

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSIONS

FMCS NOTIFICATION OF INTENTION TO STRIKE OR PICKET AT ANY HEALTH CARE INSTITUTION FORM

OMB NO. 3076-XXXX

Supporting Statement A: Justification

1. Circumstances that make the collection of information necessary.

Pursuant to Section 8(g) of the National Labor Relations Act and The Health Care Amendments Act of 1974 (29 U.S.C. 158(d)(4), (4)(A)-(4)(C)), labor organizations must notify FMCS before engaging in any strike, picketing, or other concerted refusal to work at any health care institution. This requirement will be satisfied by the labor organization emailing the notice to an FMCS 8(g) designated mailbox. *Note: We are changing from the form to a new email notification process based on the comments received on the 30-day notice (requiring the completion and submission of the Notification of Intention to Strike or Picket at any Health Care Institution Form).*

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

Information will be collected by FMCS through a new email notification process which will be available on the FMCS public website (www.fmcs.gov) and tracked in our case management system (CCMS). Labor organizations must notify FMCS before engaging in any strike, picketing, or other concerted refusal to work at any health care institution. Once FMCS receives the email, the submitting party will receive an email response for their submission. An assigned mediator will contact the parties and offer services, including mediation, if appropriate, prior to the commencement of a work stoppage of any kind.

3. Consideration of the use of improved information technology.

Current collection of this information is done through multiple methods (email, fax, etc.), resulting in duplicate submissions and manual tracking of information submitted. Adopting one electronic means of information collection will reduce duplicate submissions and the burden on FMCS employees to manually forward notices that have been sent directly to them. Using the FMCS designated 8(g) email box with the FMCS case management system (CCMS) will reduce these burdens.

4. Efforts to identify duplication.

Parties are currently submitting information through various channels (email, fax, etc.) so it is burdensome to identify duplicate submissions. Further, submissions must be manually cross-checked to ensure they are exact duplicates, as labor organizations sometimes submit multiple notices in one submission. Having one email box to collect all the 8(g) notices will simplify the process and make it easier to identify duplicate submissions. Also, labor organizations are required

by law to notify FMCS before engaging in any strike, picketing, or other concerted refusal to work at any health care institution.

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

Not applicable.

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

Collection and frequency are required by law. The frequency is dependent on when labor organizations will engage in any strike, picketing, or other concerted refusal to work at any health care institution.

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 guidelines.

8. Consultation.

Attached are the notices published in the *Federal Register* soliciting comments. We received public comments on our 30-day notice. The comments we received in response to our 30-day notice discussed us having mandatory fields on the form that is not required by law for labor organizations to provide, not having an area on the form where voluntary information can be provided, the accuracy of the burden to complete the form, and the burden for labor organizations to notify the employer separately. Based on the comments received, we are no longer moving forward with a form. Instead, we will collect the required notification through a designated email inbox to centralize receipt. We believe this alteration of FMCS's information collection request amenable addresses concerns related to the information collected and overall process change.

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

Not applicable.

10. Describe any assurance of confidentiality provided to respondents.

Upon receipt of the 8(g) notice, an email response will be sent to the submitter via email and include a Privacy Act Statement.

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

Not applicable, there are no questions of a sensitive nature.

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

Estimated number of respondents is 200 annually, on occasion. Estimated time to email the required notification is about five minutes. The annual hour burden is an estimated 51 hours.

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

The total annual capital and start-up cost burden is \$40,675. This figure was estimated by adding the estimated annual staff wages of \$12,175 and the vendor estimate of \$28,500.

14. Estimates of annualized Federal Government Costs.

The estimated annualized cost to the government includes: \$10,000 for operational support overhead including equipment, IT support, and related functions; and \$6,419 for wages and benefits of processing employees. The total cost to the government is estimated at \$16,419 annually.

15. Explain the reasons for the change in burden.

This is a new collection so 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.

There is no plan to publish the information collected.

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

We are not seeking such approval.

18. Explain each exception to the certification statement.

There is no exception to the certification statement.