

**SUPPORTING STATEMENT**  
**APPLICATION FOR A FARM LABOR CONTRACTOR OR FARM LABOR CONTRACTOR**  
**EMPLOYEE CERTIFICATE OF REGISTRATION**  
**FORM WH-530**  
**29 C.F.R. PART 500, SUBPART B**  
**REGULATIONS 29 C.F.R. § 500.45(b), FORMS WH-514 AND WH-514a AND**  
**REGULATIONS 29 C.F.R. § 500.105(1)(H)-(I), FORM WH-515**  
**OMB CONTROL No. 1235-0016**

**A. Justification**

**1. Circumstances Necessitating Information Collection**

The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) provides that no person shall engage in any farm labor contracting activity for any money or valuable consideration paid or promised to be paid, unless such person has a certificate of registration from the Secretary of Labor specifying which farm labor contracting activities such person is authorized to perform. *See* 29 U.S.C. §§ 1802(7), 1811(a); 29 C.F.R. §§ 500.1(c), -.20(i), -.40. The named MSPA contracting activities include recruiting, soliciting, hiring, employing, furnishing, or transporting any migrant or seasonal agricultural worker and, with respect to migrant agricultural workers, providing housing. 29 U.S.C. § 1802(6); 29 C.F.R. § 500.20(j). The MSPA also provides that a Farm Labor Contractor (FLC) shall not hire, employ, or use any individual to perform farm labor contracting activities unless such individual has a certificate of registration as a FLC or a certificate of registration as a Farm Labor Contractor Employee (FLCE) of the FLC that authorizes the activity for which such individual is hired, employed or used. 29 U.S.C. § 1811(b); 29 C.F.R. §§ 500.1(c).

The MSPA provides that, after appropriate investigation and review, the Secretary shall issue a FLC certificate of registration (including a certificate of registration as a FLCE) to any person who has filed with the Secretary a written application containing the following:

- A. a declaration subscribed and sworn to by the applicant stating the applicant's permanent place of residence, the farm labor contracting activities for which the certificate is requested, and such other relevant information as the Secretary may require;
- B. a statement identifying each vehicle to be used to transport any migrant or seasonal agricultural worker and, if the vehicle is or will be owned or controlled by the applicant, documentation showing that the applicant is in compliance with MSPA safety, insurance, and operator licensing requirements for each such vehicle;
- C. a statement identifying each facility or real property to be used to house any migrant agricultural worker and, if the facility or real property is or will be controlled by the

**Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration**  
**1235-0016**  
**February 2020**

applicant, documentation showing that the applicant is in compliance with MSPA safety and health requirements for each such facility or real property;

D. a set of the applicant's fingerprints;

E. a declaration, subscribed and sworn to by the applicant, consenting to the designation by a court of the Secretary as an agent available to accept service of summons in any action against the applicant if the applicant has left the jurisdiction in which the action is commenced or otherwise has become unavailable to accept service.

29 U.S.C. § 1812; 29 C.F.R. § 500.45.

Regulations 29 C.F.R. §§ 500.40 and 500.44-.47 set forth the standards that must be met in the application process to obtain a certificate. Regulations §§ 500.1(i)(1), -.44 provide for the information collection used to obtain a certificate of registration. Use of Form WH-530 enables an applicant to provide all the information the Department of Labor (DOL) will need to determine whether to authorize the farm labor contracting activities an applicant is seeking authorization to perform under the MSPA.

## **2. Use**

Form WH-530 provides the means for an applicant to meet the statutory MSPA requirement to file a written application with the Secretary containing certain specified information regarding prospective farm labor contracting activities. Applicants use Form WH-530 to obtain authorization to engage in the named MSPA farm labor contracting activities or to obtain authorization to be hired, employed, or used by a currently registered FLC to perform these activities. Applicants complete the form when seeking an initial, renewed, or amended certificate and submit it to either the Wage and Hour Division (WHD) of the DOL or a State Workforce Agency Office. *See* 29 C.F.R. §§ 500.44, -.47. Local WHD and State Workforce Agency Offices forward completed applications forms to WHD's certificate processing office where they are reviewed and appropriate action (issuance or denial) is taken. *See Id.* § 500.48. All initial certificates are issued for a period of 12 months from the date of issuance unless earlier suspended or revoked. *Id.* § 500.50(a)(1). Renewal certificates may be issued for a period of up to 24 months, if the applicant has not been cited for a MSPA violation (or its attendant regulations) within the preceding five years from the expiration date shown on their current certificate. *Id.* § 500.50(b)(2)-(3).

The WHD has created Forms WH-514, WH-514a, and WH-515, which allow FLC applicants to verify to the WHD that the vehicles used to transport migrant/seasonal agricultural workers meet the MSPA vehicle safety standards and that anyone who drives such workers meets the Act's minimum physical requirements. The WHD uses the information in deciding whether to authorize the FLC/FLCE applicant to transport/drive any migrant/seasonal agricultural workers

or to cause such transportation. The WH-514 and WH-514a (vehicle inspection forms) are valid for one year, and the WH-515 (doctor's certificate) is valid for three years.

### **Vehicle Standards**

When the adopted DOT rules apply, FLC applicants use Form WH-514 to verify that any vehicle used or caused to be used to transport any migrant/seasonal agricultural worker(s) meets the DOT safety standards. When the adopted DOT rules do not apply, FLC applicants seeking authorization to transport any migrant/seasonal agricultural workers use Form WH-514a to verify that that the vehicles meet DOL safety standards. Upon the vehicle meeting the required safety standards, the form is completed. The FLC applicant then submits the original form to the WHD certificate processing office. The forms ask for information identifying the carrier, vehicle, inspection station, and inspector. The forms allow for the use of check marks to identify the applicable safety standards met by each vehicle. The FLC applicant need merely identify the State where the inspection was performed, list the appropriate State vehicle safety inspection number and license tag number, and then sign and date the form if (s)he possesses a valid current State vehicle safety inspection sticker from the jurisdiction in which the vehicle is registered. In order to assist the WHD in better determining the adequacy of the vehicle insurance, Forms WH-514 and WH-514a request the "seating capacity" of the vehicles.

### **Driver Standards**

Form WH-515 is a doctor's certificate used to document that a motor vehicle driver or operator meets the minimum DOT physical requirements that the DOL has adopted. Regulations 29 C.F.R. § 500.105(b)(1)(I) specifies the wording of the certification. In accordance with the regulatory provisions, Form WH-515 identifies the driver, whether the driver qualifies under the DOT regulations (with or without glasses), date and place of the examination, as well as the address and signature of both the physician and driver. Drivers must have a copy available whenever they transport workers; and the driver's employer must retain a copy of the form at their primary place of business. A properly completed Form WH-515 remains valid for 36 months. *See* 29 C.F.R. 500.105(b)(1)(G). Form WH-515 requires respondents merely to identify themselves and check a box as to whether the applicant meets the applicable standards; thus, the form, itself, creates no burden. The regulations do create a recordkeeping burden, as the applicant must maintain it.

## **3. Technology**

WH-530:

There is no improved technology available to provide the information required to obtain authorization to perform farm labor contracting activities; however, submission of a photocopy of the application form is sufficient to satisfy the regulatory requirements, so long as it contains an original signature in the appropriate places. Pursuant to the Government Paperwork Elimination Act (GPEA), DOL has posted Form WH-530 in a fillable format on the WHD Web site for downloading and printing. <http://www.dol.gov/whd/forms/wh530.pdf> Electronic

**Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration  
1235-0016  
February 2020**

submission is not practicable for this information collection because processing the forms cannot begin until the agency receives the required set of the applicant's fingerprints, along with any additional required documentation regarding transporting, driving, or housing activities.

WH-514, WH-514A & WH-515:

In accordance with the Government Paperwork Elimination Act (GPEA), the WHD has posted these forms on the Internet in a PDF, fillable format:

Form WH-514 <http://www.dol.gov/whd/forms/wh514.pdf>

Form WH-514a, <http://www.dol.gov/whd/forms/wh514a.pdf>

Form WH-515, <http://www.dol.gov/whd/forms/wh515.pdf>

The agency has determined that it is not practical to provide an electronic submission option for this information collection. Unique FLC/FLCE applicants respond to this information collection to support a request for transportation/driving authorization on their Application for Farm Labor Contractor and Farm Labor Contractor Employee Certificate of Registration, Form WH-530, an information collection cleared under OMB Control Number 1235-0016. An electronic submission option for Form WH-530 is not practicable because the agency cannot begin processing the forms until it receives a set of the applicant's fingerprints, when required. Form WH-515 also requires signatures from both the doctor and driver. The multiple signatures create an additional obstacle for an electronic submission option.

**4. Duplication**

This program is unique to the WHD and does not duplicate other information collection requirements. Similar information is not available from any other source.

**5. Minimizing Small Entity Burden**

WH-530:

This information collection does not have a significant economic impact on a substantial number of small entities. Although this information collection does involve small farm labor contracting businesses engaged in agriculture, Form WH-530 provides the means by which an applicant can provide the information to the WHD needed to obtain a certificate to perform farm labor contracting activities under the MSPA.

WH-514, WH-514A & WH-515:

This information collection does not have a significant economic impact on a substantial number of small entities. Most of the estimated total respondents are small businesses engaged in agriculture. The DOL has reduced respondent burden where possible. For example, the DOL forms allow for the use of checking boxes to the maximum extent possible. The WHD also accepts a FLC's statement documenting that a vehicle has passed a State inspection to satisfy the MSPA regulatory requirements – as opposed to requiring individual notations of

each vehicle part inspected – to minimize the amount of time needed to complete Forms WH-514 and WH-514a. The FLC statement does provide enough information to allow the WHD to verify the claim, when that is warranted.

**6. Consequence of Failing to Collect and Obstacles to Reducing Burden**

WH-530:

In order to engage in farm labor contracting activities, the MSPA requires that a FLC or FLCE be registered with the DOL and carry the certificate of registration. An applicant files Form WH-530 with the WHD to obtain the certificate. With the exception of collecting whether the FLC applicant employs or intends to employ persons who have H-2A or H-2B visas, the WHD needs all information requested to determine whether an applicant meets MSPA requirements to obtain a FLC or FLCE registration. Collecting information less frequently than at times of initial registration, renewal, or amendment of a certificate would also prevent the WHD from determining whether to issue or deny a certificate authorizing the applicant as a FLC or FLCE. Collecting whether the FLC applicant employs or intends to employ persons who have H-2A or H-2B visas will assist the DOL in carrying out its responsibilities under these guest worker programs. Employers of H-2A and H-2B workers must meet enhanced compliance requirements as a condition of obtaining the workers. The MSPA requires compliance with some of the enhanced requirements.

WH-514, WH-514A & WH-530:

In order to transport migrant and seasonal agricultural workers, the MSPA requires that all vehicles used to transport migrant and seasonal workers conform to certain safety standards. Moreover, the MSPA requires those who drive migrant/seasonal agricultural workers to verify that they are physically fit to do so. The DOL requires this information only from FLC and FLCE applicants seeking authorization to transport/drive any migrant/seasonal agricultural worker(s) or cause such transportation; thus, they typically only need to provide the information with their WH-530 submission. The WHD would have no way to determine if a vehicle or driver met the MSPA safety requirements, in order for the agency to authorize FLCs and FLCEs to drive migrant/seasonal agricultural workers or cause such transportation, were the agency not to collect this information or collect it less frequently. In accordance with Regulations 29 C.F.R. § 500.7, DOL staff may also examine copies of these forms during MSPA investigations.

**7. Special Circumstances**

There are no special circumstances required in the conduct of this information collection.

**8. Public Comments**

The Department published a notice in the Federal Register on October 31, 2019 (84 FR 38061), inviting public comments on the proposed revision of the information collection. The Department received three comments on the proposed revisions to the MSPA forms during the 60-day comment period that ended on December 30, 2019. The Department had previously

**Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration**  
**1235-0016**  
**February 2020**

published a notice in the Federal Register on April 24, 2018 (83 FR 17855) inviting public comments on the proposed revision of the information collection. In this previous period, the Department received two comments during the 60-day comment period that ended on June 25, 2018. In these comment periods, the Department received comments from employer agents, a law firm, and an interested member of the public. All timely received comments about the revisions to the forms are available for viewing at [www.reginfo.gov](http://www.reginfo.gov).

One comment submitted to the Department was a general statement of opposition, but all other comments suggested specific, technical changes to the forms. The Department has carefully considered the timely submitted comments addressing the proposed changes. Significant issues raised in the comments are discussed below, along with the Department's responses to those comments.

Some comments received were beyond the scope of this revision. One comment expressed general opposition to any issuance of MSPA certificates. Another comment stated that obtaining and maintaining authorization to transport, drive, and house MSPA-covered workers was overly burdensome. The Department is required, both by statute and regulation, to issue certificates of registration to FLC and FLCE applicants meeting specific criteria. Additionally, the Department is obligated by both statute and regulation to collect information on housing and transportation prior to authorizing an applicant to engage in those activities. The underlying statute may only be altered by Congress and MSPA regulations can only be revised through notice and comment rulemaking.

Another commenter suggested that the Department's website link directly to specific forms. This comment is outside the scope of this revision; however, the Department notes that the MSPA forms that it publishes are found at <https://www.dol.gov/whd/mspa/index.htm>.

A complete list of changes is uploaded into ROCIS and the substantive changes and comments are addressed below.

- Proposed Changes to Form WH-530, Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration
  - One commenter, who submitted identical comments in response to the October 31, 2019 and the April 24, 2018 notices, stated that certain data fields identifying the applicant's name and address were confusing and incongruent with the form instructions. The commenter provided specific suggestions to clarify the form and instructions which are discussed below.
    - **Part I, Item 2.** The commenter suggested that the field "Name to appear on certificate" be revised to read "Applicant or applicant's representative", with corresponding edits to the instructions. The Department agrees and has revised the form per the commenter's suggestion. The Department has also revised the instructions to clarify

who is an applicant and who is the applicant's representative. The commenter also suggested that a data field be added to request the applicant or applicant representative's title, but the Department believes that this information is unnecessary for processing an application and declines to adopt this suggestion.

- **Part II, Item 7.** The commenter suggested that the data field "Name of applicant" be revised to read "Applicant name to appear on certificate", with corresponding edits to the instructions. The Department agrees and has revised the form and instructions per the commenter's suggestion. The commenter also suggested that the field "name of representative for the purposes of this application" be deleted as it is duplicative of the field in Part I, Item 2. The Department agrees and has deleted this field based on the commenter's suggestion. Finally, the commenter stated that the address field is unclear as to what or whose address is being requested. The Department agrees that the current format is unclear and has edited this field and corresponding instructions to allow applicants to provide a business address to be listed on the certificate (if different from the permanent place of residence address collected in Part I, Item 2). The instructions clarify that, if this field is left blank, the certificate will list the applicant or applicant representative's permanent place of residence.
- One commenter suggested modifications to the physical certificates themselves. The commenter suggested that the certificates be reduced to wallet-size and be printed on white paper instead of orange or blue paper. The Department declines to adopt these suggestions. The certificates are larger in size to accommodate FLCs with numerous vehicles, all of which must be listed on the certificate. Some FLC certificates have multiple pages to accommodate all vehicles. Additionally, the Department has historically issued FLC certificates on orange paper and FLCE certificates on blue paper. Many FLCs and FLCEs are accustomed to the correlation between the color and type of card, and refer to their certificates as "orange cards" or "blue cards." The Department believes that printing all cards on white paper will result in unnecessary confusion.
- A commenter suggested that the data collection field in Part II, Item 9 requesting the approximate start date of the farm labor contracting activity was unnecessary. The Department agrees with this suggestion and has deleted the field.
- A commenter suggested that FLCs be permitted to choose an annual or bi-annual renewal date. The Department declines to adopt the commenter's suggestion. Not all applicants are eligible for bi-annual renewal. Specifically, initial certifications are limited to a 12-month duration. Additionally, eligibility for renewals for more than 12-months is limited to FLCs and FLCEs who have not been cited during the preceding five years for a MSPA violation. See MSPA

**Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration**  
**1235-0016**  
**February 2020**

Section 104(b) and 29 CFR 500.50.

- o A commenter suggested adding timeframes for filing form WH-530. The Department agrees with the commenter's suggested revision to amend the instructions to address the importance of timely filing an application. The Department has clarified in the instructions that the filing of a timely renewal will temporarily extend the current certificate, and that a FLC must submit documentation regarding a new vehicle, housing facility, or real property that it will own, operate, or control within 10-days after obtaining or learning of its intended use. However, DOL declines to adopt the commenter's suggestion to include suggested timeframes for filing new applications. Processing times are dependent on the volume of applications.
- o A commenter suggested that the form include instructions for finding information on the insurance/financial responsibility requirements for obtaining driving authorization. The Department agrees with the suggestion and has edited Part II, Item 10 of the form and corresponding instructions to refer the applicant to applicable regulatory and sub-regulatory guidance.
- o A commenter stated that the time burden estimate was inaccurate. The Department disagrees with this assertion. This time burden estimate is per form, not per year. Each amendment to the certificate will require a new form.
- o Finally, a commenter stated that workers' compensation policies provided in lieu of vehicle insurance to obtain authorization to transport are frequently insufficient because such policies may not cover all circumstances of transportation. For example, workers' compensation policies frequently do not cover transportation to perform errands, transportation between jobsites in different states, or outbound transportation from the jobsite to the point of hire at the conclusion of a job. Similarly, worker's compensation policies may not cover a worker that does not appear on the policy-holder's payroll (for any of a number of reasons, such as being paid in cash or not having work with the policy-holder that week), even though he/she continues to be transported by the FLC that used the workers' compensation policy to obtain authorization to transport. The commenter suggested specific revisions to the form to require the applicant to identify the specific transportation circumstances and employer of the workers. The Department has clarified in Part II, Item 10 and its corresponding instructions that, if the applicant provides workers' compensation coverage in lieu of vehicle insurance, it must identify all circumstances in which workers will be transported and attest that: (1) the workers' compensation policy covers all such circumstances under applicable state law; and (2) that the applicant will not transport workers in circumstances other than those covered under applicable State law by the worker's compensation policy. The Department declines to adopt the specific format suggested by the commenter, but believes that the clarification in Part II, Item 10 and corresponding instructions achieves the commenter's desired objective.



- Proposed Changes to form WH-514, Vehicle Mechanical Inspection Report for Transportation Subject to the Department of Transportation Requirements.  
One commenter stated that the data collection field labeled “number of seats” is misleading in vehicles with bench seats, and suggested that the field be revised. The Department agrees with the comment and has revised the field to read “vehicle seating capacity” and has added a clarifying note.
- Proposed Changes to form WH-514a, Vehicle Mechanical Inspection Report for Transportation Subject to the Department of Labor Safety Standards.
  - Consistent with the revision to form WH-514, the Department has revised the data collection field “number of seats” to read “vehicle seating capacity” and has added a clarifying note.
- Proposed Changes to form WH-515, Doctor’s Certificate
  - A commenter identified an incorrect citation in the instructions to the Doctor. The Department has revised the incorrect citation (29 C.F.R. § 500.104(b)(1)(ii)(I)) to the correct citation (29 C.F.R. § 500.105(b)(1)(ii)).

#### **9. Payment or Gifts to Respondents**

The DOL offers no payments or gifts to respondents.

#### **10. Assurances of Confidentiality**

The DOL makes no assurances of confidentiality to respondents. As a practical matter, the DOL would only disclose information collected in accordance with the provisions of the Freedom of Information Act, 5 U.S.C § 552; the Privacy Act, 5 U.S.C. § 552a; and related regulations, 29 C.F.R. Parts 70, 71. While we do strive to maintain confidentiality whenever possible, we do publish lists of eligible and ineligible farm labor contractors as part of our enforcement efforts.

#### **11. Sensitive Questions**

WH-530:

The DOL collects the applicant’s Social Security Number (on Form WH-530) to allow the agency to identify applicants and to run the required background check. The DOL needs to be able to identify the applicant specifically and to assist application reviewers and investigators in ensuring the applicant and registration submitter or holder are the same person. Additionally, WHD runs a background check on each applicant to ensure that he or she has not been convicted, within the preceding five years, of certain named crimes which would prevent an applicant from obtaining a certificate of registration. *See* MSPA §103 and 29 CFR §500.51. The Social Security Number is essential for running this background check. The applicant is required by statute to submit fingerprints with the application, and does so on form FD-258,

**Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration**  
**1235-0016**  
**February 2020**

which also collects the Social Security number. *See* MSPA §102 and 29 CFR §500.45(d). Form WH-530 contains a Privacy Act notice.

WH-514, WH-514A & WH-515:

The DOL asks no sensitive questions in this information collection. Form WH-515 requests only an affirmation that the driver meets the health standards (with an option that driver meets the standards only when wearing glasses). When a FLC or FLCE applicant does not meet the qualifications, the information collection does not ask the physician to identify any reason(s) for the determination. Form WH-515 informs respondents that the WHD needs this information to determine if a FLC/FLCE applicant seeking authorization to drive meets the DOT requirements that the DOL has adopted.

**12. Estimated Annual Respondent Burden Hours**

**General**

The DOL has used the May 2018 national median hourly wage rate for FLCs of \$22.19 to estimate the value of respondent's time. *See* DOL, Bureau of Labor Statistics (BLS), Occupational Employment Statistics Survey, (uploaded as supporting document in ROCIS).

**A Forms WH-514 and WH-514a**

The DOL has used enforcement experience and the actual submissions of Forms WH-514, WH-514a, and WH-515 in developing the following estimates.

The DOL estimates 1,432 respondents annually complete approximately 8,472 Forms WH-514/WH-514a. The DOL further estimates that it takes approximately 5 minutes to complete and file each response, for an annual burden of 409 hours. The median hourly wage rate for FLCs of \$22.19, with an additional 46% benefits cost and 17% overhead cost.

$8,472 \text{ responses} \times 5 \text{ minutes per response} / 60 \text{ minutes} = 706 \text{ burden hours.}$

$706 \text{ burden hours} \times \$22.19 = \$15,666 \text{ (rounded).}$

$706 \text{ burden hours} \times (\$22.19 \times 46\%) = \$7,206 \text{ (rounded).}$

$706 \text{ burden hours} \times (\$22.19 \times 17\%) = \$2,633 \text{ (rounded).}$

Total burden cost: \$25,505

**B Form WH-515**

The DOL estimates it receives 7,532 forms WH-515 from an equal number of respondents who would not otherwise get a doctor's certificate under the DOT requirements. The agency also estimates that it takes approximately 5 minutes to file each form, for an annual burden of 628 (rounded) hours.  $7,532 \text{ responses} \times 20 \text{ minutes} = 2,511 \text{ (rounded) hours}$  (time to obtain physical examination by physician). The DOL also estimates it takes one minute to place Form WH-515 in an accessible location.  $7,532 \text{ responses} \times 1 \text{ minute} = 125 \text{ (rounded) hours}$  for

**Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration  
1235-0016  
February 2020**

recordkeeping. The median hourly wage rate for FLCs of \$22.19, with an additional 46% benefits cost and 17% overhead cost.

7,532 respondents x 26 minutes = 3,264 (rounded) burden hours.

3,264 burden hours x \$22.19 = \$72,428.16

3,264 burden hours (\$22.19 x 46%) = \$33,317 (rounded)

3,264 burden hours (\$22.19 x 17%) = \$12,313 (rounded)

Total burden costs: \$118,058.16

**C Form WH-530**

The DOL bases the following estimates on agency experience with the program and a form completion trial conducted by WHD staff. The DOL estimates annually 18,668 respondents complete Form WH-530. The DOL also estimates it takes an average of 30 minutes to complete each form. The median hourly wage rate for FLCs of \$22.19, with an additional 46% benefits cost and 17% overhead cost.

18,668 respondents x 30 minutes = 9,334 hours.

9,334 burden hours x \$22.19 = \$207,121.19.

9,334 burden hours x (\$22.19 x 46%) = \$95,275.87 (rounded).

9,334 burden hours x (\$22.19 x 17%) = \$35,210.65 (rounded).

Total burden cost: \$337,607.71

**D Total Hour Burden Costs**

Form WH-514 = \$25,505

Form WH-515 = \$118,058.16

Form WH-530 = \$337,607.71

**Total: \$481,170.87**

**13. Estimated Annual Respondent Capital/Start-Up/Operation/Maintenance Costs**

**General**

Respondents submit Forms WH-514, WH-514a, and WH-515 to supplement their Form WH-530 (the FLC/FLCE registration application). OMB Control Number 1235-0016 applies to Form WH-530, and this information collection does not duplicate costs associated with filing Form WH-530 (e.g., mailing). The DOL associates no capitol or start-up costs with this information collection; however, the agency estimates the following respondent costs for maintenance and operation and the purchase of services related to this collection.

**A Forms WH-514 and WH-514a**

This information collection supports an underlying substantive requirement that those who transport any migrant/seasonal agricultural worker(s) do so in vehicles that meet the applicable safety standards; consequently, FLCs have mechanics sign Forms WH-514 or WH-514a to verify the information. The DOL estimates average mechanic costs associated with completion of each Form WH-514/WH-514a to be \$39, for a total operation and maintenance cost of \$330,408 (rounded).  $8,472 \text{ annual responses} \times \$39 = \mathbf{\$330,408}$ .

**B Forms WH-515**

This information collection supports an underlying substantive requirement that those who drive any migrant/seasonal agricultural worker(s) meet the applicable health standards; consequently, respondents take Form WH-515 to their physicians, who mark appropriate the box and sign Form WH-515 to verify the information. The DOL estimates average physician costs associated with completion of each Form WH-515 to be \$69. Total operation and maintenance cost is equal to  $7,532 \text{ annual responses} \times \$69 = \mathbf{\$519,708}$ .

**C Form WH-530**

The cost of sending a 9"X12" envelope with 10 pages is used for the approximate weight of an application packet. The cost of sending such a packet from DC to Atlanta using 1st class mail is \$7.75 (in January 2020). With rare exception, completed applications are submitted by mail.  $18,668 \text{ applications} \times \$7.79 (\$7.75 \text{ postage} + \$0.04 \text{ per envelope}) = \mathbf{\$145,424. (rounded)}$ .

**D. Total Associated Costs**

$\$330,408 \text{ (Forms WH-514/514a)} + \$519,708 \text{ (Form WH-515)} + \$145,424 \text{ (Form WH-530)} = \mathbf{\$995,540}$ .

**14. Estimated Annual Federal Costs**

The annualized federal cost involves printing, mailing, and processing the forms. WHD field offices and State Workforce Agency offices maintain the forms for distribution. Approximately 8,472 WH-514s, 7,532 WH-515s and 18,668 WH-530s are filed annually for a total of 34,672 forms filed.

DOL estimates that about 10 percent of those forms are produced and distributed by WHD, which equals = 3,467. The WHD processes applications in in the San Jose/San Francisco/Oakland office and used OPM wages for that region: [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/SF\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/SF_h.pdf). In addition, there is a 46% benefit cost and 17% overhead cost.

Printing:  $3,467 \text{ forms} \times \$0.03 \text{ per form} = \$104 \text{ (rounded)}$ .

**Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration  
1235-0016  
February 2020**

Postage:  $3,467 \text{ forms} \times (\$.55 \text{ postage} + \$.04 \text{ per envelope}) = \$2,046 \text{ (rounded)}$ .

GS-5, Step 4 mail clerk to mail forms:

$3,467 \text{ forms} \times 5 \text{ minutes per form}/60 \text{ minutes} \times \$22.45 \text{ per hour} = \$6,486.18 \text{ (rounded)}$ .

$3,467 \text{ forms} \times 5 \text{ minutes per form}/60 \text{ minutes} \times (\$22.45 \times 46\%) = \$2,983.64 \text{ (rounded)}$

$3,467 \text{ forms} \times 5 \text{ minutes per form}/60 \text{ minutes} \times (\$22.45 \times 17\%) = \$1,102.65 \text{ (rounded)}$

GS-7, Step 4 clerk to review completed forms:

$34,672 \text{ forms} \times 15 \text{ minutes per form}/60 \text{ minutes} \times \$27.81 \text{ per hour} = \$241,057.08$ .

$34,672 \text{ forms} \times 15 \text{ minutes per form}/60 \text{ minutes} \times (\$27.81 \times 46\%) = \$110,886.26 \text{ (rounded)}$ .

$34,672 \text{ forms} \times 15 \text{ minutes per form}/60 \text{ minutes} \times (\$27.81 \times 17\%) = \$40,979.70 \text{ (rounded)}$ .

**TOTAL ANNUAL FEDERAL COST = \$405,645.51.**

**15. Reasons for Program Changes or Adjustments Affecting Public Burdens.**

There are multiple reasons for the change in costs. The data used in the previous packages has aged in light of updated numbers or applicants and responses. There has been an updated number of responses and applicants based on the most recent numbers provided. Additionally, there was an increase in salaries for government workers, and the added cost of benefits and overhead, as well as a slight increase in the cost of postage.

**16. Publishing Data From Information Collection**

The DOL does not publish the results of this information collection.

**17. Display of OMB Approval Expiration**

The DOL does not seek an exception to the requirement to display the expiration date on this information collection.

**18. Exceptions to Certification Statement**

The DOL is not requesting an exception to any of the certification requirements for this information collection. This request complies with 5 C.F.R. § 1320.9.

**19. Employing Statistical Methods**

Not applicable.