

**2020 Supporting Statement for Application and Training Agreement For
Apprenticeship and On-the-Job Training Programs
OMB 2900-0342
VA Form 22-8864; 22-8865**

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify legal or administrative requirements that necessitate the collection of information.**

The Department of Veterans Affairs is authorized by 38 U.S.C. 3677 and 3687 to provide training assistance allowance to Veterans, reservists, and other eligible persons under chapters 30, 32, 33, and 35 of title 38, U.S.C., and chapter 1606 of title 10 U.S.C., Section 903 of Public Law 96-342, the NCS (National Call to Service) under 10 U.S.C., and chapter 31 section 510. VA serves as the Approving Agency for all federal on-the-job training programs and apprenticeship programs. Each state has an authorized approving entity, known as State Approving Agencies (SAAs), under the authority of 38 U.S.C. 3671 and 3672, to perform this approval function. Currently, VA is serving as Acting SAA in the state of California.

In most cases, rather than use the VA Forms, the SAAs collect the same information as required in 38 CFR 21.4261 and 21.4262 using their own tool. The following administrative and legal requirements necessitate the collection:

- a. 10 U.S.C. 16131(d), 16136, and section 510 of chapter 31.
- b. 38 U.S.C. 3034(a)(1), 3241(a)(1), 3323(a), 3534(a), 3671, 3672, 3687(a).
- c. 38 CFR 21.4150(c), 21.4261(b) and (c), 21.5250(a), 21.7220(a), 21.7720.

- 2. Indicate how, by whom, and for what purposes the information is to be used; indicate actual use the agency has made of the information received from current collection.**

Each on-the-job and apprenticeship trainee must receive a training agreement in accordance with statutory and regulatory requirements. VA Form 22-8864 (or the training agreement provided by the SAA) is used to meet these requirements. VA Form 22-8865 (or the equivalent tool provided by the SAAs) is used to ensure that training programs meet the statutory and regulatory requirements for approval.

- 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.

VA Forms 22-8864 (training agreement) and 22-8865 (employer's application to provide job training) are available on the internet in an electronic fillable format.

- 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.**

VA is not aware of any duplication of this information collection.

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

The information collection does not have a significant impact on a substantial number of small businesses or other small entities. The information collection is required by statute for approval of apprenticeship and on-the-job training programs and payment of training assistance. The information required is not dependent on the size of the business or entity.

- 6. Describe the consequences 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.**

VA cannot approve an apprenticeship or on-the-job training program for VA education benefits or issue payment for training in such programs if the application for approval or the training agreement is not provided.

- 7. Explain any special circumstances that would cause an information collection to be conducted more often than quarterly or require respondents to prepare written responses to a collection of information in fewer than 30 days after receipt of it; submit more than an original and two copies of any document; retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years; in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study and require the use of a statistical data classification that has not been reviewed and approved by OMB.**

There is no special circumstance requiring collection in a manner inconsistent with 5 CFR 1320.6 guidelines.

- 8. If applicable, provide a copy and identify the date and page number of the publication in the Federal Register of the sponsor'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 sponsor in responses to these comments. Specifically address comments received on cost and hour burden.**

The Department notice was published in the Federal Register on June 19, 2020, Volume 85, Number 119 page 37157. One comment was received, as follows:

From: Don Peters <don@notforgottenoutreach.org>

Sent: Friday, June 19, 2020 2:32 PM

To: Green, Danny S. <Danny.Green2@va.gov>

Cc: Matt Cogorno <matt@notforgottenoutreach.org>; nancy.kessinger@va.gov

Subject: [EXTERNAL] "OMB Control No. 2900-0342" Application and Training Agreement for Apprenticeship and On- the-Job Training Programs

Mr Dan,

Not Forgotten Outreach, Inc. has an AmeriCorps program in training in agriculture. Per the AmeriCorps regulations the participants are "volunteers" and receive a "stipend" during their "term of service". Where as, the VA OJT programs language indicates the participants to be "employees" and receive "wages".

Recommending: changing the language to read "employee/volunteer" and "wages/stipend"

Thank you,

d

Don Peters
Executive Director
Not Forgotten Outreach, Inc.
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www.notforgottenoutreach.org

"Veteran Farmers Know How to Dig In"

VA's response to Mr. Peters:

We appreciate your interest in working with Veterans and have carefully considered your comments. Unfortunately, we are unable to implement them as suggested.

Generally, volunteers in a training program that includes receipt of a monthly stipend do not meet the criteria for approval of On-the-Job Training or Apprenticeship Training programs for VA education benefits. VA regulations require trainees to be employees in receipt of wages.

There is one narrow exception in 38 USC 3672 (2) (A) (iii). This exception requires VA to approve apprenticeship programs that are registered with the Office of Apprenticeship (OA) of the Employment Training Administration of the Department of Labor (DOL) or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (popularly known as the "[National Apprenticeship Act](#)"; [29 U.S.C. 50](#) et seq.).

In the case of apprenticeship programs registered by DOL, such as some offered by AmeriCorps, a branch of the Corporation for National and Community Service (CNCS), VA has no authority to overrule the DOL approval and/or review payroll records. Receipt of a monthly stipend is in accordance with DOL regulations pertaining to apprenticeship programs.

Thank you for your continued support.

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

No payments or gifts to respondents have been made under this collection of information.

10. Describe any assurance of privacy, to the extent permitted by law, provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The VA Form 22-8864 is retained permanently at the training establishment site as part of the trainee's progress records. This form must be available at the time of an SAA or VA site visit or compliance survey. VA Form 22-8865 is submitted to the SAA/VA as part of the initial application. Our assurance of confidentiality is covered by 38 U.S.C. 5701 and our System of Records, Compensation, Pension, Education and Vocational Rehabilitation and Employment Records - VA (58VA21/22/28), which are contained in the Privacy Act Issuances, 2012 Compilation.

11. Provide additional justification for any questions of a sensitive nature (Information that, with a reasonable degree of medical certainty, is likely to have a serious adverse effect on an individual's mental or physical health if revealed to him or her), such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private; include 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.

There are no questions of a sensitive nature.

12. Estimate of the hour burden of the collection of information:

Estimate of Information Collection Burden.

a. Number of Respondents = 5,872 between the two forms.

- VA received approximately **1,091** responses/applications for approval of job training (VA Form 22-8865 or its equivalent).
- VA received approximately **4,781** responses/applications for the VA Form 22-8864.
- VA estimates that an employer takes 90 minutes (1.5 hours) to complete the VA Form 22-8865 application.
- VA estimates that the trainee and employer will complete the training agreement (VA Form 22-8864 or its equivalent) in 30 minutes.

Note: The average response time to complete the two forms is 120 minutes.

a. Frequency of Response(s): 8864 = On Occasion: 8865 = Once

b. Annual Burden Hours: 11,744 (5,872 X 1 X 120 / 60 =)

c. Estimated Completion Time: 120 minutes

d. The respondent population for VA Form 22-8864 is Veterans who are pursuing approved programs of education. The respondent population for VA Form 22-8865 is completed by the employer. VA cannot make further assumptions about the population of respondents because of the variability of factors such as educational background and wage potential of respondents. Therefore, VA used general wage data to

estimate the respondents' costs associated with completing the information collection.

The Bureau of Labor Statistics (BLS) gathers information on full-time wage and salary workers. According to the latest available BLS Data, the median weekly earnings of full-time wage and salary workers is \$1,028.80. Assuming a forty (40) hour work week, the median hourly wage is \$25.72, based on the BLS wage code – “00-0000 for All Occupations”. This information taken from the following website: https://www.bls.gov/oes/current/oes_nat.htm#00-0000 May, 2019.

Legally, respondents may not pay a person or business for assistance in completing the information collection. Therefore, there are no expected overhead costs for completing the information collection. VA estimates the total cost to all respondents to be \$302,055.68 (11,744 burden hours x \$25.72 per hour).

1. Provide an estimate of 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 shown in Items 12 and 14).

This submission does not involve any recordkeeping costs.

2. Provide estimates of annual cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operation 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 also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Estimated Costs to the Federal Government:

ELR Grade	Step	Burden Time	Hourly Rate	Cost Per Response	Total Responses for 8865	Total
11	5	30 min	\$ 34.76	\$ 17.38	1,091	\$ 18,961.58 (1,091 X \$34.76 X 30/60)
Overhead at 100% Salary						\$ 18,961.58

ELR Grade	Step	Burden Time	Hourly Rate	Cost Per Response	Total Responses for 8864	Total
Overhead costs are 100% of salary and are same as the wage listed above and the amounts are included in the total.						
9	5	15 min	\$28.73	\$ 7.18	4,781	\$ 34,339.53 (4,781 X \$28.73 X 15 / 60)
Processing / Analyzing Costs					\$ 0	\$ 0
Printing and Production Cost					\$ 0	\$ 0
Overhead at 100% Salary						\$ 34,339.53
Total Cost to Government						\$ 53,301.11

Note: The hourly wage information above is based on the hourly 2020 General Schedule (Base) Pay

<https://vaww.infoshare.va.gov/sites/educationservice/pro/Lists/Procedures%20Task%20Creation/Attachments/9/Wage%20and%20Salary%20Table%20for%202020%20Rest%20of%20USA.pdf>

This rate does not include any locality adjustment as applicable.

The processing time estimates above are based on the actual amount of time employees of each grade level spend to process to completion a claim received on this form.

3. Explain the reason for any burden hour changes since the last submission.

There was a decrease in the number of applications received for on the job training and apprenticeships during the periods from 2016 through 2019.

4. 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.

The information collection is not for publication or tabulation use.

5. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We are not seeking approval to omit the expiration date for OMB approval.

6. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB 83-I.

This submission does not contain any exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods

This collection of information does not employ statistical methods.

