the number of U.S. citizens to non-U.S. citizens by major occupation, applied those ratios to the pertinent number of CW-1 workers in each detailed occupation in FY 2018, and then summed the results to estimate the total number of corresponding U.S. workers in the CNMI.

- voluntarily abandons the job or is terminated before the certified end date of employment. The Department estimates it takes employers an average of 10 minutes to write an email to the Department to meet this requirement. The Department anticipates that employers will write such e-mails in 5 percent of cases (415), for a total burden of 70.55 reporting hours. (415 notifications x 0.17 hour = 70.55 hours).
2. *Extension of the Certified Period of Employment (20 CFR 655.460)*. The regulations permit employers, under certain circumstances involving weather conditions or other factors beyond the control of the employer, to request in writing an extension of the certified period of employment. Based on experience with other temporary labor certification programs, the Department anticipates that employers will make such requests in 5 percent of cases (415) such requests each year. The Department also estimates that it takes an employer 30 minutes to comply with this requirement for a total burden of 207.50 reporting hours. (415 requests x 0.50 hour = 207.50 hours).
  3. *Administrative Appeals (20 CFR 655.461)*. The regulations permit an employer whose certification is denied to request administrative review of the decision by the Board of Alien Labor Certification Appeals. To do so, an employer must submit a written request for review within 10 business days from the date of determination. Based on experience with other temporary labor certification programs, the Department anticipates appeals in 5 percent of total applications (5% of 8,303), or 415 appeals each year. The Department also estimates that it takes the employer 1 hour to comply with this requirement for a total burden of 415 reporting hours. (415 notices x 1 hour = 415 hours).
  4. *Request for Withdrawal (20 CFR 655.462)*. The regulations permit employers to request withdrawal of an application any time after it has been accepted for processing, as long as the employer complies with the terms and conditions of employment in the application and work contract with respect to all workers recruited and hired in connection with that application. Based on experience with other temporary labor certification programs, the Department anticipates withdrawal requests for approximately 10 percent of total applications (10% of 8,303), or 830 such requests each year. The Department also estimates that it takes the employer 10 minutes to make a withdrawal request for a total burden of 141.1 reporting hours. (830 notices x 0.17 hour = 141.1 hours).

## **G. Integrity measures**

1. *Audit Examinations (20 CFR 655.470)*. The regulations authorize the Department at its discretion to audit applications to ensure program integrity. Based on the results of these audits or other information, the Department may revoke a certified application and/or place an employer, agent, or attorney in debarment proceedings. The audit process requires employers to respond to notices sent by the Department. However, such responses are exempt from the paperwork burden under 5 CFR 1320.3(h)(6), (9) and 1320.4(a)(2).



2. *Certifying Officer (CO)-ordered Assisted Recruitment (20 CFR 655.471)*. In cases where the employer violated the terms of the program and the Department determines that the violation does not warrant debarment, the CO may require the employer to undergo assisted recruitment for a defined period of time for any future *Application for Temporary Employment Certification*. Based on experience with other temporary labor certification programs, the Department estimates that employers will be required to undergo assisted recruitment in approximately one half of one percent (0.5%) of applications ( $8,303 \times .005$ ), for a total of 42 applications. The time required to conduct recruitment is already accounted for in the recruitment burden calculation in Subsection D, above. The Department estimates that an employer engaged in assisted recruitment will spend an additional hour on recruitment activities, resulting in a total of 42 reporting hours. (42 assisted recruitment applications  $\times$  1 hour = 42 hours).

Total Annual Burden Hours for the CW-1 Information Collection (OMB Control Number 1205-053X):

Total Burden Hours	73,987 hours
Total Responses	149,739 responses
Total Respondents	2,314 respondents

## II. Total Hourly Cost Estimates

The Department anticipates receiving applications requesting temporary labor certification under the CW-1 program from employers operating across a wide spectrum of industry sectors in the U.S. economy. The Department believes that in most companies, a Human Resources manager will perform these activities. Thus, to calculate the full cost to the employer, we need to combine the mean hourly wage of human resource managers with the benefits and other compensation received by such employees. The Department used the mean hourly wage rate for private sector Human Resources Managers in the CNMI.<sup>3</sup> According to the 2016 CNMI Prevailing Wage and Workforce Assessment Study, the hourly wage rate (including benefits) for Human Resources Managers is \$19.29. Inflating to 2018 dollars and adding 17 percent for overhead costs<sup>4</sup> equals \$23.49. The Department estimates that a Human Resources manager will take time to complete and retain the forms and supporting documentation in the amount of \$1,698,430<sup>5</sup>.

---

<sup>3</sup> Source: 2016 CNMI Prevailing Wage and Workforce Assessment Study, <http://i2io42u7ucg3bwn5b3l0fquc.wpengine.netdna-cdn.com/wp-content/uploads/2017/09/2016-PWWAS-Report-One-Full-Report-v1.1-1.pdf>. The wage rates used here “include all applicable fringe benefits.”

<sup>4</sup> Source: Cody Rice, U.S. Environmental Protection Agency (June 10, 2002), “Wage Rates for Economic Analyses of the Toxics Release Inventory Program.” <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>

<sup>5</sup> Total cost is outlined in the chart below. The translation of the work contract is excluded from the Human Resources manager estimate.

Table of Estimated Burdens<sup>6</sup>

Information Collection Activity	Number of Respondents	Frequency	Total Annual Responses <sup>7</sup>	Time Per Response (in hours)	Total Annual Burden (in hours)	Hourly Rate	Annual Cost (in dollars)
Proof of Agent Relationship	579	1.000	579	0.50	289	\$23.49	\$6,794
Contracts with Third Parties to Comply with Prohibitions	1,273	1.000	1,273	0.25	318	\$23.49	\$7,474
Form ETA-9141C	2,314	3.588	8,303	0.77	6,393	\$23.49	\$150,179
Appeal of Prevailing Wage Determination	116	3.588	415	1.00	415	\$23.49	\$9,752
Retention of 9141C Documents	2,314	3.588	8,303	0.17	1,412	\$23.49	\$33,156
Form ETA-9142C	2,314	3.588	8,303	0.75	6,227	\$23.49	\$146,278
Form ETA-9142C Appendix A	810	3.588	2,906	0.25	727	\$23.49	\$17,066
Form ETA-9142C Appendix B	1,620	3.588	5,812	0.33	1,918	\$23.49	\$45,054
Form ETA-9142C Appendix C	2,314	3.588	8,303	0.33	2,740	\$23.49	\$64,362
Waiver for Emergency Situations	231	3.588	830	0.50	415	\$23.49	\$9,752
Modify Application/Job Offer	771	3.588	2,768	1.00	2,768	\$23.49	\$65,012
Amend Application/Job Offer	347	3.588	1,245	0.50	623	\$23.49	\$14,628
Post Ad with CNMI Department of Labor	2,314	3.588	8,303	1.00	8,303	\$23.49	\$195,037
Contact Former Employees	2,314	5.382	12,455	1.00	12,455	\$23.49	\$292,556
Notice of Job Posting	2,314	3.588	8,303	0.50	4,152	\$23.49	\$97,519
Additional Employer Recruitment	810	3.588	2,906	0.25	727	\$23.49	\$17,066
Recruitment Report	2,314	3.588	8,303	1.00	8,303	\$23.49	\$195,037
Translating Work Contract	2,314	3.588	8,303	1.00	8,303	\$18.73	\$155,515
Reproducing Work Contract	2,314	9.012	20,853	0.08	1,668	\$23.49	\$39,187
Mailing Work Contract	2,314	9.012	20,853	0.17	3,545	\$23.49	\$83,272
Retention of 9142C Documents	2,314	3.588	8,303	0.17	1,412	\$23.49	\$33,156
Notice of Abandonment or Termination	116	3.588	415	0.17	71	\$23.49	\$1,658
Extension Certified Time Period	116	3.588	415	0.50	208	\$23.49	\$4,876
Administrative Appeals	116	3.588	415	1.00	415	\$23.49	\$9,752

Table of Estimated Burden Continued<sup>8</sup>

<sup>6</sup> For the burden estimates, the Department has used H-2B program data averages for Fiscal Years 2016 and 2017 to the extent possible, unless otherwise indicated.

<sup>7</sup> The figures provided for the total annual responses are rounded to the nearest whole number.

<sup>8</sup> For the burden estimates, the Department has used H-2B program data averages for Fiscal Years 2016 and 2017 to the extent possible, unless

Information Collection Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response (in hours)	Total Annual Burden (in hours)	Hourly Rate	Annual Cost (in dollars)
Information Collection Activity	Number of Respondents	Frequency	Total Annual Responses <sup>9</sup>	Time Per Response (in hours)	Total Annual Burden (in hours)	Hourly Rate	Annual Cost (in dollars)
CO-ordered Assisted Recruitment	12	3.588	42	1.00	42	\$23.49	\$975
<b>UNDUPLICATED TOTAL</b>	<b>2,314*</b>	<b>N/A</b>	<b>149,739</b>	<b>N/A</b>	<b>73,987</b>	<b>N/A</b>	<b>\$1,698,430</b>

\*The Department estimates that approximately 2,314 employers in the CNMI will request labor certifications under this program. As explained in this supporting statement, a CNMI employer seeking a labor certification from the Department under the CW-1 program must request a prevailing wage determination, a labor certification and comply with record keeping requirements.

A.13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

- a. Start-up/Capital Costs: There are no start-up costs. There is no obligation to own a computer to participate in the program. Anyone without computer access can request the form from OFLC. To participate in the program the employer is required to generate records and retain them. The only necessary supplies needed to store and maintain the records are filing cabinets and filing folders; however, employers have the option of maintaining records in an electronic format. The Department estimates that the initial cost to employers is minimal because it is a customary and usual business practice for businesses to have storage space, whether physical or electronic.
- b. Annual Costs: There are no annual costs involved with operation and maintenance because ETA will be responsible for the annual maintenance costs for the free downloadable forms and the web-based data collection and reporting system.

However, there are several provisions that require employers to expend funds beyond their normal and usual business expenses. Specifically, all employers who use foreign workers who do not speak English will be required to translate their applications. These expenses are estimated to cost employers \$155,155.00 each year as described below.

Translation costs: The Department estimates that for translation of the Application for Temporary Employment Certification employers will pay an average of \$18.73 per hour<sup>10</sup> for an estimated annual cost of \$155,155.00 (\$18.73 x 8,303 applications).

otherwise indicated.

<sup>9</sup> The figures provided for the total annual responses are rounded to the nearest whole number.

<sup>10</sup> The Department used the mean hourly wage rate for private sector Interpreters and Translators in the CNMI. According to the 2016 CNMI Prevailing Wage and Workforce Assessment Study, the hourly wage rate (including benefits) for Interpreters and Translators is \$15.38. Inflating to 2018 dollars and adding 17 percent for overhead costs equals \$18.73.

*A.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. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.*

The Department estimates that approximately \$6,070,000 in annual costs will be required to administer the CW-1 program. This total is comprised of \$6,000,000 in federal administration costs and \$70,000 in Commonwealth-level costs funded by federal grants.

Federal administrative costs include salaries and expenses for the staff who process CW-1 applications; IT systems that support application-filing and case-processing operations; supplies; equipment; and agency indirect costs. Estimated annual costs for the federal administration of the CW-1 program are \$6,000,000. Based on past obligations, the table below provides further detail on the estimated annualized costs associated with federal administration of the CW-1 program. These estimates may be refined once the CW-1 program is operational and more empirical evidence is available on CW-1 application volumes and filing patterns.

Major Cost Category	Cost Activities	Annualized Costs
		(estimated)
Federal Salaries & Benefits	Federal staff to process CW-1 labor certification and prevailing wage applications and provide oversight and support services	\$1,164,591
Contracts for Services	Case processing support for CW-1 applications	\$3,355,295
Technology Contracts for Services	Operations and maintenance of CW-1 IT systems	\$400,000
DOL Working Capital Assessment	Indirect costs associated with DOL administrative and executive management services	\$1,055,114
Supplies & Equipment	Computers, printers, and general office supplies	\$25,000
<b>TOTAL COSTS - FEDERAL ADMINISTRATION</b>		<b>\$6,000,000</b>

Commonwealth-level CW-1 activities include, but are not limited to, reviewing and placing job orders to recruit U.S. workers, processing required notifications for amendments to job orders received from employers and the Department, and conducting prevailing wage and practice surveys. Staff from CNMI's Department of Labor will submit annual work plans to OFLC to establish continued eligibility for these grants, in accordance with the requirements of their foreign labor certification grant agreements. These work plans describe the specific activities and workload expectations of the CNMI's Department of Labor during the upcoming year. Estimated costs for these Commonwealth-level activities are approximately \$70,000 per year.

The hourly rate used to calculate cost is the average hourly rate for an employee in the Federal service (based on 2017 GS locality pay schedules for Chicago, Illinois and the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA area). See relevant GS Scales:

Chicago-Naperville, IL-IN-WI- [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2017/CHI\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2017/CHI_h.pdf)

Washington-Baltimore-Arlington, DC-MD-VA-WV-PA-  
[www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2017/DCB\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2017/DCB_h.pdf)

\*Bureau of Labor Statistics in O\*Net Online - Job title: Compensation, Benefits, and Job Analysis Specialists <http://www.onetonline.org/link/summary/13-1141.00>

The average Federal Government cost for a year of operation is estimated on an hourly basis multiplied by an index of 1.74 to account for employee benefits and proportional operating costs, otherwise known as Fully Loaded Full Time Equivalent (FLFTE). The index is derived by Departmental analysis of current personnel and overhead cost data.

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

This is a new information collection. .

*A.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.*

OFLC discloses information about employer applicants to the public through its website at <https://www.foreignlaborcert.doleta.gov>. For the CW-1 program and except for Federal Employer Identification Numbers, information contained on employer applications for temporary labor certification (Form ETA-9142C) will be publicly accessible in easy-to-download Microsoft Excel formats. For statistical purposes, information collected through this collection is periodically aggregated to provide the public with information on program usage on a quarterly and annual basis. This publication is done at least quarterly.

*A.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.*

The Department will display the expiration date for OMB approval.

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

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

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

This information collection does not employ statistical methods.