

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

The Department of Labor, Employment and Training Administration (ETA), is submitting this revised Information Collection Request (ICR) under OMB Control No. 1205-0224 for renewal. This ICR expires on January 31, 2020.

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 (the Act), (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." The Act also 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). The original version and amendments to the Act can be viewed at: <http://www.doleta.gov/OA/fitzact.cfm>.

Title 29 Code of Federal Regulations (CFR) part 29 (part 29) implements the 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 (SAAs) as Registration Agencies; and matters relating thereto. On October 29, 2008, the Department of Labor amended part 29 to provide a framework that supports an enhanced, modernized apprenticeship system. 73 FR 64402. These regulations can be accessed on the Department's website at: <http://www.doleta.gov/oa/pdf/FinalRule29CFRPart29.pdf>.

Title 29 CFR part 30 (part 30) sets forth policies and procedures to promote equal employment opportunity in apprenticeship programs registered with the U.S. Department of Labor and recognized SAAs. These regulations prohibit discrimination in registered apprenticeship on the basis of race, color, religion, national origin, sex (including pregnancy and gender identity), disability, age (40 or older), genetic information, and sexual orientation and require that sponsors of registered apprenticeship programs take affirmative action to provide equal opportunity in such programs. On December 19, 2016, the Department amended part 30 to help employers reach a larger and more diverse pool of workers, including women, minorities, and individuals with disabilities. 81 FR 92026. These regulations can be accessed at:

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title29/29cfr30_main_02.tpl.

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

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.

Section 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.

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.

30.7 Utilization goals for individuals with disabilities.

30.8 Targeted outreach, recruitment, and retention.

Section 30.4 requires certain sponsors to develop and maintain an affirmative action program, setting forth that program in a written plan. 30.4 outlines the six 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; (5) review of personnel processes; and (6) invitations to self-identify as an individual with a disability.

The purpose of the utilization analysis in § 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 § 30.6, a sponsor is required to establish a utilization goal for a particular group in its apprenticeship program if its utilization of women, Hispanics or Latinos, or a particular racial minority group is significantly less than would be reasonably expected given the availability of such individuals for apprenticeship. 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.

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

Under § 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 determined that there are problem areas resulting in impediments to equal employment opportunity, 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.

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 basis to ensure it is meeting its obligation under part 30. This review includes all aspects of an 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, the program's accessibility to individuals with disabilities (including accessibility of information and communication technology) and making 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 part 30.

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 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 five years from the date of the making of the record or the personnel action involved, whichever occurs later. If this information was not required, there would be no documentation that the apprenticeship programs were being operated in a nondiscriminatory manner.

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. Sponsors are required to extend this invitation to applicants and apprentices: (1) at the time the individual applies for or is considered for apprenticeship; and (2) after the individual is accepted into an apprenticeship program but before they begin their apprenticeship. 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 the information collection requirements approved under OMB Control Number 1205-0223.

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. SAAs 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 five years. If this information was not required, there would be no documentation that the apprenticeship programs were being operated in a nondiscriminatory manner.

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 part 30. 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 Form 9039, is used to file a discrimination complaint. The currently approved form does not currently include disability status, age (40 or older), genetic information, sexual orientation, or retaliation as bases for complaints. In accordance with part 30, ETA Form 9039 was revised to add disability, age (40 or older), genetic information, sex (including pregnancy and gender identity), sexual orientation, and retaliation to the list of protected bases (which are currently race, color, religion, national origin, and sex) for which complainants can file complaints. ETA Form 9039 was also revised to correct the number of days (i.e., 300) that a complaint must be filed as required under part 30, to remove the definitions of the protected bases to be consistent with the practices of other agencies of the Department, to clarify that the non-retaliation language applies to both employers and sponsors, and to update the Office of Apprenticeship's room number. 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.

30.18 State Apprenticeship Agencies.

All apprenticeship programs registered with SAAs 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 SAA must submit a State EEO plan incorporating the requirements of Part 30 and 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 five 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.

30.19 Exemptions.

State Apprenticeship Agencies must request approval from the Department for exemptions granted to these regulations affecting a substantial number of employers.

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 part 30 is of the following types:

- a. Sponsors with five or more apprentices who are not otherwise exempt are required to maintain an affirmative action plan. Sponsors are required to conduct an internal review of the plan annually, as well as utilization analyses at every compliance review or every three years. The Registration Agency reviews this information at each compliance review, in response to a complaint, or when circumstances so warrant. This information is necessary to determine if the sponsor is complying with all equal opportunities requirements. ETA Form 9039 allows applicants and apprentices to file complaints of discrimination with the Registration Agency.
- 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.*

In order to monitor the compliance of registered apprenticeship sponsors with their equal employment opportunity obligations, part 30 includes several recordkeeping requirements. Use of information technology for storage and retrieval of such records for the EEO Complaint Procedures is at the respondent's discretion.

The part 30 EEO Complaint Procedures and the currently approved electronic Complaint Form (ETA Form 9039) are available on the Department's website at: https://www.doleta.gov/oa/eo/complaints_information.

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 part 30 are not duplicated elsewhere. Part 30 also incorporates an exemption from the Affirmative Action Program requirements, for those sponsors who are already in compliance with an equal employment opportunity program approved as meeting other specified EEO laws. Therefore, sponsors who are already required to maintain self-identification data pursuant to another approved program would not be required to maintain duplicative information.

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

The information collected has a minimal impact on small businesses. Furthermore, part 30 exempts sponsors with four or fewer apprentices from the need to adopt an affirmative action program under § 30.4.

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 part 30. The specific consequences of not requiring the data to be collected for each section of 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 Reduction Act requirements. However, a records retention requirement of five years is necessary as described in § 30.12(d). Because the duration of many apprenticeship programs is four years or more, it is important to keep the records for a period of time after an apprentice has exited the program.

8. *If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.*

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years—even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

In accordance with the Paperwork Reduction Act of 1995, the public was given 60 days to comment on the *Federal Register* Notice, which published on November 21, 2019 (84 FR 64340). The comment period ended on January 21, 2020.

ETA received one public comment in response to the notice from the U.S. Equal Employment Opportunity Commission (EEOC). EEOC provided three key recommendations in its comment letter: (1) revise ETA Form 9039 to expand the description of prohibited retaliation and add retaliation as a protected basis; (2) ensure that apprentices' medical and genetic information is disclosed only in accordance with Section 501 of the Rehabilitation Act of 1973, as amended (Rehabilitation Act) and Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA); and (3) update the definition of disability in its equal employment opportunity in apprenticeship regulations to ensure consistency with the changes made by the ADA Amendments Act of 2008 (ADAAA).

Response: With respect to EEOC’s first recommendation, ETA adopts EEOC’s recommendation to add retaliation as a protected basis on ETA Form 9039 and to clarify that the non-retaliation language applies to both employers and sponsors, and has made the necessary modification to ETA Form 9039. ETA believes that this modification to the form is appropriate because it aligns with the requirements contained in 29 CFR § 30.14(a)(1), which permits an individual who believes they have been retaliated against (as described in 29 CFR § 30.17) to “file a written complaint with the Registration Agency with whom the apprenticeship program is registered.”

ETA declines to adopt EEOC’s second recommendation to add to ETA Form 9039 information regarding the confidentiality provisions under Section 501 of the Rehabilitation Act of 1973, as amended (Rehabilitation Act) and Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA). ETA retains its original Privacy Act Notice, as this statement is consistent with other USDOL discrimination complaint forms. ETA notes, however, that the confidentiality provisions in 29 CFR § 30.11(e) and 29 CFR § 30.12(e) largely reflect the standards recommended by the EEOC for medical information. .

With respect to EEOC’s third recommendation, ETA declines to revise the definition of disability in 29 C.F.R. § 30.2 to ensure consistency with the changes made by the ADA. ETA believes that this comment is beyond the scope of this ICR. A revision to a definition contained in part 30 would require regulatory action.

Lastly, EEOC also requested that ETA remove “(Please review definitions on pages 2 - 3.)” after “Bases:”, as the form no longer includes definitions of the protected bases. ETA has ensured that such language does not appear in the ETA Form 9039.

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 SAAs, program sponsors, or program participants specifically for purposes of part 30.

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 Data System (RAPIDS) at the U.S. Department of Labor/Employment and Training Administration/Office of Apprenticeship.”¹

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>)

Any disclosure of protected medical and genetic information in ETA Form 9039 will be subject to the confidentiality provisions of the Rehabilitation Act and GINA; will exempt medical and genetic records, reports, or information from disclosure, where possible; or will redact protected medical and/or genetic information from records prior to disclosure.

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 § 30.11, the sponsors are 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.

This data is necessary to enable the Office of Apprenticeship to assess apprenticeship programs' compliance with the requirements of part 30 and ensure that programs are affording equal employment opportunity to individuals with disabilities. The information will also enable programs to assess their utilization of qualified individuals with disabilities and their outreach efforts and recruitment of such individuals with disabilities. The form states clearly that the submission of the requested information is voluntary, and that the data is collected and maintained strictly for affirmative action purposes and will otherwise be kept confidential.

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

Equal Employment Opportunity in Apprenticeship (OMB Control Number 1205-0224) is estimated to require an annual burden of 191,355 hours.

There were approximately 23,000 active programs nationwide (29 SAAs + 24 OA States) in Fiscal Year (FY) 2018 and approximately 4,100 of these programs have 5 or more apprentices registered nationwide according to RAPIDS. Disaggregating the data further, there were approximately 1,162 new programs registered in the 25 federally administered OA States and approximately 160 of the new programs contained 5 or more apprentices.

Equal Opportunity Standards

30.3 Equal Opportunity Standards

Annual Burden: 46,000 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 (including pregnancy and gender identity), age (40 or older), disability, genetic information, or sexual orientation. All apprenticeship sponsors must document that their apprenticeship program conforms to the EEO requirements contained in 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 2 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. This estimate includes:

- 15 minutes to post the pledge on sponsors' premises and websites
- 45-minute regular orientation and information session annually (including additional time for new sponsors to develop the training)
- 30 minutes of a human resource manager's time per targeted recruitment
- 30 minutes of an administrative assistant's time per targeted recruitment

The annual burden is equal to 46,000 hours (23,000 active program sponsors x 2 hours).

Affirmative Action Program

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

30.7 Utilization goals for individuals with disabilities

30.8 Targeted outreach, recruitment, and retention

30.9 Review of personnel processes

Annual Burden: 86,100 hours

All sponsors that employ five or more apprentices and are not otherwise exempt are to establish an affirmative action program that is designed to ensure equal opportunity and prevent discrimination in their apprenticeship program. 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.

Sponsors are required to establish a utilization goal for a particular group in its apprenticeship program if its utilization of women, Hispanics or Latinos, or a particular racial minority group is significantly less than would be reasonably expected given the availability of such individuals for apprenticeship. 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 determined that there are problem areas resulting in impediments to equal employment opportunity, 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 (including pregnancy and gender identity), age (40 or older), disability, genetic information, and sexual orientation.

The compliance with the affirmative action requirements for sponsors 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) Six hours to develop, maintain, and update a written affirmative action plan within two years from time of registration.
- (2) 0.5 hours for utilization analysis for race, sex, and ethnicity in § 30.5.
- (3) 0.5 hours for establishment of utilization goals for race, sex, and ethnicity in § 30.6.
- (4) One hour for utilization goals for individuals with disabilities in § 30.7.
- (5) Five hours for outreach, recruitment and retention for targeted groups in § 30.8.
- (6) Eight hour for review of personnel processes in § 30.9.

The annual burden is equal to 86,100 hours (4,100 active program sponsors with five or more apprentices x 21 hours).

Recordkeeping of Active Apprentices

30.10 Selection of apprentices

30.12 Recordkeeping

Annual Burden: 46,000 hours

Sponsors are required to keep accurate records on the qualifications of each applicant pertaining to determination of compliance with 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 five 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 2 hours 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 46,000 hours (23,000 active program sponsors x 2 hours).

Complaint Procedure

30.14 Complaints

Annual Burden: 5 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 part 30 EEO Complaint Procedures and the electronic Complaint Form — Equal Employment Opportunity in Apprenticeship Programs (ETA Form 9039) are available on the Department's website at: https://www.doleta.gov/oa/eo/complaints_information/.

As described above, ETA Form 9039 has been revised to add disability status, sex (including pregnancy and gender identity), genetic information, sexual orientation, age (40 or older), and retaliation as bases for complaints, and to clarify that the non-retaliation

language applies to both employers and sponsors. 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 ETA Form 9039 is estimated to be 30 minutes per applicant/apprentice. The 10 complaints estimate is based on historical data. Therefore, the annual burden is estimated to be 5 hours (10 applicants/apprentices x 0.5 hours).

State Apprenticeship Agencies

30.18 State Apprenticeship Agencies

30.19 Exemptions

Annual Burden: 13,250 hours

A recognized SAA 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 5 years from the date of their creation. Based on historical data, the Department estimates that the 29 SAAs 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 SAAs to notify the Department of exemptions made to these regulations consists of merely advising the Department of what exemptions have been granted. The Department is not aware of any State exemptions that have been 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 | Annual Frequency | Total Annual Response | Time per Response (Hours) | Total Annual Burden Hours | Hourly Rate* | Monetized Value of Respondent Time |
|--|---|-----------------------|------------------|-----------------------|---------------------------|---------------------------|--------------|------------------------------------|
| 30.3 | Active program sponsors (nationwide) | 23,000 | 1 | 23,000 | 2 | 46,000 | \$36.56 | \$1,681,760 |
| 30.4 30.5 30.6 30.7 30.8 30.9 | Active program sponsors with five or more apprentices | 4,100 | 1 | 4,100 | 21 | 86,100 | \$36.56 | \$3,147,816 |

| | | | | | | | | |
|----------------------------|--------------------------------------|---------------|----------|----------------|------|----------------|---------|--------------------|
| | (nationwide) | | | | | | | |
| 30.10 30.12 | Active program sponsors (nationwide) | 23,000 | 1 | 23,000 | 2 | 46,000 | \$36.56 | \$1,681,760 |
| 30.14 | Applicants/Apprentices (nationwide) | 10 | 1 | 10 | 0.5 | 5 | \$36.56 | \$183 |
| 30.18 30.19 | SAA: Recordkeeping | 29 | 1827.586 | 53,000 | 0.25 | 13,250 | \$63.02 | \$835,015 |
| Unduplicated Totals | | 50,139 | -- | 103,110 | -- | 191,355 | -- | \$7,346,534 |

Total Annual Respondents: 50,139

- 50,110 = 23,000 Active Program Sponsors + 4,100 Active Program Sponsors Employing 5 or More Apprentices + 23,000 Active Program Sponsors + 10 Applicants/Apprentices
- 29 SAAs

The annual cost of the burden to private sector respondents is estimated to be \$6,511,519 [\$36.56/hour x 178,105 burden hours]. The \$36.56* is the estimated total hourly compensation rate for an Administrative Assistant.

The annual cost of the burden to all respondents including SAA respondents is estimated to be \$7,346,534 [\$36.56/hour x 178,105 burden hours + \$63.02/hour x 13,250 burden hours]. The \$63.02** is the estimated total hourly compensation rate for a State Government Management/Program Analyst.

The annual cost of the burden to SAA respondents is estimated to be \$835,015 (\$63.02/hour x 13,250 hours).

* According to the Department's Bureau of Labor Statistics (BLS), the estimated mean hourly wage for an Administrative Assistant (43-6014) in the private sector in May 2018 was \$18.28 (source: <http://www.bls.gov/oes/current/oes436014.htm>). Based on data from BLS's "Employer Costs for Employee Compensation" release (<https://www.bls.gov/ect>), the percentage of an employee's total compensation package that consisted of employee benefits averaged 46% over the past year. In addition, total related overhead costs are estimated to comprise an additional 54% of the applicable base wage (source: Guidelines for Regulatory Impact Analysis, 2016, published by the U.S. Department of Health and

Human Services, at the following website: https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf). Accordingly, the total hourly compensation rate for an Administrative Assistant (adjusted to include

employee benefits and overhead costs) is estimated to be \$36.56 (= \$18.28 hourly base wage + \$8.41 in employee benefits + \$9.87 in overhead costs).

** According to the BLS, the estimated mean hourly wage for a State Government Management/Program Analyst (13-1111) in May 2018 was \$31.51 (source: <http://www.bls.gov/oes/current/999201.htm>). Based on data from BLS's "Employer Costs for Employee Compensation" release (<https://www.bls.gov/ect>), the percentage of an employee's total compensation package that consisted of employee benefits averaged 46% over the past year. In addition, total related overhead costs are estimated to comprise an additional 54% of the applicable base wage (source: Guidelines for Regulatory Impact Analysis, 2016, published by the U.S. Department of Health and Human Services, at the following website: https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf). Accordingly, the total hourly compensation rate for a State Government Management/Program Analyst (adjusted to include employee benefits and overhead costs) is estimated to be \$63.02 (= \$31.51 hourly base wage + \$14.49 in employee benefits + \$17.02 in overhead costs).

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.*

There were approximately 23,000 active programs nationwide (29 SAAs + 24 OA States) in Fiscal Year (FY) 2018 and approximately 4,100 of these programs have 5 or more apprentices registered nationwide according to RAPIDS. Disaggregating the data further, there were approximately 1,162 new programs registered in the 24 federally administered OA States and approximately 160 of the new programs contained 5 or more apprentices.

The burden to the Federal Government based on the GS-12, Step 5 Federal government compensation of \$101 per hour*** for ATR Federal staff is primarily for reviewing the materials submitted by the sponsors, inputting data in the database, and returning copies to sponsors and other partners, as appropriate. 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 \$82,921 [$\$101 \times 1/2 \text{ hour} \times 1,002 \text{ federal programs} = \$50,601 + \$101 \times 2 \text{ hours} \times 160 \text{ federal programs} = \$32,320$].

***The ATR's basic hourly rate is \$45.29 per hour in the Washington, D.C., locality area in 2019 (see https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/DCB_h.pdf). Based on the most recent data available from the

Congressional Budget Office (CBO), the Department estimates that the percentage of federal employees' total compensation that consists of employee benefits is 69% (see www.cbo.gov/publications/52637). In addition, total related overhead costs are estimated to comprise an additional 54% of the applicable base wage (source: Guidelines for Regulatory Impact Analysis, 2016, published by the U.S. Department of Health and Human Services, at the following website:

https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf). Accordingly, the total hourly compensation rate for an ATR (adjusted to include employee benefits and overhead costs) is estimated to be \$101 per hour (= \$45.29 hourly base wage + \$31.25 in employee benefits + \$24.46 in overhead costs).

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

The annual burden for this information collection increased from 16,097 hours to 191,355 hours resulting in an increase of 175,258 hours over ETA's previous estimate, which OMB approved until January 31, 2020. Unlike ETA's previous estimate, the annual burden for this information collection is calculated for all program sponsors and not just new ones since there are ongoing burdens that all sponsors need to undertake annually.

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.*

The expiration date is displayed on the information collection associated with this ICR. Accordingly, ETA is not requesting a waiver for the display of the OMB expiration date.

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

There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.