

SUPPORTING STATEMENT
WORK-STUDY PROGRAM OF THE CHILD LABOR REGULATIONS (WSP)
REGULATIONS 29 CFR 570.35 AND 570.37
OMB Control Number 1235-0024

Part 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 Department of Labor (DOL or Department) administers 29 CFR 570.35(b), which describes the conditions of employment that allow the employment of 14- and 15-year-olds, pursuant to a school-supervised and school-administered Work-Study Program (WSP), under conditions CL Reg. 3 otherwise prohibit. The regulation requires the implementation of an information collection with regard to a WSP.

Fair Labor Standards Act (FLSA) section 3(l) establishes a minimum age of 16 years for most nonagricultural employment, but allows the employment of 14- and 15-year-olds in occupations other than manufacturing and mining if the Secretary of Labor determines such employment is confined to (1) periods that will not interfere with the minor's schooling; and (2) conditions that will not interfere with the minor's health and well-being. 29 U.S.C. 203(l).

FLSA section 11(c) requires all covered employers to make, keep, and preserve records of their employees' wages, hours, and other conditions and practices of employment. 29 U.S.C. 211(c). Section 11(c) also authorizes the Secretary of Labor to prescribe the recordkeeping and reporting requirements for these records. *Id.*

The regulations at 29 CFR part 570, Subpart C [Child Labor Regulations, Orders and Statements of Interpretation] (CL Reg. 3) set forth the employment standards for 14- and 15-year-olds.

A. Reporting Requirements:

(1) WSP Application: In order to use the CL Reg. 3 WSP provisions, § 570.37(b)(2) requires a local public or private school system to file with the Wage and Hour Division (WHD) Administrator an application for approval of a WSP as one that does not interfere with the schooling or health and well-being of the minor(s) involved.

(2) Written Participation Agreement: The regulations require preparation of a written participation agreement for each student participating in a WSP and that the teacher-coordinator, employer, and student each sign that agreement. *See* 29 CFR 570.37(b)(3)(iv). The regulations also require that the student's parent or guardian sign the training agreement or otherwise give consent to validate the agreement.

B. Recordkeeping Requirements: The regulations require a school system operating a WSP to keep a copy of the written participation agreement for each student enrolled in the WSP at the student's school. Employers of WSP participants are also required to keep a copy of the written participation agreement for each student employed. These agreements must be maintained for 3 years from the date of the student's enrollment in the WSP. *See id.* § 570.37(b)(4)(ii).

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.

A. WSP Application: Under the regulations, a local school system must file a letter of application requesting WHD to approve a WSP that permits the employment of 14- and 15-year-olds under conditions that CL Reg. 3 would otherwise prohibit. The Department then evaluates the information to determine if the program meets the requirements specified in the regulation.

B. Written Participation Agreement: The school system administering the WSP and each applicable employer must separately maintain a copy of the written participation agreement for each student. The teacher-coordinator, the employer, and the student must sign the written agreement. In addition, the student's parent or guardian must either sign or otherwise provide consent to validate the participation agreement. The written participation agreement must be structured to ensure that the quality of the student's education, as well as his or her safety and well-being, are not compromised. School systems, employers, and the DOL will use these records to document the validity of the WSP and that the 14- and 15-year-old students are employed in accordance with the special WSP rules.

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.

The regulation prescribes no particular form for the application, provided the applicant submits all required information. The Department also does not intend to require a particular format for the written participation agreement. In accordance with the Government Paperwork Elimination Act, WHD will accept electronic submission by e-mail or fax. The DOL receives only 10 WSP applications per year. The costs to develop and maintain an on-line application system would not be justified for such a small information collection. The Department will accept the parties' electronic submission of the written participation agreement provided the submission contains the required information and signatures. As the written participation agreements are third-party disclosures requiring multiple signatures, the development of an on-line submission option is not practical.

The regulations prescribe no particular order or form of records. Under existing regulations, WHD accepts records preserved in such forms as automated word or data processing, provided the school systems and employers make adequate facilities available for their inspection and transcription by DOL representatives. *See* 29 CFR 516.1.

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.

Federal rules regulating youth employment are unique to WHD. The agency is not aware of any duplicative effort to collect this information. This information is not already collected under existing authorities, such as the general FLSA recordkeeping requirements under 29 CFR Part 516 (See OMB controls 1235-0018) or other sections of the youth employment regulations. The requested information is not available from any other source.

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

This information collection will not have a significant economic impact on a substantial number of small entities. The information required in the application letter is the minimum necessary to determine if the WSP meets the proposed regulatory requirements for approval. The written participation agreement is necessary to document the validity of a WSP. Without this information, small businesses would have no way of documenting their participation in a WSP and that their employment of 14- and 15-year olds complied with the law.

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.

Without this information collection, WHD would have no means to determine whether a WSP meets the regulatory requirements of CL Reg. 3. The regulations allow WHD to approve a WSP for a period of up to two years. Less frequent application would prevent WHD from ensuring that approved programs do not interfere with the schooling of the minors or their health and well-being. It would be difficult or impossible for WHD to determine the legal employment of 14- and 15-year-olds during school hours, were records relating to the participation of minors in a WSP not maintained.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to 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;**
- **requiring the use of a statistical data classification that has not been reviewed and**

approved by OMB;

- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances involved in this information collection request.

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.

The Department has published a Notice with respect to the extension of this information collection on September 28, 2021, and invited comments on the information collection burdens imposed by this collection. See 86 FR 53690. The DOL received no comments on this information collection.

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

The Department offers no payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

The Department offers no assurances of confidentiality in association with this information collection. As a practical matter, WHD would only disclose information submitted in connection with an approval request or contained in records a school system or employer must maintain 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 their respective regulations, 29 CFR parts 70 and 71.

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.

This information collection contains no sensitive information.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under ‘Annual Cost to Federal Government’.**

The Department bases these burden estimates on experience with the program.

A. School burdens:

(1) WSP Application: The DOL estimates it will take approximately 2 hours for a school system to prepare the letter applying for WSP approval and 30 seconds (or 0.5 minutes) to file it. The DOL estimates that approximately 10 school systems will apply each year.

10 applications × 2 hours for application preparation = 20 hours
10 applications × 0.5 minutes for recordkeeping ÷ 60 min. per hour = 0.08 hours

Therefore, the Department estimates an annual burden of 20.08 hours for schools regarding WSP applications. (Rounded down to 20 hours in ROCIS).

(2) Written Participation Agreement: The Department estimates each written participation agreement between the teacher-coordinator, employer, student, and parent or guardian of the student will take approximately 1 hour to complete, and that it will take 30 seconds (or 0.5

minutes) to file it. The DOL also estimates (1) an average of 50 employers will enter into a WSP agreement with each school system, for a total of 500 employer respondents (10 school system applicants per year \times 50 employers per school system); (2) 1 student will participate annually under each agreement—for a total of 500 agreements (500 employer respondents \times 1 student per agreement); and (3) the remaining parties (students and parents or guardians) will have no paperwork burden because they merely sign the document upon review.

500 agreements \times 1 hour for preparation = 500 hours
500 agreements \times 0.5 minutes for recordkeeping \div 60 mins per hour = 4.17 hours

Therefore, the Department estimates an annual burden of 504.17 hours for schools regarding written participation agreements. (Rounded down to 504 hours in ROCIS).

B. Employer burdens:

The Department estimates each employer will need approximately 30 seconds (or 0.5 minutes) to file its own written participation agreement.

500 written participation agreements \times 0.5 minutes \div 60 mins per hour = 4.17 hours.

Therefore, the Department estimates an annual burden of 4.17 hours for employers. (Rounded down to 4 hours in ROCIS).

Total responses: 10 WSP application school responses + 500 written participation agreement school responses + 500 written participation agreement employer responses = 1,010 responses

Total hours: 20.08 hours for schools regarding WSP applications + 504.17 hours for schools regarding written participation agreements + 4.17 hours for employers regarding written participation agreements = 528.42 hours

Total Annual Reporting and Recordkeeping Burden: 1,010 responses and 528 hours (rounded)

Absent any specific data on compensation of respondents in these educational institutions and participating employers, the DOL has used the June 2021 average hourly wage rate, for a production or nonsupervisory worker in education and health services, of \$30.96 to estimate respondent costs. See *The Employment Situation: October 2021 (release date 11-05-21)*, DOL, Bureau of Labor Statistics, October 2021, Table B-3. This is uploaded into ROCIS. To this hourly rate, the Department has added 46% benefit cost ($\$30.96 \times 0.46 = \14.24) and 17% overhead cost ($\$30.96 \times 0.17 = \5.26) for a rate of \$50.46 ($\$30.96 + \$14.24 + \5.26).

Accordingly, the Department estimates annual respondent costs will be \$26,668 (rounded) (528.5 annual reporting and recordkeeping hours \times \$50.46 staff wages per hour).

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

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There are no capital or start-up costs associated with this ICR.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

Total estimated annual federal cost: \$0

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

There is no change in burden hours.

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.

The Department will not publish this information.

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

No particular forms accompany this information collection.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

The Department is not requesting an exception to any of the certification requirements for this information collection. This request complies with 5 CFR 1320.9.

Part B: COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.