

**SUPPORTING STATEMENT**  
**Guam Military Base Realignment Contractor Recruitment Standards**  
**OMB Control Number 1205-0484**

This ICR seeks to revise the Guam Military Base Realignment Contractor Recruitment Standards information collection by removing the requirements for a contractor to recruit in only five U.S. states along the west coast (Alaska, Hawaii, Washington, Oregon, and California) as well as Guam and the American Samoa. The changes to the information collection covered by this request will leverage electronic tools including [www.hireguam.com](http://www.hireguam.com) and the National Labor Exchange to offer these job opportunities to U.S. workers from anywhere in the country in a way that reduced respondent burden.

**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.*

The collection is necessitated by the National Defense Authorization Act (NDAA) for Fiscal Year 2010 (Public Law 111–84, enacted October 28, 2009). The NDAA requires an expanded effort to recruit U.S. and other eligible workers for employment on Guam military base realignment construction projects. This reporting structure features electronic posting of construction job opportunities on The National Labor Exchange with national coverage, posting job opportunities on state workforce agency job banks, notifying local and national unions where applicable, and documentation of worker recruitment results that will be submitted to the Guam Department of Labor (GDOL). All data collection and reporting is done by military base construction contractors, and the data and recruitment results will be submitted to the GDOL. These recruitment requirements help fulfill the responsibilities assigned to the Secretary of Labor in the provisions of the NDAA by increasing employment opportunities for U.S. workers. Contractors will use the recruitment (job order) postings, in the event they are not successful in attracting sufficient numbers of U.S and other eligible workers, to justify the need for foreign workers under the H-2B temporary non-agriculture foreign worker certification program.

The NDAA section 2834 (a)(6)(A) and (C)(i), prohibits work performed by a person holding a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C.1101(a)(15)(H)(ii)(b)) unless there is a certification by the Governor of Guam, in consultation with the Secretary of Labor, that there are not sufficient United States workers who are available, willing, and qualified at the time of application. In addition, section (C)(ii) requires certification by the Governor of Guam that the employment of such persons holding visas will not adversely affect the wages and working conditions of workers in Guam who are similarly employed.

NDAAs pertain to the realignment of some military forces from Okinawa to Guam and prioritize the hiring of U.S. workers for this project. Section 2834(a) of the NDAA amended Section 2824(c) of the Military Construction Authorization Act (Public Law 110-417, Division B) by adding a new subsection (6) which requires the USDOL to approve contractor recruitment plans as follows.

(D) SOLICITATION OF WORKERS.—In order to ensure compliance with subparagraph (A), as a condition of a contract covered by such subparagraph, the contractor shall be required to advertise and solicit for construction workers in the United States, including Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Commonwealth of Puerto Rico, in accordance with a recruitment plan approved by the Secretary of Labor. The contractor shall submit a copy of the employment offer, including a description of wages and other terms and conditions of employment, to the Secretary of Labor at least 60 days before the start date of the workers under a contract. The contractor shall authorize the Secretary of Labor to post a notice of the employment offer on a website, with State, territorial and local job banks, with State and territorial workforce agencies, and with any other referral and recruitment sources the Secretary of Labor determines may be pertinent to the employment opportunity.

(E) RECRUITMENT PERIOD.—The Secretary of Labor shall ensure that a contractor's recruitment of construction workers complies with the recruitment plan required by subparagraph (D) for a period beginning 60 days before the start date of workers under a contract and continuing for the next 28 days. During the recruitment period, the contractor shall interview all qualified and available United States construction workers who have applied for the employment opportunity, and, at the close of the recruitment period, the contractor shall provide the Secretary of Labor with a recruitment report providing any reasons for which the contractor did not hire an applicant who is a qualified United States construction worker. Not later than 21 days before the start date of the workers under a contract, the Secretary of Labor shall certify to the Governor of Guam whether the contractor has satisfied the recruitment plan created under subparagraph (D).

**USDOL Recruitment Plan Requirements:** To fulfill the above provisions of the NDAA, Guam military base realignment contractors must take the actions described below to recruit U.S. construction workers, in addition to complying with other statutory and regulatory requirements governing the employment of their workers.

1. At least 60 days before the start date of workers under a base realignment contract, contractors must:
  - a. Submit a job posting via a completed Job Order (Guam Form GES 514) in person at the Guam Employment Service office, which is open Monday through Friday (except holidays) 8 a.m. to 5 p.m., at 710 Marine Corps Drive, Suite 301, Bell Tower Plaza, Hagatna (for assistance please call (671)-475-7000). The job

- posting must be posted on the GDOL Job Bank for at least 21 consecutive days and be accessible throughout the U.S. and its territories;
- b. Submit a job posting with the state workforce agency's Internet job boards for the Commonwealth of the Northern Mariana Islands (CNMI) at <https://marianaslabor.net/employer.asp>, and Guam's online employment portal at [www.hireguam.com](http://www.hireguam.com). Functionality permitting, contractors may bypass posting on the internet job boards for the CNMI if they post with a National Labor Exchange (NLx) jobsite that serves the CNMI. For contractors needing assistance with job postings, additional contact information and a link to the required Guam form GES 514 are listed at [www.jobbankinfo.org](http://www.jobbankinfo.org).
  - c. Post a help wanted ad in the local newspaper for American Samoa and have a notice posted in the American Samoa Human Resources agency office. If available, contractors may also comply using online job boards that serve the American Samoa, including those linked with the NLx. For assistance with these tasks, please see the American Samoa Human Resource agency contacts listed at [www.jobbankinfo.org](http://www.jobbankinfo.org). For contractors needing assistance with job postings, additional contact information and a link to the required Guam form GES 514 are listed at [www.jobbankinfo.org](http://www.jobbankinfo.org).
  - d. Where the occupation or industry is customarily unionized, contact the local union in Guam as well as the national offices of national unions who represent workers in the industry stating:
    - i. The existence of a nationally accessible job posting at [www.hireguam.com](http://www.hireguam.com) or in compliance with these Contractor Recruitment Standards;
    - ii. Job post opening and closing dates;
    - iii. Direction to interested applicants on how to apply;
    - iv. That the job opportunity is with an "Open Shop" as Guam is a 'Right-to-Work' jurisdiction.
2. Each job posting must be posted for no less than 21 consecutive days, be accessible to residents of all U.S. states and territories, and include, at a minimum, the following information:
- a. The contractor's name and appropriate contact information for applicants to inquire about the job opportunity, or to send applications and/or resumes directly to the employer;
  - b. The geographic area of employment, with enough specificity to apprise applicants of any travel requirements as well as where applicants will likely have to reside to perform the services or labor;
  - c. A statement indicating whether the employer will pay for the worker's transportation to Guam;
  - d. A statement indicating whether daily transportation to and from the worksite(s) will be provided by the employer;
  - e. A description of the job opportunity with sufficient information to apprise U.S. workers of the services or labor to be performed, including the duties, the minimum education and experience requirements, the work hours and days, and the anticipated start and end dates of the job opportunity;

- f. If the employer makes On-the-Job Training (OJT) available, include a statement that it will be provided to the worker;
  - g. A statement indicating whether overtime will be available to the worker and the wage offer for working any overtime hours;
  - h. The wage offer, and the benefits, if any, offered;
  - i. A statement that the position is temporary;
  - j. The total number of job openings the employer intends to fill; and
  - k. If the employer provides the worker with the option of board, lodging, or other facilities, including fringe benefits, or intends to assist workers to securing such lodging, a statement disclosing the provision and cost of the board, lodging, or other facilities, including fringe benefits or assistance offered.
3. During the 28-day recruitment period, which begins on the earliest job posting date, contractors must interview all qualified and available Guam and U.S. construction workers who have applied for the employment opportunity.
4. After the close of the recruitment period, and no later than 30 days before the start date of workers under a contract, the contractor must provide a report including the following information via email to GDOL at [ndaa.recruitment@dol.guam.gov](mailto:ndaa.recruitment@dol.guam.gov), documenting its efforts to recruit U.S. workers from the U.S. and all U.S. territories.
- a. Indicate all the recruitment approaches used to recruit workers nationally, including an identification of the Internet job banks where the postings occurred, the occupation or trade, a description of wages and other terms and conditions of employment, the dates of each posting, and the job order or requisition number;
  - b. A copy of each job posting;
  - c. How each job posting and response was handled, including:
    - i. the number of job applications received;
    - ii. The name of each applicant;
    - iii. The position applied for;
    - iv. The final employment determination for each applicant or job candidate; and
    - v. For each U.S. job applicant not hired, a description of the specific, lawful, job-related reason for rejecting the applicant for employment, which includes a comparison of the job applicant's skills and experience against the terms listed in the original job posting.

Contractors may provide much of this information in the form of a table or spreadsheet, so that instead of a narrative style the contractor need only check an appropriate box or provide a phrase, number or date (e.g., to indicate whether an individual reported for an interview or not, or lacked specific qualifications).

The one-hour estimate referenced below includes the time necessary to produce the report. DOL has required that the reason be provided, and has not stipulated that a narrative style is necessary. Such a management information system is a routine part of employer hiring, and required to comply with equal employment opportunity laws.

To ensure that the Workforce Investment System nationwide is aware of and prepared to participate in identifying and referring construction work job seekers to the employment opportunities that will be available as a result of the base realignment and build-up on Guam, ETA will develop a Training and Employment Notice (TEN) for broad distribution to the leadership and staff of the Workforce Investment System. Once published and disseminated to the system the TEN will be mounted on the DOL ETA Advisory Web page at <http://wdr.doleta.gov/directives/>.

*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.*

All federal construction contractors and subcontractors seeking to hire workers under the National Defense Authorization Act's provisions pertaining to the Guam Base Realignment and Build-up projects constitute the universe of respondents. DOL and the government of Guam will use this information to ensure compliance with that statute. Failure to collect the requested data would result in U.S. construction industry workers losing much needed job opportunities in the industry. The provisions of the NDAA will not allow Guam military base construction contractors to hire workers until the Secretary of Labor develops and implements an expanded U.S. worker recruitment plan that depends on collecting the information described above. Construction contractors will be unable to fill their workforce needs, project delays will occur, and the cost of the projects would raise making private sector construction contractors less profitable. Finally, delays could affect the Navy, Marine, and Air Force deployment of thousands of military personnel, and their families.

*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.*

There are no technological barriers or obstacles. The data collection and reporting requirements can be fulfilled via the Internet and through the electronic transmission of data and information. As noted above in item A.1, contractors must submit a job posting via a completed Job Order (Form GES 514) in person to the Guam Employment Service office, which is open Monday through Friday (except holidays) 8 a.m. to 5 p.m., at 710 Marine Corps Drive, Suite 301, Bell Tower Plaza, Hagatna (for assistance please call (671)-475-7000). GDOL requires this of all businesses who request approval for temporary labor visas. Guam DOL staff will take the contractors' information and complete the data collection. Since the contractors all operate on-site on a small island, DOL believes that there is no difference in the burden between electronic and in-person submissions. The Guam agency staffs indicate that this would include travel to the Guam Job Center that would take only five (5) minutes or so and completing the GES 514 or providing the information to a Job Center staff member orally. DOL believes the Guam

activities in this regard impose no burden on the territory, since the Guam requirement would exist regardless of the DOL information collection.

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.*

ETA staff researched the job posting requirements of the USDOL Office of Federal Contractor Compliance Programs (OFCCP), and the Office of Foreign Labor Certification's (OFLC) H2B program and determined there is no duplication of effort or additional burden associated with posting contractor job listings on the Guam Job bank because such recruiting is already required. OFCCP enforces the equal employment opportunity requirements applicable to Federal government contractors. OFCCP's rules require qualifying employers to immediately list job openings with the appropriate local office of the state employment service, although this requirement may be satisfied by listing the openings with a privately run job bank or exchange. OFCCP regulations implementing Executive Order 11246 require qualifying construction contractors to provide written notification to minority and female recruitment sources and to community organizations when the contractor or its unions have employment opportunities available. See OMB CONTROL NUMBER: 1250-0001 and the equal opportunity clause of the OFCCP regulations at 41 CFR 60-4.3. The written notification could be in the form of an e-mail.

In fact, the Secretary of Labor's enhanced U.S. worker recruitment plan will fulfill both the pre-application recruitment requirement of the GDOL Alien Labor Processing and Certification program and the Department of Homeland Security's foreign labor certification program's domestic worker recruitment requirements.

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

This collection does not create any unusual burden for small businesses. The data collection and reporting requirements can be fulfilled via the Internet and through the electronic transmission of data and information. To ensure that small businesses are able to learn about the Guam Military Base Build-up contractor, ETA will publish a Federal Register Notice and develop and post a notice on the DOL ETA Business Web page at <http://www.doleta.gov/business/>. The posting will include a hyperlink to the Federal Register notice that covers the contractor recruitment standard.

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.*

The worker recruitment and recruitment result report is required once per job listing and is not a recurring requirement.

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.*

This data collection effort does not involve any special circumstances.

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 public was allowed 60 days to comment through the Federal Register Notice posted on October 5, 2017 (82 FR 46531).

The department received two comments urging the department to specify Guam's virtual job bank, linked via API with the broader NLx system, at [www.hireguam.com](http://www.hireguam.com) instead of the NLx at <https://us.jobs/nationallabor-exchange.asp>. After reviewing the functionality available through hireguam.com and its ability to be accessed by a worker or employer anywhere in the country except the American Samoa and CNMI, the department agrees with the commenters and refers employers to hireguam.com instead of the general NLx portal in section 1b of the contractor recruitment standards.

The department also received a comment regarding state and territory participation agreements with the NLx. The National Association of State Workforce Agencies (NASWA), in partnership with DirectEmployer Association, helps connect state and territory job banks to the NLx. NASWA is working with the American Samoa and the CNMI to secure participation agreements and connect them to the NLx. To address this comment, language was added to sections 1b and 1c of the contractor recruitment standards allowing employers to bypass requirements to post jobs in alternative locations for these territories if functionality becomes available linking American Samoa and CNMI to the NLx.

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

There are no payments to respondents.

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

There is no assurance of confidentiality.

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 data collection does not involve questions of a sensitive nature.

12. *Provide estimates of the hour burden of the collection of information.*

The recruitment plan and burden estimate for this data collection used the burden estimates for OMB control number 1205-0466 as a starting point. Each year, approximately 12,000 non-agricultural temporary foreign labor employment certification requests are submitted by businesses to the USDOL H2B program. For each of the requests, the business interested in securing foreign labor certifications is required to post a job order with the employment service delivery system within the state and provide a report on the results of the U.S. worker recruitment.

Department of Defense reports indicate that over the course of the multi-year Guam military base realignment of service members and their families, up to 20,000 workers may be needed for construction and related employment.

To determine the hour burden associated with the NDAA Guam Base Realignment domestic workforce recruitment effort, ETA estimates that fourteen thousand (14,000) workers would be needed over six years (2017 to 2023), or 2,333 workers per year. Job order postings are expected for multiple job openings that would range from 20 to 50 workers per job order. Using an estimate of 30 positions per job order, contractors would need to post approximately 78 job orders per year.

Recruitment activities described above, including advertising for U.S. workers and/or posting job orders, are a usual and customary activity for employers/contractors. Therefore, under OMB regulations at 5 CFR 1320.3(b)(2) and (3), the resources expended by employers for recruitment activities are excluded in compiling the public burden estimate. The Guam base realignment-related job order posting, and the

recruitment results reporting requirement, on the other hand, are beyond the usual and customary level of activity and will increase the contractor's burden as follows:

After a job order is developed and posted on the HireGuam.com job bank site, contractors may need 15 minutes to post the same job order on an the American Samoa job bank. The burden is therefore estimated to be 30 minutes per job order or 39 added annual burden hours (2 job banks x 15 minutes estimated for each job bank posting, x 78 postings annually).

The NDAA Guam base realignment recruitment standard requires contractors to develop and provide a report on the results of the domestic worker recruitment efforts. The U.S. Department of Labor estimated that the time needed to prepare recruitment reports for the Foreign Labor Certification program is an additional hour per job order. Thus, the burden required by the NDAA for recruitment reports is estimated at 78 hours, for a total of 117 hours (39 hours for posting 78 job orders on 2 job banks each plus 78 additional hours for preparing and submitting recruitment reports).

The one-hour estimate includes the time necessary for contractors to produce the recruitment results reports. DOL merely requires that the reason be provided, and has not stipulated that a narrative style is necessary. Employers may set up a table or a spreadsheet which necessitates only inserting a phrase or checking a box to indicate whether an individual reported for an interview or not, or lacked specific qualifications. Such a management information system is a routine part of employer hiring, and required to comply with equal employment opportunity laws. Since the reporting requirements necessitate minimal extra work, the one-hour estimate is sufficient to account for any additional burden. The DOL Office of Foreign Labor Certification's current OMB data collection approval estimates that up to 8,717 job orders annually will be posted by businesses nationwide, and estimates one hour per job order for reports similar to those required for the Guam realignment.

For contractors, the annual cost to this collection is the time spent on additional recruitment activities, including advertising for U.S. workers and/or posting job orders on two workforce agency job banks and the one hour for reporting on recruitment results. Since the contracting firms may be from any location in the U.S., the hourly labor cost is estimated at \$28.45, using the national median wage for Human Resource Specialists from the May 2016 Occupational Employment Statistics survey from the U.S. Bureau of Labor Statistics ( <https://www.bls.gov/oes/2016/may/oes131071.htm>). This hourly cost times the total reporting hours equals \$3,650 (117 hours x \$31.20). There is no cost for posting on the publicly funded labor exchange job banks operated by the states and territories when the business is working with a state or territory's workforce agency. While there is a cost associated with posting a help wanted advertisement in a local newspaper on American Samoa for 21 days (estimated at \$130.00) this cost is part of doing business for the recruitment required by the Military Construction Authorization Act and the National Defense Authorization Act of 2010, it is not associated with the required reporting to the U.S. or Guam Departments of Labor.

DOL estimates that an in-person job listing with Guam DOL would take 15 minutes to assure that contractors are bonafide and operating on Guam, the same as posting on the Internet since Guam staff will do the data entry using the Form GES 514. The Guam agency staff indicates that this would typically include travel to the Guam Job Center of approximately five (5) minutes, in order to complete the GES 514 or provide the information orally to a Job Center staff member.

*The following table can be used as a guide to calculate the total burden of an information collection.*

| Activity  | Number of Respondents | Annualized Frequency | Total Annual Responses | Time Per Response     | Total Annual Burden (Hours) | Hourly Rate* | Monetized Value of Respondent Time |
|---|-----------------------|----------------------|------------------------|-----------------------|-----------------------------|--------------|------------------------------------|
| Posting job orders and preparing and submitting recruitment reports | 78                    | once                 | 78                     | 1 hour and 30 minutes | 117 hours                   | \$28.45      | \$3,329                            |
| <b>Unduplicated Totals</b>  | <b>78</b>             |                      | <b>78</b>              |                       | <b>117</b>                  |              | <b>\$3,329</b>                     |

*This analysis has been derived by examining comparable business practices and the employment needs of Guam contractors as related to the Guam Military Base Realignment effort. Wages have been estimated for Human Resource Specialists based on data from the Bureau of Labor Statistics, <https://www.bls.gov/oes/2016/may/oes131071.htm>.*

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).

**(1) Start-up/capital costs:** There are no start-up costs, or special data systems involved with this data collection. As noted above, recruitment activities, including advertising for U.S. workers and/or posting job orders, are a usual and customary activity for employers/contractors. There is no cost for posting on the publicly funded labor exchange job banks operated by the states and territories, or for an employer posting on HireGuam.com ([www.hireguam.com](http://www.hireguam.com)) when the business is working with a state or territory’s workforce agency. In addition, the American Samoa internet job bank is operational, so newspaper advertising is no longer necessary, eliminating that cost.

**(2) Annual costs:**

For contractors, in DOL’s required report to Congress (which is posted on the OMB site in its entirety), DOL outlined the routine burden for activities similar to this project. The relevant passages are below.

**Rules for Federal contractors.** DOL's Office of Federal Contract Compliance Programs (OFCCP) enforces the equal employment opportunity requirements applicable to Federal government contractors. The rules enforced by OFCCP apply to Federal contractors in the United States, including those in Guam. Among other things, OFCCP's rules require qualifying employers to immediately list job openings with the appropriate local office of the state employment service, although this requirement may be satisfied by listing the openings with the state workforce agency's (SWA) job bank. Furthermore, OFCCP regulations implementing Executive Order 11246 require qualifying construction contractors to provide written notification to minority and female recruitment sources and to community organizations when the contractor or its unions have employment opportunities available.

**Rules for H-2B non-agricultural workers.** Unlike the rest of the United States, the Governor of Guam rather than DOL is responsible for the determination of temporary labor certifications for H-2B temporary or seasonal nonimmigrant workers in Guam. The H-2B nonimmigrant visa category is the category normally used under U.S. immigration law to seek to import foreign construction workers temporarily to fill positions which themselves are temporary in nature. Under Guam's temporary labor certification regulations and guidelines, in order to obtain an H-2B non-agricultural worker certification in Guam, an employer must 1) advertise job openings for at least three consecutive days in Guam's largest daily newspaper; 2) place a job offer with the appropriate Guam job referral service at least 30 days prior to the commencement of employment; 3) conduct appropriate recruitment in other areas of the United States if sufficient U.S. construction workers are not available on Guam (the Governor may require the job order to be placed more than 30 days in advance); 4) report to the appropriate agency the names of all U.S. workers who applied for the position, indicating those hired and the job-related reasons for not hiring; and 5) offer all special considerations, such as housing and transportation expenses, to all U.S. workers who applied for the position, indicating those hired and the job-related reasons for not hiring. Although the Governor of Guam has the authority to issue temporary labor certifications for H-2B workers on Guam, the U.S. Department of Homeland Security (DHS) is responsible for determining the adequacy of the U.S. labor market test. Specifically, DHS is required to determine whether or not U.S. workers are available and whether or not the alien worker's employment will adversely affect the wages and working conditions of similarly employed U.S. workers.

As for the burden on the government of Guam, collecting and processing job orders is a routine task funded under the Wagner-Peyser Act. In addition, the Guam Alien Labor Processing and Certification Division also receives Federal funds to process business requests for temporary non-agricultural workers under the H-2B program and U.S. Citizenship and Immigration Services authority and follows the approach described in this data collection and Guam Administrative rules.

ETA provides Guam with formula funds for the Workforce Innovation and Opportunity Act adult, youth, and dislocated worker employment and training programs, and Wagner-Peyser Act funding for the employment service delivery program that supports a centrally located, comprehensive American Job Center. The GDOL will utilize portions of its annual Wagner-Peyser Act grant funding for the Guam military base realignment construction worker recruitment effort.

There is no additional cost to the government of Guam, as collecting and processing job orders is a routine task funded under the Wagner-Peyser Act. In addition, the Guam Alien Labor Processing and Certification Division also receives Federal funds to process business requests for temporary non-agricultural workers under the H-2B program and U.S. Citizenship and Immigration Services authority and follows the approach described in this data collection and Guam Administrative rules.

*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 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 cost of implementing this data collection system will be primarily borne by military base realignment contractors as a normal cost of doing business. GDOL will use a portion of their Federal allotment under Wagner-Peyser Act employment services delivery system funding as needed.

Each year, ETA will monitor GDOL's operation as normal part of the Wagner-Peyser Act grant monitoring conducted by ETA's San Francisco Regional Office (ETA Region 6). Reports of findings and/or corrective action plans will be developed as necessary and no additional cost to the Federal government is expected in this regard. ETA estimates that a Regional Office staff member will spend one hour per week or 52 hours per year to guide and monitor the Guam agency's handling of the contractor recruitment of U.S. workers. ETA estimates the cost to the government is therefore \$2,974 per year (52 hours x \$57.20), since a Regional Office staff member at grade 13 step 5 commands an hourly wage of \$57.20. See [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/SF\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/SF_h.pdf).

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

These program changes require contractors to make job postings related to the Guam Military Base Realignment available to U.S. workers nationally. The provisions being replaced require contractors to recruit in only five U.S. states along the west coast (Alaska, Hawaii, Washington, Oregon, and California) as well as Guam and the American Samoa. The new provisions leverage electronic tools, including

[www.hireguam.com](http://www.hireguam.com) and the National Labor Exchange to offer these job opportunities to U.S. workers from anywhere in the country. The burden has been significantly reduced, requiring contractors to utilize fewer job banks.

The burden analysis has been updated to anticipate 78 respondents (the number of anticipated job orders) as opposed to 25 due to an increasing need for workers related to base construction and realignment. The total annual responses have been reduced from 999 to 78. The original 999 estimate referred to the number of applicants per job post, which the Department now believes this is an overstated measure and resulted in an understatement of the per response burden, as some activities were amortized over more transactions. The number 78 accurately refers to the number of reports that contractors are expected to submit, one per job order (78). Finally, the response has been updated from 20 minutes to 90 minutes. This updated response considers the two job postings (15 minutes per post) and the time needed to develop the report required by the recruitment standards and this ICR (60 minutes). The total burden hours for this ICR have been reduced from an anticipated 333 to 117 due to use of [www.hireguam.com](http://www.hireguam.com) and the National Labor Exchange, which significantly reduces the number of job banks that contractors must post jobs to.

*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.*

Results of this information collection request will not be published. They are used solely to certify that the contractor has taken appropriate actions to find American workers.

*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 Expiration Date is displayed.

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

There are no exceptions to the certification statement.

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

This information collection does not employ statistical methods.