

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSIONS

FMCS FORM R-19 OMB NO. 3076-0003

Supporting Statement A: Justification

1. Circumstances that make the collection of information necessary.

The Arbitrator's Report and Fee Statement, FMCS Form R-19, allows FMCS to comply with its statutory obligation pursuant to 29 U.S.C. 171(b), to make governmental facilities available for voluntary arbitration. To carry out this policy, FMCS has issued regulations, 29 CFR Part 1404, which provide for the operation and maintenance of a roster of professional arbitrators. The FMCS Form R-19, which arbitrators file with FMCS following each decision rendered, allows FMCS to monitor the work of the arbitrator and to collect arbitration information, such as median arbitrator fees and days spent on each case, for FMCS's annual report and program evaluation.

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

Pursuant to 29 U.S.C. 171(b) and 29 CFR Part 1404, FMCS is responsible for monitoring the work of the arbitrators who serve on its Arbitration Roster. To facilitate this function, FMCS requires arbitrators to complete FMCS Form R-19 for each arbitration. FMCS Form R-19 requests such information as the date of the arbitration award, issues adjudicated, arbitration award due date, arbitration fees charged, and the number of days of arbitration services, including the number of travel, hearing, and study days. FMCS uses this information to monitor arbitrators' work and timeliness, and to inform the public and Congress about the arbitration program. For example, the Manager of Client Services uses the information to evaluate complaints raised by parties about arbitrators' billing. In the FMCS annual report, FMCS provides information to the public and to Congress about national trends in arbitration, e.g., the length of arbitration hearings; the average travel days, hearing days, and preparation days; the average fee charges, including per diem and travel expenses; and the issues arbitrated.

3. Consideration of the use of improved information technology.

FMCS receive FMCS Form R-19 electronically through its public web site. Forms received electronically are simpler and faster for the FMCS to process and reduce postage and handling costs. Arbitrators must supply the requested information in order for FMCS to successfully monitor its work and timeliness and to collect arbitration information for FMCS's annual report.

4. Efforts to identify duplication.

The FMCS Form R-19 is the only form used to monitor arbitrator's work and to collect arbitration information pursuant to 29 U.S.C. 171 (b) and 29 CFR Part 1404. No other entity collects comparable data.

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

The form is short and seeks only necessary information to ease the time burden on small businesses.

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

The form is completed every time an arbitrator hears an arbitration. 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.

The notice published in the **Federal Register** soliciting comments can be found at 90 FR 21482.

No public comments were received. The FMCS frequently reports to and consults with arbitrators 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.

FMCS provides a Privacy Act Statement on our form. However, personal information such as the individual's home address and home phone number are not collected on the form.

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 2,000 respondents file forms with the FMCS each fiscal year. The annual hour burden is an estimated 333 hours, approximately 5 minutes for reporting and 5 minutes for record keeping purposes.

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

The pro-rated annualized capital cost is \$4,290. This figure represents the straight-line depreciation cost of the initial form configuration on the FMCS web site.

14. Estimates of annualized Federal Government Costs.

The estimated annualized cost to the government of \$17,350 includes: \$15,486 for administrative and operational support and \$1,864 for system maintenance.

15. Explain the reasons for the change in burden.

There is not a change in burden associated with this form.

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

FMCS publishes each year a summary of the number of applications it receives in its performance accountability report (PAR).

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

There is no objection to display an OMB expiration date.

18. Explain each exception to the certification statement.

There is no exception to the certification statement identified.