

Justification for non-material change request

OMB Control number 1235-0001

On June 25, 2018, the Department of Labor (Department) submitted a revision to the above referenced collection to add electronic versions/functionality to this information collection. The Department proposed revisions to this ICR pursuant to its authority under section 14(c) of the Fair Labor Standards Act (FLSA), 29 U.S.C. 214(c), and its implementing regulations at 29 C.F.R. Part 525. Specifically, the Department proposed to revise forms WH-226 (Application for Authority to Employ Workers with Disabilities at Special Minimum Wages) and WH-226A (Supplemental Data Sheet for Application for Authority to Employ Workers with Disabilities at Special Minimum Wages). The proposed change provided an electronic form for the public's use when completing the WH-226 and/or WH-226A forms. An online platform was created so the WH-226 and WH-226A forms could be submitted electronically. The substance of the proposed electronic forms was substantially the same with minor word changes to accommodate the type of submission (electronic versus paper). At the time of revision, the Department alerted OMB in the supporting statement that the Department continued to work to implement Phase II of the electronic platform.

The paper versions of the forms had previously been approved by the Office of Management and Budget (OMB). OMB issued a notice of action approving the revision adding the electronic option for the forms on September 10, 2018.

Consistent with Government Paperwork Elimination Act (GPEA) requirements, the Wage and Hour Division (WHD) has continued to explore electronic filing options and functionality for this collection. The Department submits these additional electronic functionality enhancements as a non-material change. No new data is being collected. The Department is merely enhancing electronic functionality for the collection and includes applicable instructions for those features.

Note to reviewer: The final versions of the screens are incorporated into the current electronic form in the IC list and each of the data files reflecting the new screens (capturing the same data) are loaded into the supplementary section. This is to provide OMB the final view as well as the new screens for viewing.