

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSIONS

**FMCS FORM R-43
OMB NO. 3076-0016**

A. Justification

1. Circumstances that make the collection of information necessary.

The policy of the United States, as expressed at Section 201(b) of the Labor Management Relations Act (29 U.S.C. 171(b)), is to make governmental facilities available for voluntary arbitration. To carry out this policy, the Federal Mediation and Conciliation Service (FMCS) has issued regulations (29 CFR Part 1404) which provide for the operation and maintenance of a roster of professional arbitrators. There are at present approximately 1,000 people on the FMCS roster, and FMCS furnishes about 10,000 panels to requestors each year, i.e. lists of qualified arbitrators from which the requestors jointly select the arbitrator of their choice. Arbitrators are private citizens, not employees of FMCS, and the parties directly pay them for hearing and deciding the issues submitted for determination.

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

The party or parties requesting a list of arbitrators supplies contact and screening information on FMCS Form R-43 that FMCS uses to create arbitrator panels. This information includes: names, addresses, and phone numbers of the parties involved; the location where the dispute will be heard; the type of issue involved; the type of industry; any special requirements; and one or both signature(s) of the parties involved. This information assists FMCS in determining from which geographical location expert arbitrators should be selected, which arbitrators have special qualifications such as experience in deciding specific issues or hearing cases in particular industries, as well as the addresses of the parties receiving the list of arbitrators. The information is necessary for FMCS to respond to the requests submitted to the agency.

3. Consideration of the use of improved information technology.

FMCS Form R-43 is available on FMCS' website as an online submission. There are no other apparent technological considerations.

4. Efforts to identify duplication.

There is no other form or data collection which duplicates FMCS Form R-43.

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

It is possible that some companies making requests on the FMCS Form R-43 may qualify as small businesses. The following points should be noted, however: (1) The use of the FMCS arbitration roster is voluntary--no one is required to use it; and (2) The information supplied on the FMCS Form R-43 is minimal. The form takes approximately 10 minutes to complete and submit.

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

There are no special consequences to federal program or policy activities if the collection is not conducted.

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 consequences to federal program or policy activities if the collection is not conducted.

8. Consultation.

The notice published in the **Federal Register** soliciting comments can be found at 90 FR 34868.

No public comments were received.

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

There has been no decision to provide any payment or gift to respondents.

10. Describe any assurance of confidentiality provided to respondents.

There has been no assurance of confidentiality provided to the respondents.

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

There are no questions of a sensitive nature, such as sexual behavior and attitudes, religion beliefs, and other matters that are commonly considered private.

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

There are approximately 10,000 responses per year and in most instances the form is completed only once. The annual burden is 1,666 hours, approximately 10 minutes per form.

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

The total annual reporting and record keeping cost burden is \$0. The form is available and can be submitted online. No record keeping is required.

14. Estimates of annualized Federal Government Costs.

Since FMCS Form R-43 is available and can be submitted online, the annualized costs to the government are substantially limited to information processing. Processing is performed by General Schedule employees in grades 7 and 14 and generally takes about 30 minutes per request. Annualized cost is estimated at \$139,000.

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 includes aggregated data from FMCS Form R-43 in its annual report.

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

FMCS is not seeking approval to preclude display of the expiration date of OMB approval on the information collection.

18. Explain each exception to the certification statement.

There is no exception to the certification statement identified in Item B.