

SUPPORTING STATEMENT
APPLICATION FOR PREVAILING WAGE DETERMINATION
(OMB Control Number 1205-0508)

This request seeks approval under the Paperwork Reduction Act (PRA) for revisions to the Form ETA-9141, *Application for Prevailing Wage Determination*. The Department of Labor (Department or DOL) respectfully requests the Office of Management and Budget (OMB) grant a delayed implementation period for the Department to perform updates to the electronic filing system resulting from the proposed changes to the information collection. During the period of delayed implementation, the Department requests that the current form remain valid for public use.

The Department's proposed changes include the reorganization of the form to better correspond with related forms for the temporary and permanent employment certification programs, the revision of the form to collect attorney or agent information, and to collect alternative requirements in a standardized format. The proposed revisions will better align information collection requirements with the Department's current regulatory framework, provide greater clarity to employers on regulatory and procedural requirements, standardize and streamline information collection to reduce the employer's time and burden when preparing applications, and promote greater efficiency and transparency in prevailing wages determinations. The proposed changes to the instructions accompanying the form also provide more precise explanations of terminology to ensure the form is properly completed. Also, this request includes a proposed implementation of a new appendix to the Form ETA-9141. The proposed *Appendix A, Request for Additional Worksite(s)* will provide employers with a standardized format to request prevailing wage determinations for additional worksites. With the 30-day proposal, the Department has modified *Appendix A* to collect the same information from the filer, but will allow the Department to produce for the filer additional prevailing wage details for the additional worksites the filer requests. The changes to *Appendix A* do not affect the employer burden as the Department is not requesting additional information from the filing community. The Department has designated sections of *Appendix A* "for official government use only" and will complete those sections providing filers with pertinent prevailing wage details by worksite location.

A. Justification

A.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.

Prior to submitting requests to the Secretary of Labor's (Secretary) determination for most labor certifications including the H-2B temporary program and permanent employment

certification (PERM) program, employers must obtain a prevailing wage for the job opportunity based on the place of employment. The information contained in the Form ETA-9141 is the basis for the Secretary determination of the prevailing wage that employers must pay in the hiring of a foreign worker under the H-1B, H-1B1, H-2B, E-3, and PERM programs. Employers may also request a prevailing wage for labor condition applications for the H-1B, H-1B1, and E-3 programs. The Form ETA-9141 is used to collect the necessary information from employers to enable the Department to issue a prevailing wage for the occupation and location of the job offer. The Office of Foreign Labor Certification (OFLC) within the Employment and Training Administration (ETA) is responsible for the processing of employer requests for prevailing wages.

During this renewal cycle, the Department is proposing a revision to this collection of information and requesting a three-year approval of its validity period.

Authority: The information collection request (ICR) is required by sections 103(a)(6); 203(b)(3); 212(a)(5)(A); 212(n), (p), (t); and 214(c) of the Immigration and Nationality Act (INA) (8 U.S.C. §§ 1103(a)(6); 1153(b)(3); 1182(a)(5)(A); 1182(n), (p), (t); and 1184(c)); 8 CFR 214.2(h)(6); and 20 CFR 655.10, 655.731, and 650.40.

A.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.

To meet its responsibilities under the INA, the Department must request information from employers seeking to hire and bring foreign workers into the United States to work.

The Department uses the information collected through the information collection tools, covered under OMB Control Number 1205-0508, to determine the prevailing wage that must be paid by an employer to a foreign worker in connection with the H-2B, H-1B, H-1B1, E-3, and PERM programs.

A.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.

In compliance with the Government Paperwork Elimination Act (GPEA), the Department allows for electronic filing of the forms covered under this collection. The Form ETA-9141 is fully operational as both a fillable and electronically fileable form. The form is available on the Department's iCERT Visa Portal System (iCERT System) at <http://icert.doleta.gov/>, where it can be accessed by employers who wish to complete and submit a request for prevailing wage electronically.

ETA will continue to make all forms and appendices, covered under OMB Control Number 1205-0508, accessible on both the iCERT System (or its successor) and OFLC

website (<https://www.foreignlaborcert.doleta.gov/form.cfm>) and electronically fillable and fileable. The Department is currently seeking a three-year validity approval from OMB for this information collection, based on its compliance with GPEA.

A.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 and any supporting documentation requested through the Form ETA-9141 is sufficiently unique to avoid duplication of activities within the Department in the context of the H-2B, H-1B, H-1B1, E-3, and PERM programs. Employers filing their requests electronically can save their contact information and other pertinent general information in the iCERT System for use while filing another application. Once this general information is entered, the system repopulates it upon an employer filing additional requests in the system, which results in time savings to an employer.

A.5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The information collected under this information collection is required for employers, including small businesses, that need to hire and import foreign labor in the H-2B temporary employment certification program and the PERM employment certification program, for which prevailing wage determinations are required.

Employers seeking to hire workers in the H-1B, H-1B1, and E-3 temporary employment programs must complete the collection only if they want to receive a prevailing wage determination from the Department. The Department will deem the prevailing wage issued by the National Prevailing Wage Center (NPWC) as correct as to the amount of the wage for the specified occupational classification in the pertinent area of intended employment in the event of an investigation by the Wage and Hour Division. However, this “safe harbor” does not protect an employer who has failed to pay the higher of the actual wage or the prevailing wage, and/or who has paid a wage that is lower than a wage required under any other applicable Federal, State, or local law.

The Department cannot make any exemptions or eliminate forms for small businesses, because the statute and regulations require all employers seeking labor certification in connection with the programs referenced above, to provide the necessary information and make the required attestations while requesting a prevailing wage. These forms ensure that the Department relies on a uniform system that allows for these employers to provide the information that is necessary to process their requests for prevailing wages.

A.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.

Employers choose the frequency with which they apply for prevailing wage determinations. Employers file requests for prevailing wage determinations and obtain prevailing wage determinations in support of H-2B, H-1B, H-1B1, E-3, and PERM applications when seeking to employ foreign workers under these visa programs. The Department cannot issue prevailing wage determinations without collecting basic information on the employer and the job opportunity being offered to foreign workers in order to perform the Department's duties under the law and regulations.

A.7. Explain any special circumstances that would cause an information collection to be conducted in a manner that requires further explanation pursuant to regulations 5 CFR 1320.5(d)(2).

There are no special circumstances that would require the information to be collected or kept in any manner other than that normally required under the Paperwork Reduction Act.

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

In accordance with the Paperwork Reduction Act of 1995, the Department solicited comments on this proposed collection for 60 days. The Department published the 60-day notice on February 12, 2019 (84 FR 3494) and the public comment period expired on April 15, 2019. The Department received public comment submissions from seven commenters. Supporting Statement Appendix A summarizes the public comments received and the Department's responses to the comments. The comments have also been uploaded into the [reginfo.gov](https://www.reginfo.gov) database.

In response to the public comments received, the Department has made changes to the proposal. The proposed changes made to the Form ETA-9141 include the allowance of an addendum to fully complete the job duties field, adjustments of fields to allow more space for paper-filed responses, the removal of collections for international travel and relocation, clarifications of application requirements, and the issuance of two prevailing wages where the employer provides both minimum and alternative job requirements for the job opportunity. With this proposal, the Department has also added an appendix for the issuance of prevailing

wage determinations for additional worksite locations, as needed by the employer. The Department will complete the appendix, as appropriate, and issue prevailing wages for the employer's additional worksite locations.

The changes the Department made in response to the public comments are more thoroughly discussed in the Supporting Statement Appendix A. The burden estimates are not affected by the changes made to the form proposal. The burden estimates are provided in detail in Section A.15 of this document.

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

No payments or gifts will be made to respondents in exchange for the information provided in response to this information collection.

A.10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There are no assurances of confidentiality. The information collected is not exempt from full disclosure under the Freedom of Information Act (FOIA). This material will be subject to review and potential disclosure under FOIA.

The collection of data and information under this OMB Control No. 1205-0508 is incorporated into the Department's System of Records Notice DOL/ETA-7. The information collection tool collects information on employers and their authorized attorneys and agents, such as the employers' names, addresses, and types of businesses related to an employer being granted a prevailing wage by the Department.

A.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.

The information collected does not involve sensitive matters.

A.12. Provide estimates of the hour burden of the collection of information.¹

Based on recent program experience, the Department estimates it will receive each year approximately 12,873 prevailing wage requests for the H-2B program, 5,139 prevailing wage requests for the H-1B program, and 129,899 prevailing wage requests for the PERM program totaling 147,911 requests. The total estimated hourly annual burden is 143,194

¹ In all cases where DOL's estimates are averages, the averages are based on prevailing wage data for three fiscal years (FY), FY 2015, FY 2016, and FY 2017.

hours. The below hourly burdens are separated by program and are based on the OFLC's NPWC filings.

Also, with the Department's proposed addition of a new appendix to Form ETA-9141, *Appendix A*, in which employers will identify all additional worksites for which the employer is requesting additional prevailing wage determinations, the Department is providing an estimate for the numbers of prevailing wage requests which will include the appendix. Across filing programs, the Department estimates that approximately 6,312 employers will file approximately 23,081 prevailing wage determinations with additional worksites for which the employer is requesting prevailing wage determinations for additional worksites, requiring the completion of *Appendix A*. The Department estimates that employers will spend an average of 3 minutes preparing *Appendix A* with the Form ETA-9141 submission to the NPWC. The total annual burden estimate is 1,154 reporting hours and 3 minutes (23,081 filings x 0.05 hours = 1,154.05 hours).

Total Annual Burden Hours for the Information Collection:

Form ETA-9141, <i>Appendix A</i>	– 1,154	Reporting Hours
	+ 0	Recordkeeping Hours
	= 1,154	Total Hours

I. The H-2B Program

A. Determination of prevailing wages for the H-2B program labor certification

In order to recruit U.S. workers and complete the Form ETA-9142B, H-2B Application for Temporary Employment Certification (OMB Control Number 1205-0509), an H-2B employer must first obtain a prevailing wage determination from the Department (20 CFR 655.10(c)). The regulations require employers to obtain the prevailing wage determination in advance of recruitment or filing by submitting a completed Form ETA-9141 to the NPWC. The Department receives an average of 12,873 H-2B prevailing wage requests each year. The Department estimates that employers will spend 47 minutes preparing and submitting the Form ETA-9141 to the NPWC. The total annual burden estimate is 10,040 reporting hours and 56 minutes (12,873 filings x 0.78 hours = 10,040.94 reporting hours).

The H-2B program allows employers to appeal the prevailing wage determinations made by the NPWC. The Department estimates that employers will submit an average of 62 Center Director Review requests and an average of 1 H-2B prevailing wage appeal each year. The Department estimates it takes an employer 47 minutes to prepare Center Director Review requests and one hour to prepare an appeal. The annual burden estimate for H-2B Center Director review requests and H-2B appeals is (62 Center Director Review requests x 0.78 hours = 48.36 hours) + (1 appeal x 1 hour = 1 hour) = 49.36, or 49 reporting hours and 22 minutes.

B. Retention of Supporting Documentation

The Department estimates that employers will spend about 10 minutes per year per application to retain the application and required supporting documentation as required in 20 CFR 655.10(j). This results in an annual burden estimate of 2,188 recordkeeping hours and 25 minutes (12,873 applications x 0.17 hours = 2,188.41 hours).

Total Estimated Annual Burden Hours for the H-2B Information Collection:

10,090 Reporting Hours
+ 2,188 Recordkeeping Hours
= 12,278 Total Hours

Average Time Per Application Process for the H-2B Information Collection:

Form ETA-9141 – 57 minutes (47 form completion and 10 minutes form retention)

Total Estimated H-2B Responses (Applications): 12,873

Total Estimated H-2B Respondents (Filers): 5,883

II. The H-1B program (including H-1B1 and E-3)

A. Determination of wages to be paid for the a Labor Condition Application.

In order to complete the Form ETA-9035 & 9035E, Labor Condition Application for Nonimmigrant Workers (OMB Control Number 1205-0310), an employer must determine the appropriate wage to pay the foreign worker. The regulations require employers to determine the appropriate wage prior to submitting the Labor Condition Application (LCA). 20 CFR 655.731(a)(2). Unlike the H-2B and PERM programs, in which the employer must obtain a prevailing wage determination from the Department, under the Department's regulations at 20 CFR 655.731, an H-1B, H-1B1 or E-3 employer has the option of requesting a prevailing wage determination from the NPWC using the Form ETA-9141. In lieu of requesting a prevailing wage determination from the NPWC, an employer may choose instead to rely on the wage information available through the Department's iCERT System or Online Wage Library (OWL), or the employer may rely on another legitimate source of wage information, such as a collective bargaining agreement or another source as provided in 20 CFR 655.731. Obtaining a prevailing wage determination from the Department, however, has the distinct advantage of affording the employer safe harbor with regard to the prevailing wage the Department issues, which is a presumption of the legitimacy of the prevailing wage, in the event of an investigation by the Department's Wage and Hour Division. Where the employer chooses to request a prevailing wage determination from the NPWC using Form ETA-9141, it will take the employer approximately 47 minutes to complete and file the prevailing wage request with the NPWC using the Form ETA-9141. The Department receives an average of 569,260 LCAs filed on the Form ETA-9035 per year, of which 1,019 filers will file an estimated average of 5,139 prevailing wage determination requests with the NPWC using the Form ETA-9141. The annual burden estimate for H-1B prevailing wage

determinations is 4,008 reporting hours and 25 minutes (5,139 filings x 0.78 hours = 4,008.42 hours).

The Department estimates that employers will submit an average of 59 H-1B redetermination requests, an average of 2 Center Director Review requests, and an average of 1 H-1B prevailing wage appeal. The Department estimates it takes an employer 47 minutes to prepare redetermination and Center Director Review requests, and one hour to prepare an appeal. The annual burden estimate of the H-1B prevailing wage redeterminations is (59 redetermination filings x 0.78 hours = 46.02 hours) + (2 Center Director Review requests x 0.78 hours = 1.56 hours) + (1 appeal x 1 hour = 1 hour) = 48.58 or 48 reporting hours and 35 minutes.

B. Retention of supporting documentation

The Department estimates that employers will spend about 10 minutes per year per application to retain the documentation of its compliance with the required wage rate under 20 CFR 655.731, including, if applicable, the prevailing wage determination and any required supporting documentation during the requisite retention period. This results in an annual burden estimate of 873 recordkeeping hours and 38 minutes (5,139 filings applicants x 0.17 hours = 873.63 hours).²

Total estimated annual burden hours for the H-1B, H-1B1 and E-3 information collections:

Form ETA-9141	–	4,057	Reporting Hours
		+ 874	Recordkeeping Hours
		= 4,931	Total Hours

Average time per application process for the H-1B, H-1B1 and E-3 information collection:

Form ETA-9141 – 57 minutes (47 form completion and 10 minutes form retention)

Total Estimated H-1B Responses (Applications):	5,139
Total Estimated H-1B Respondents (Filers):	1,019

III. The PERM program

A. Determination of wages to be paid for PERM program labor certification

In order to recruit U.S. workers and complete the Form ETA-9089, Application for Permanent Employment Certification (OMB Control Number 1205-0451), an

² While the retention requirement applies only when a labor condition application is filed, 20 CFR 655.731 and 655.760(c), the Department is being over-inclusive by including the recordkeeping burden on employers to retain the prevailing wage determination as “documentation regarding its determination of the prevailing wage” for their LCA.

employer must obtain the appropriate wage prior to filing the Form ETA-9089 by submitting the Form ETA-9141 to the NPWC and receiving a prevailing wage determination. 20 CFR 656.40. It is estimated that employers will spend 47 minutes preparing and submitting the Form ETA-9141. The Department receives an average of 129,899 PERM program prevailing wage requests each year. The annual burden estimate for PERM prevailing wage determinations is 101,321 reporting hours and 13 minutes (129,899 x 0.78 hours = 101,321.22 hours).

The Department estimates that employers will submit an average of 1,760 PERM redetermination requests, an average of 37 Center Director Review requests, and an average of 25 PERM prevailing wage appeals. The Department estimates it takes an employer 47 minutes to prepare redetermination and Center Director Review requests and one hour to prepare an appeal. The annual burden estimate of the PERM prevailing wage redeterminations is (1,760 redetermination filings x 0.78 hours = 1,372.80 hours) + (37 Center Director Review requests x 0.78 hours = 28.86 hours) + (25 appeals x 1 hour = 25 hours) = 1,426.66 hours or = 1,426 reporting hours and 40 minutes.

B. Retention of supporting documentation

The Department estimates that employers will spend about 10 minutes per year per application to retain an application and required supporting documentation. This results in an annual burden estimate of 22,082 recordkeeping hours and 50 minutes (129,899 applications x 0.17 hours = 22,082.83 hours).³

Total time burden for the PERM information collection:

Form ETA-9141	–	102,748 Reporting Hours
		+ <u>22,083 Recordkeeping Hours</u>
		= 124,831 Total Hours

Average time per application process for the PERM information collection:

Form ETA-9141 – 57 minutes (47 minutes for form completion and 10 minutes for retention)

Total Estimated PERM Responses (Applications):	129,899
Total Estimated PERM Respondents (Filers):	33,559

Estimated Totals For All Programs:

³ While the retention requirement derives from 20 CFR 656.10(f), which relates to the *Application for Permanent Employment Certification*, and not from 20 CFR 656.40, which relates to prevailing wage determinations, the Department is being over-inclusive by including the recordkeeping burden on employers to retain the prevailing wage determination as “supporting documentation” for their *Application for Permanent Employment Certification*.

Reporting Hours:	118,049
Recordkeeping Hours:	25,145
Total Responses for All Programs:	147,911
Total Respondents for All Programs:	40,461

IV. Time Burden Monization

The Department receives prevailing wage requests from employers operating across a wide spectrum of industry sectors in the U.S. economy. Salaries for employers and/or their employees who perform the reporting and recordkeeping functions required by this regulation may vary, including payment in hourly or annual rates, and may include instances where the corporate executive office of a large company performs some or all of these functions itself. However, the Department believes that in most companies, a Human Resources Manager will perform these activities. Thus, to calculate the full cost to the employer, we need to combine the mean hourly wage of human resource managers with the benefits and other compensation received by such employees. The national mean hourly wage for a human resource manager (SOC code 11-3121) is \$59.38.⁴ The average percentage of benefits in total is 31.7 percent.⁵ The total compensation is therefore \$78.20 ($\59.38×1.317) for a Human Resources manager. The Department estimates that a Human Resources manager will take time to complete and retain the forms and supporting documentation in the amount of 143,194 hours.

Total estimated burden hours: 143,194 hours

⁴ *Occupational Employment and Wages, May 2017: 11-3121 Human Resources Managers*, U.S. Dep't of Labor, Bureau of Labor Statistics, <https://www.bls.gov/oes/current/oes113121.htm>.

⁵ *Employer Costs for Employee Compensation – December 2017*, DOL, Bureau of Labor Statistics (Mar. 20, 2018, 10:00 AM), <https://www.bls.gov/news.release/pdf/ecec.pdf>.

Total of Estimated Burdens⁶

Activity for Prevailing Wage Determinations ⁷ (ETA-9141)	Total Annual Respondents	Frequency ⁸	Total Annual Responses	Time Per Response in Hours (and Minutes) ⁹	Total Annual Burden in Hours	Hourly Rate ¹⁰	Total Annual Respondent Cost (in dollars)*
H-2B Filings	5,883	2.188	12,873	0.78 (47 mins.)	10,040.94	\$78.20	\$785,202
H-2B Center Director Reviews	52	1.192	62	0.78 (47 mins.)	48.36	\$78.20	\$3,782
H-2B Appeals	1	1.000	1	1.00 (60 mins.)	1.00	\$78.20	\$78
H-2B Retention	5,883	2.188	12,873	0.17 (10 mins.)	2,188.41	\$78.20	\$171,134
H-1B Filings ¹¹	1,019	5.043	5,139	0.78 (47 mins.)	4,008.42	\$78.20	\$313,458
H-1B Redeterminations	35	1.690	59	0.78 (47 mins.)	46.02	\$78.20	\$3,599
H-1B Center Director Reviews	2	1.000	2	0.78 (47 mins.)	1.56	\$78.20	\$122

⁶ For the burden estimates, the Department has used H-2B program data averages for Fiscal Years 2015, 2016, and 2017.

⁷ The “Activity for Prevailing Wage Determinations column” and the burden estimates in the table reflect prevailing wage determination activity by program. The data provided in the table is for prevailing wage determination requests by program and does not include the filings of the subsequent applications for temporary or permanent employment certification.

⁸ DOL has derived the frequency by dividing the column for fiscal year data for “Total Annual Responses by the “Number of Respondents.” The data for the “Total Annual Responses” and “Number of Respondents” are averages from the prevailing wage program data for FY 2015-2017. The frequency is displayed with three decimal places to retain the value of the calculation to the extent possible; however, the calculations in the table were derived from multiplying the frequency using seven decimal places for accuracy.

⁹ DOL has provided the conversion in minutes to provide the public with clarity for the calculations and the associated time burden for each component of the table.

¹⁰ DOL believes that in most companies, a Human Resources Manager will perform these activities. In estimating employer staff time costs, DOL used the national cross-industry mean hourly wage rate for a Human Resources Manager (\$59.38), as published by DOL’s Occupational Employment Statistics survey, and increased it by a factor of 1.317 to account for employee benefits and other compensation, for a total hourly cost of \$78.20.

¹¹ The prior ICR estimate for H-1B prevailing wage determinations included an estimate of 358,200 H-1B prevailing wage requests from 358,200 filings. The new estimate is based on the average H-1B prevailing wage determinations for three fiscal years: Fiscal Years 2015, 2016, and 2017. The new estimate is 5,139 filings made by 1,019 filers.

H-1B Appeals	1	1.000	1	1.00 (60 mins.)	1.00	\$78.20	\$78
H-1B Retention	1,019	5.043	5,139	0.17 (10 mins.)	873.63	\$78.20	\$68,318
PERM Filings	33,559	3.870	129,899	0.78 (47 mins.)	101,321.22	\$78.20	\$7,923,319
PERM Redeterminations	1,216	1.447	1,760	0.78 (47 mins.)	1,372.80	\$78.20	\$107,353
PERM Center Director Reviews	33	1.121	37	0.78 (47 mins.)	28.86	\$78.20	\$2,257
PERM Appeals	25	1.000	25	1.00 (60 mins.)	25.00	\$78.20	\$1,955
PERM Retention	33,559	3.870	129,899	0.17 (10 mins.)	22,082.83	\$78.20	\$1,726,877
Form ETA-9141 Appendix A (for all programs)	6,312	3.656	23,081	0.05 (3 mins.)	1,154.05	\$78.20	\$90,247
Unduplicated Totals	88,599	N/A	320,850	N/A	143,194.10	N/A	\$11,197,779¹²

A.13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

a) Start-up/capital costs: There are no start-up costs. There is no obligation to own a computer to participate in the programs. Anyone without computer access can request the forms from OFLC. However, to participate in the programs, employers are required to generate records and retain them. The only necessary supplies needed to store and maintain the records are filing cabinets and filing folders. The Department estimates that the initial cost to employers to store and maintain records is minimal because it is a customary and usual business practice for businesses to have storage space.

b) Annual costs: There are no annual costs involved with operation and maintenance because ETA will be responsible for the annual maintenance costs for the free downloadable forms and the web-based data collection and reporting system.

A.14. Provide estimates of annualized costs 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

¹² DOL's estimated total cost is \$11,197,778.59 and the figure is rounded to \$11,197,779. The prior ICR estimated the total cost as \$36,130,540.00 with 448,381 estimated total burden hours. The change reflects estimates based on the average of prevailing wage data for Fiscal Years 2015, 2016, and 2017.

*other expense that would not have been incurred without this collection of information.
Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.*

The Department estimates that the annual costs to administer the Prevailing Wage program are \$10,530,352.

Federal administrative costs include salaries and expenses for the staff who process Prevailing Wage applications, IT systems that support application-filing and case-processing operations, rent, supplies, equipment, and agency indirect costs, which include support for human resources, financial and administrative oversight, and grants and contracts management. Based on past obligations and expenditures, the table below provides a detailed breakdown of the annualized costs associated with federal administration of the Prevailing Wage program by major cost category.

Major Cost Category	Cost Activities	Annualized Costs (estimated)
Federal Salaries & Benefits ¹³	<u>National Prevailing Wage Center</u> <ul style="list-style-type: none"> ▪ GS-12/13 staff processing applications and job orders; ▪ GS-14/15 operations management ▪ Other federal administrative support; <u>OFLC Headquarters</u> <ul style="list-style-type: none"> ▪ Management support, policy development, and stakeholder training ▪ Budget, contract procurements, and grants management 	\$4,795,564
Contracts for Services (not technology related)	<ul style="list-style-type: none"> ▪ Mail, data entry, and other clerical support services; ▪ Case processing and administrative support for operations 	\$2,662,773
Technology Contracts for Services (O&M)	<ul style="list-style-type: none"> ▪ Application development services & network infrastructure support ▪ Hardware & software updates 	\$670,146
GSA & DHS Services	<ul style="list-style-type: none"> ▪ Rent payments for office space ▪ Security services 	\$485,400
DOL Working Capital Assessment	<ul style="list-style-type: none"> ▪ Indirect costs associated with ETA and DOL administrative and executive management services 	\$1,860,537
Supplies & Equipment	<ul style="list-style-type: none"> ▪ General office supplies ▪ Computers, printers, and other office related equipment 	\$9,721
Mail & Telecommunications	<ul style="list-style-type: none"> ▪ Mail or overnight delivery services ▪ Phone and other telecommunication related charges 	\$2,765

¹³ Based on DOL staffing and payroll reports and for the NPWC and a pro-rated portion of staff in the OFLC National Office and ETA support offices. 35 total staff x avg. salary of \$101,644 @ 32.9% benefits rate and 1.9% other compensation rate (eg. bonuses) = \$4,795,564. The applicable GS scale for the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA area is available at: www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/DCB.pdf.

Other Costs ¹⁴	<ul style="list-style-type: none"> ▪ Travel ▪ Printing and other Government Agency Services 	\$43,440
TOTAL COSTS - FEDERAL ADMINISTRATION		\$10,530,346

A.15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

This ICR estimates a decrease of 681,742 responses (from 1,002,592 to 320,850) and a corresponding estimated decrease of 305,187 burden hours (from 448,381 to 143,194). The changes reflected in this ICR are attributed to better data, collected over three fiscal years, on which to base the new estimates and a prior over-estimation of the burden estimates, particularly the H-1B burden estimates,¹⁵ in the previous ICR.

The Department proposes changes to the Form ETA-9141 to standardize and streamline the collection of prevailing wage information. Among the changes, the Department has reorganized certain sections of the information collection to better reflect applicant contact information and to correspond with related ETA forms. The Department has added specific fields including: (1) a new section for the collection of attorney and agent information for attorneys and agents filing applications on behalf of employer clients; and (2) a new section which replaces a free text field for the collection of specific “Alternative Job Requirements” to give employers a standardized format in which to disclose the necessary information for their alternative requirements for the job opportunity.

Also, the Department proposes the addition of a new appendix to Form ETA-9141, *Appendix A*, in which employers will identify all additional worksites for which the employer is requesting issuance of additional prevailing wages. This information is currently collected in a free-text field on the Form ETA-9141, but *Appendix A* will establish a standardized format for collecting such additional worksites. With the 30-day proposal, *Appendix A* includes sections “for official government use only” which the Department will use to provide to the employer the prevailing wage details for each additional worksite requested.

OMB Control Number 1205-0508	Previous Estimated Burden Hours (for current form)	New Estimated Burden Hours (for proposed form)	Change in Burden
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¹⁴ Based on direct NPWC obligations and a pro-rated portion of OFLC shared and support costs.

¹⁵ DOL’s prior ICR estimate for H-1B prevailing wage determinations included an estimate of 358,200 H-1B prevailing wage requests from 358,200 filings. The new estimate is based on the average H-1B prevailing wage determinations for three fiscal years: Fiscal Years 2015, 2016, and 2017. The new estimate is 5,139 filings made by 1,019 filers.

OMB Control Number 1205-0508	Previous Estimated Burden Hours (for current form)	New Estimated Burden Hours (for proposed form)	Change in Burden
Form ETA-9141 and Appendix A	55 minutes* 9141: 45 minutes* Recordkeeping: 10 minutes *The previous 9141 burden estimate (current form estimate) included requirements for filers to provide additional worksites in a free-text field.	1 hour ** 9141: 47 minutes Appendix A: 3 minutes Recordkeeping: 10 minutes **The new burden estimate includes the revised 9141 and new Appendix A, which provides standardized formats for filers to provide additional worksites for which they are requesting issuance of prevailing wages (<i>Appendix A</i>). The estimated burden increase includes added time for filers to comply with the requirement using the standardized format for the information the appendix collects. With the 30-day proposal, the Department has modified <i>Appendix A</i> to produce additional prevailing wage details for employers requesting determinations for additional worksites. Those modifications do not affect the Department's estimated burden and will not increase the burden for the filing community. The burden estimate includes 10 minutes for filers to comply with recordkeeping requirements.	+5 minutes

Under this ICR, OMB Control Number 1205-0508, the Department estimates the total burden for the Form ETA-9141 and Appendix A to be one hour.

A.16. For collections 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.

OFLC discloses information about employer applicants to the public on its public access webpage at <http://www.flcdatcenter.com/CaseData.aspx>. For the prevailing wage determinations, the employer name and address, work locations, the occupation, and the prevailing wage determination by the Department are all disclosed on the website.

A.17. If seeking approval not to display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The Department will display the expiration date for OMB approval on the forms.

A.18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

The Department is not seeking any exception to the certification requirements.

B. Collection of Information Employing Statistical Methods

This information collection does not employ statistical methods.