

# SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSIONS

## FMCS FORM F-7 OMB NO. 3076-0004

### A. Justification

#### 1. Circumstances that make the collection of information necessary.

The notice information submitted is required by statute 29 U.S.C. 158 (d)(3). That provision states that where there is in effect a collective-bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively requires that the party seeking termination or modification of that contract: (i) serves written notice on the other party 60 days prior to the expiration or proposed termination or modification date; (ii) offers to meet and confer with the other party for the purpose of negotiating a new or modifying an existing contract; (iii) notifies the FMCS within 30 days of serving written notice to the other party of the existence of a dispute, and; (iv) continues the terms of the contract, without a strike or lockout, for 60 days after the written notice given to the other party. Failure to comply with these terms may be found to be an unfair labor practice.

Whenever the collective bargaining involves employees of a health care institution, the provisions of the Taft-Hartley Act's §8(d) are modified as follows: When there is a collective bargaining agreement in effect, the duty to bargain requires that the party seeking the termination or modification: (i) serves a 90-day written notice on the other party; (ii) offers to meet and confer with the other party for the purpose of negotiating a new or modifying an existing contract; (iii) notifies the FMCS within 30 days of serving written notice to the other party of the existence of a dispute, and; (iv) continues the terms of the contract, without a strike or lockout, for 90 days after the written notice is given to the other party.

Where the bargaining is for an initial agreement in a health care institution following certification or recognition, the labor organization must provide the FMCS with at least 30 days' notice of the existence of a labor dispute.

**2. By whom, how, and for what purpose the information is to be used.**

The FMCS uses notice information received from the parties to alert its mediators to the presence of impending strike or lockout situations. Mediators can then proffer their assistance to the parties. Without the notice information, the FMCS would not be aware of impending contract negotiations and the offer of assistance to the parties contemplated by statute 29 U.S.C. 158 (d)(3), and 29 U.S.C. 173(a) could not be implemented.

**3. Consideration of the use of improved information technology.**

FMCS receive notices electronically through its public web site. Notices received electronically are simpler and faster for the FMCS to process and reduce postage and handling costs. Parties must supply the requested information in order for the FMCS to successfully initiate contact with them.

**4. Efforts to identify duplication.**

The F-7 is the only form used to collect information required under 29 U.S.C. 158(d)(3) and no other entity collects comparable data.

**5. Methods to minimize the burden to small businesses if involved.**

The form succeeds in minimizing the burden placed on small businesses since the same form can be used to notify both FMCS and any State or Territorial mediation agency, it is easier and faster to complete than composing and typing a letter and obviates the need for further correspondence to obtain omitted information.

**6. Consequences to the Federal program if collection were conducted less frequently.**

The form is completed only once for each contract negotiation cycle. Accordingly, any less frequent filing would mean a complete negation of the statutory function assigned to FMCS.

**7. Explain any special circumstances that would cause the information collection to be conducted in a manner inconsistent to the guidelines.**

There are no special circumstances regarding the collection of this information that would cause the information collection to be conducted in a manner inconsistent with the guideline.

**8. Consultation.**

Attached is the notice published in the Federal Register soliciting comments. No public comments were received. The FMCS frequently consults with the labor and management representatives who complete this form regarding the data collected and disseminated as a result of this collection activity.

**9. Explain any decision to provide any payment of gift to respondents.**

The FMCS does not provide any payment or gift to respondents.

**10. Describe any assurance of confidentiality provided to respondents.**

The FMCS provides respondents with no assurance of confidentiality. Personal information such as the individual's home address and home phone number are not collected.

**11. Additional justification for any questions of a sensitive nature.**

There are no questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, or other matters that are commonly considered private.

**12. Estimates of reporting and recordkeeping hour and cost burdens of the collection of information.**

Approximately 16,000 respondents file notices with the FMCS each fiscal year. The annual hour burden is an estimated 2,667 hours, approximately 10 minutes for each notice.

**13. Estimates of annualized capital and start-up costs.**

The total annual reporting and recordkeeping cost burden is \$54,107. This figure was estimated by multiplying the estimated annual burden hours of 2,667 by the amount of the pro-rated mean hourly wages for administrative assistance of \$20.29.

**14. Estimates of annualized Federal Government Costs.**

The estimated annualized cost to the government include: \$136,000 for administrative and operational support overhead including space rental, equipment, IT support, HR support, and related functions; and \$335,000 for wages and benefits of notice processing employees. The total cost to the government is estimated at \$471,000 annually.

**15. Explain the reasons for the change in burden.**

There are no program changes or adjustments.

**16. For collections of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis and publication.**

The number of notices received is published in summary in the FMCS's annual report for each fiscal year. The FMCS publishes notification data each month in response to Freedom of Information Act requests.

**17. Explain the reasons for seeking not to display the expiration date for OMB approval of the information of collection.**

The agency is not seeking approval to not display the expiration date of OMB approval of information collection.

**18. Explain each exception to the certification statement.**

There is no exception to the certification statement identified in Item B.

**B. Collections of Information Employing Statistical Methods**

**NOT APPLICABLE**