

**Supporting Statement for Paperwork Reduction Act Submissions
Federal Labor Standards Questionnaire and Complaint Intake Form
OMB# 2501-0018**

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.

HUD, state and local agencies administering HUD-assisted programs must enforce federal wage and reporting requirements on covered HUD-assisted construction and maintenance work. Enforcement activities include 1) conducting compliance reviews and collecting information from laborers and mechanics employed on HUD-assisted projects about their employment on covered projects, and, 2) HUD and agencies may be contacted by the workers or by others who wish to file a complaint of labor standards violation(s). Questionnaire and complaint forms may be supplemented with additional pages, as needed.

Responses and the provision of supplemental information are voluntary on the part of respondents. Questionnaire and complaint forms must be retained by HUD and agencies for a period of three (3) years following completion of the covered work in order to document the sufficiency of enforcement efforts. Records retention and enforcement responsibilities are found in U.S. Department of Labor regulations, 29 CFR Part 5, Section A, paragraphs (a)(2) and (a)(3), respectively.

The respondents/complainant's participation in these information collections is completely voluntary. However, for any person that chooses to participate, information provided by the respondent/complainant may influence HUD to initiate enforcement actions including administrative sanctions and/or civil or criminal prosecution. Therefore, it is necessary for HUD to validate the identity of respondents/complainants. HUD will request a Social Security Number (SSN) to validate the respondent's/complainant's identity as well as a means to cross-reference employee data supplied by employers on certified payroll reports.

Records retention and enforcement responsibilities are found in U.S. Department of Labor Regulations, 29 CFR Part 5, Sections 5.6 paragraphs (a)(2) and (a)(3), respectively. (Copies of DOL Regulations Part 5, Sections 5 are attached)

This collection is not related to the Patient Protection and Affordable Care Act (PPACA, PL 111-148 and 111-152) or Affordable Care Act.

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.

This is a revision of a currently approved collection. Information collected on HUD-4730 and 4730SP, Federal Labor Standards Questionnaires, will be used by HUD and agencies administering HUD programs to collect information from laborers and mechanics employed on HUD-assisted projects. Employers are required to submit weekly certified payroll reports in order to demonstrate and attest to their compliance with Federal labor standards. The information collected on questionnaires is primarily used to determine whether payroll information supplied by employers is valid. Testing employer data can disclose violations that may be concealed or that are otherwise not apparent to the agency.

Information collected on the HUD 4731, Federal Labor Standard Complaint Intake form, is used by HUD and agencies administering HUD programs to collect information from complainants alleging violations of federal labor standards on HUD-assisted projects. The information collected is used in the investigations into the allegations.

Generally, enforcement actions, including investigations, are geared to the respondent's benefit, that is, to determine whether the respondent was underpaid and to ensure the payment of wage restitution to the respondent, if so.

These forms have been crafted to focus on essential information, to make it easy to read and complete, and to best capture the information needed for HUD to competently enforce federal labor standards and to protect workers' rights to prevailing wages.

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.

Questionnaires are sent to respondents, and returned to the agency, by mail or email. Questionnaire forms are provided in a fillable format so that agency staff can easily prepare the form for mailing.

The Compliant Intake form is completed by HUD, state, or local agency representatives for the respondent. It is available in a fillable format so it may be completed on a computer.

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.

The information that will be collected from respondents is not available to HUD from existing data sources.

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 adversely impact small businesses or other small entities.

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.

HUD would not be able to conduct investigations or other enforcement activities to ensure compliance with Federal labor standards provisions Laborers and mechanics (target respondents) may be underpaid for their labor as a result.

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

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 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 preclude consultation in a specific situation. These circumstances should be explained.

Published August 3, 2023, page number 51846. No comments were received. There was no consultation with representatives from whom information is received.

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

There are no payments or gifts to respondents.

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

Confidentiality for all respondents is afforded in compliance with the Privacy Act of 1974. HUD assures confidentiality to respondents (complainants) pursuant to DOL regulations 29 CFR Part 5, Section 5.6(a)(5). HUD does not disclose or otherwise release the identity of complainants without prior consent by the complainant.

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.

There are no questions of a sensitive nature related to this information collection.

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 covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in chart below; and
- 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 in Item 13.

Information Collection	Number of Respondents	Frequency of Response	Responses Per Annum	Burden Hour Per Response	Annual Burden Hours	Hourly Cost Per Response	Annual Cost
HUD-4730E-English Federal Labor Standards Questionnaire	400	1	400	.50	200	\$37.01	\$7,402
HUD-4730S-Spanish Cuestionario de Normas Laborales Federales	100	1	100	.50	50	\$37.01	\$1,850.50
HUD-4731 Complaint Intake Form	500	1	500	.50	250	\$37.01	\$9,252.50
Total	1000		1000		500	\$37.01	\$18,505

*Estimated cost per hour is based on Bureau of Labor Statistics, May 2022 National Occupational Employment and Wages Estimates, US for 13-1041, Compliance Officer mean hourly wage.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet shown in Items 12 and 14).
- 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 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 collection 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 additional costs to the respondent/complainant.

14. Provide estimates of annualized cost 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 also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Information Collection	Number of Respondents	Frequency of Response	Responses Per Annum	Burden Hour Per Response	Annual Burden Hours	Hourly Cost Per Response	Annual Cost
HUD-4730 Federal Labor Standards Questionnaire	400	1	400	1.00	400	\$47.20	\$18,880
HUD-4730 Cuestionario de Normas Laborales Federales	100	1	100	1.00	100	\$47.20	\$4,720
HUD-4731 Complaint Intake Form	500	1	500	1.00	500	\$47.20	\$23,600
Total	1000		1000		1000	\$47.20	\$47,200

*Cost to agency estimate based on GS-13, Step 1, hourly rate for contract administrators to compare information collected to certified payroll reports and other documents necessary to establish compliance.

15. Explain the reasons for any program changes or adjustments reported in Items 12 and 14 of the Supporting Statement.

This is a revision of a currently approved collection. The annual number of respondents was changed from the previously reported 2,500 individuals to 1,000 individuals. This is a result of the number individuals completing the forms and filing a complaint has decreased in the last several years and 1,000 more accurately reflects what is actually received in the field. The time burden hourly estimate remains the same at .50 hours. The annual time burden decreased from 1,250 hours to 500 hours because the estimated number of respondents decreased.

16. For collection 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 gathered from this collection will not be published by HUD.

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.

HUD is not seeking approval to avoid displaying the expiration date for this information collection.

18. Explain each exception to the certification statement identified in item 19.

There are no exceptions to the Certification Statement identified in Item 19 of the OMB 83-1. The certification provisions identified in Items a through j have been satisfied within this supporting statement, therefore, there are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods