
Supporting Statement for Labor Relations Report.

Part A: Justification

OMB No. 1910-5143

Labor Relations Report

February 2021

U.S. Department of Energy
Washington, DC 20585

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Introduction

Provide a brief introduction of the Information Collection Request. Include the purpose of this collection, note the publication of the 60-Day Federal Register Notice, and provide the list of forms within this collection.

The information collection requests a three-year extension of its Labor Relations Report. It requests information from the DOE Management and Operating (M&O) and Facilities Management Contractors to ensure that Department contractors recruit and retain a workforce in accordance with the terms of their contract and in compliance with statutory and regulatory requirements as identified by their contracts. Included in this submission is the Labor Relations Report Form.

The Department published a 60-day Federal Register Notice and Request for Comments concerning this collection in the Federal Register on July 13, 2021, volume 86, number 131, and page number 36739.

A.1. Legal Justification

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 information collection.

This collection requests information from the DOE M&O and Facilities Management Contractors for contract administration, management oversight, and cost control. This information is used to ensure that Department contractors recruit and retain a workforce in accordance with the terms of their contract and in compliance with statutory and regulatory requirements as identified by the contract. The statutory authority for collection of this data is 42 U.S.C. § 7254, which states that "[t]he Secretary is authorized to prescribe such procedural and administrative rules as he may deem necessary or appropriate to administer and manage the functions now or hereafter vested in him;" and 42 U.S.C. § 7256(a), which states that "[t]he Secretary is authorized to enter into and perform such contracts, leases, cooperative agreements, or other similar transactions with public agencies and private organizations and persons, and to make such payments (in lump sum or installments, and by way of advance or reimbursement) as he may deem to be necessary or appropriated to carry out functions now or hereafter vested in the Secretary."

Department contractors are reimbursed through their contracts for the costs of providing this information, as it is an allowable contract cost under Department of Energy Acquisition Regulations (DEAR) 970.5204-3, 970.5227-1, and 970.5232-3. Therefore, those contractors would not be adversely impacted by the requirement to provide the information. The collection of this information is unlike a request for information imposed upon the general public, for which the costs are not reimbursed.

A.2. Needs and Uses of Data

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

This information is generally used by DOE Heads of Contracting Activities, Contracting Officers, Contracting Officers' Representatives, and program managers for contract administration, management oversight, and cost control of DOE M&O and Facilities Management Contracts. As a team, we analyze the information reported to gain a better understanding of the standard working conditions and benefits around the DOE Complex, as well as for comparison to the private sector. This is important because DOE has a financial interest in seeking to approve pay and benefit reimbursement requests that are approximately in-line with industry standards and around the Complex.

Each question included is necessary for this analysis because different groups of workers desire different benefits, such as higher wages versus more generous benefits. It is our job to ensure that these are given appropriate weight to the overall analysis. This task is done each time a CBA comes up for renewal, which generally occurs every 3 to 5 years; due to the number of CBAs in the Complex, we conduct this analysis approximately 10 times per year.

Additionally, if a strike were to occur on a DOE site, which happens from time to time, due to safety and continuity of operations concerns DOE needs to have all information available to aid the Contractor and Union achieve fast and lasting resolutions through negotiation. Having all information logged and ready allows us to communicate with the Contractor about what costs would be allowable. Unlike the private sector, Contractors typically only offer pay and benefits up to DOE-approved reimbursement levels. For instance, a Guard's Union initiated a strike and picket in mid-2019; similarly situated employees throughout the DOE Complex quickly responded through various other legal actions to support the striking unit. We were only able to help resolve this issue by offering the Contractor and Union a better understanding of the wages and benefits of other similar employees, which spurred a resolution through further negotiations. If we had to conduct ad-hoc surveys across the Complex, the entire DOE mission could be at risk.

A.3. Use of Technology

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.

DOE continues to require contractors to use the same computer software, known as iBenefits, to input this information. There has been no change since the prior request.

iBenefits is a web-based application found at <https://doeibenefits2.energy.gov/>. Access to the site is granted to users requiring access according to the Security Plan Process. The application hardware is operated, maintained, and controlled by the DOE Office of Chief Information Officer Application Hosting Environment. Users are located across the Department's complex of offices and facilities, and its hosted pages and relational database are located in Germantown, Maryland. Operating within this overall architecture, iBenefits consists of a number of independent modules which share a common set of reference tables, user identification protocols, security mechanisms, data entry techniques, and other such operating conventions. This system was designed to reduce the information collection burden and improve the timeliness and usefulness of the information collected.

DOE M&O and Facilities Management Contractors enter the data manually into the Labor Relations module in the fiscal year quarter following the signing of a collective bargaining agreement.

A.4. Efforts to Identify Duplication

Describe efforts to identify duplication.

General Counsel office 63 serves as the nexus for all contractor human resources issues in the Department. No similar collections are conducted to which The General Counsel is aware. The data collected is not available from any other source and is not duplicated elsewhere.

A.5. Provisions for Reducing Burden on Small Businesses

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

The collection of information will not have a significant economic impact on small businesses or other small entities. The contractors who manage and operate DOE facilities are responsible for providing the information, and those contractors exceed the Small Business Administration's (SBA) size standards for small businesses. DOE expects that any potential economic impact of the collection of information on small businesses would be minimal because DOE contractors are reimbursed through their contracts for the costs of providing the requested information.

A.6. Consequences of Less-Frequent Reporting

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.

Effective oversight and management of DOE M&O and Facilities Management Contracts and Department mission accomplishment would be hindered without the collection of this information.

The frequency of collection is dictated by the negotiations with union representatives of the DOE contractor's employees. The contractor negotiates with union representatives based upon sound management practice, regulations, Departmental orders, and requirements. The frequency of these negotiations varies but are usually within a 3 to 5 year frequency, with most occurring on a 3 year cycle. When any of these conditions change and information collections can be reduced, reductions are made, and the contract documents are adjusted accordingly.

A.7. Compliance with 5 CFR 1320.5

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines:

- (a) requiring respondents to report information to the agency more often than quarterly;**
- (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- (c) requiring respondents to submit more than an original and two copies of any document;**

(d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years;

(e) in connection with a statistical survey, that is not designed to product valid and reliable results that can be generalized to the universe of study;

(f) requiring the use of statistical data classification that has not been reviewed and approved by OMB;

(g) that includes a pledge of confidentiality that is not supported by authority established in stature of 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

(h) 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.

Information collections in this package have been reviewed and justified by Department management, contract administration requirements, statutes, regulations, inter-agency reporting requirements, Departmental orders, or other internal Department requirements. The collections are consistent with OMB guidelines and 5 CFR 1320.5.

A.8. Summary of Consultations Outside of the Agency

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 5CFR 320.8(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 in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE 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 report.

The Department published a 60-day Federal Register Notice and Request for Comments concerning this collection in the Federal Register on July 13, 2021, volume 86, number 131, and page number 36739. The notice described the collection and invited interested parties to submit comments or recommendations regarding the collection. No comments were received.

The Department published a 30-day Federal Register Notice and Request for Comments concerning this collection in the Federal Register on October 19, 2021, volume 86, number 199, and page number 57815.

GC-63, the cognizant office in charge of this data collection, constantly communicates with the responding parties on a variety of issues. During these normal conversations, sometimes the topic of this data collection arises, and we will discuss and record any comments, criticisms, or suggestions made by these parties throughout the reporting period. Additionally, comments can come through site counsel,

site contracting officer, programmatic human resources management, etc. In these cases, we seek to clarify any comments that are not clear. The effort of analyzing and adjusting our practices is a normal function of this office, which includes those activities related to this specific data collection.

A.9. Payments or Gifts to Respondents

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

There is no remuneration given for submission of any of the information. The contractor is reimbursed for costs expended fulfilling contractual requirements.

A.10. Provisions for Protection of Information

Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

When the collection of confidential information is involved, the provisions for handling the information are set forth in the contract documents, related Departmental regulations, and the Privacy Act of 1974 (5 U.S.C. § 552a). The iBenefits application includes processes designed to ensure the integrity and access of the data. Each contractor has unlimited access to its own data, and its personnel cannot access the data of any other contractor. DOE Field and Headquarters personnel are able to view the data entered by assigned contractors but are unable to change the data.

A.11. Justification for Sensitive Questions

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 DOE 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.

There are no collections in this package involving questions that are sensitive, personal, or private in nature.

A.12A. Estimate of Respondent Burden Hours

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, DOE should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample fewer than 10 potential respondents is desirable.

The burden provided represents the number of estimated labor hours for the contractor to furnish the data for each of the data collection categories.

There are 35 respondents. The collection of information is required only when a new collective bargaining agreement has been approved or changes have been agreed upon by the contractor and its union represented employees. The length of time may be from three to five years depending on the negotiated agreement. The majority of contracts are three years and that timeframe was used for

calculating the annual hour burden. The estimated annual total labor hour burden for this package is 64.4 based on an estimate of 5.5 hours per respondent, divided by 3 years, which equals 1.84 hours per year. The 1.84 hours is multiplied by the 35 respondents to equal 64.4 hours annually. Professional judgment and consultation with respondents were used to calculate the burden.

Total number of unduplicated respondents: 35
 Reports filed per person: 1
 Total annual responses: 35
 Total annual burden hours: 64.4

Average Burden: Per Collection: 1.84 hours
 Per Respondent: 1.84 hours

Table A1. Estimated Respondent Hour Burden

Form Number/Title (and/or other Collection Instrument name)	Type of Respondents	Number of Respondents	Annual Number of Responses	Burden Hours Per Response	Annual Burden Hours	Annual Reporting Frequency
Labor Relations Report in iBenefits (1910-5143)	Contractor Human Resources Specialist	35	35	1.84	64.4	1
TOTAL		35	35		64.4	

A.12B. Estimate of Annual Cost to Respondent for Burden Hours

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’.

Privately employed Contractor Human Resources Specialists will fill out and submit the reports. The average hourly wage rate published by the U.S. Department of Labor for this personnel type is \$33.74 per hour.¹ DOE estimated the fully burdened wage rate ($\$33.74 * 1.4$)² as \$47.24. By multiplying this fully burdened wage rate by the total annual burden hours that respondents will incur (1.84 hours), we calculate that the per respondent cost amounts to \$86.92.

Table A2. Estimated Respondent Cost Burden

Type of Respondents	Total Annual Burden Hours	Hourly Wage Rate	Total Respondent Costs
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¹ Annual salary of \$70,180 from U.S. Bureau of Labor Statistics. <https://www.bls.gov/ooh/business-and-financial/human-resources-specialists.htm#tab-5>

² GC-63 was directed by the Department of Energy Paperwork Reduction Act Desk Officer to use a multiplier of 1.4% to arrive at the fully burdened wage rate for non-government workers.

Contractor Human Resources Specialist	64.4	\$47.24	\$3,042
TOTAL	64.4		\$3,042.25

A.13. Other Estimated Annual Cost to Respondents

Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

There are no other additional or secondary costs to Respondents.

A.14. Annual Cost to the Federal Government

Provide estimates of annualized cost to the Federal government.

The iBenefits application is already in existence, and there is no additional cost to run the Labor Relations Report module. The government must reimburse the contractor for these collection costs pursuant to their contracts. The average expense of \$86.92 per contractor per year, multiplied by 35 contractors, equals a total of \$3,042 per year. There is one Federal employee who reviews and analyzes the data submitted by respondents. The fully burdened hourly wage is about \$97.39, and it is estimated that approximately 30 hours are expended by the Federal employee reviewing and analyzing the data for a total of \$2,921.70 per year.³

Thus, the total annual cost is estimated to be \$5,964 per year.

A.15. Reasons for Changes in Burden

Explain the reasons for any program changes or adjustments reported in Items 13 (or 14) of OMB Form 83-I.

A policy decision was made to include costs that were previously excluded here and only accounted for within the award of each DOE contract. We understand that many collections were previously submitted without a cost. Apart from wage growth, there has been no monetary change in this collection, merely a change in an internal accounting policy.

Table A3. ICR Summary of Burden

	Requested	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Previously Approved
Total Number of Responses	35		0	35
Total Time Burden (Hr)	64.4		0	64.4

³ Fully burdened rate for GS-14-02 conducting this work, \$60.87 * 1.6 = \$97.39.

<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DCB.pdf>

Information on the 1.6 multiplier used, <http://www.bls.gov/news.release/ecec.nr0.htm>

Total Cost Burden	3042		3042	0
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A.16. Collection, Tabulation, and Publication Plans

For collections whose results will be published, outline the plans for tabulation and publication.

This package contains no collections whose results will be published, tabulated, or used for statistical purposes. The information collection is used to ensure that Department contractors maintain good labor relations and retain a workforce in accordance with the terms of their contracts and in compliance with applicable statutory and regulatory requirements as identified by the contract.

A.17. OMB Number and Expiration Date

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

The OMB number, expiration date, and burden statement will be included displayed.

A.18. Certification Statement

Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.

No exceptions have been taken. This collection of information has been reviewed and justified by Departmental management requirements, statutes, external regulations, interagency reporting requirements, Departmental orders, or other internal DOE requirements, and meets the requirements listed in the “Certification for Paperwork Reduction Act Submissions.”