



BILLING CODE: 4510-FN-P

DEPARTMENT OF LABOR

**Employment and Training Administration**

Agency Information Collection Activities; Comment Request;  
Guam Military Base Realignment Contractor Recruitment  
Standards

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL), Employment and Training Administration (ETA) is soliciting comments concerning the following, proposed changes to the information collection request (ICR) titled, "Guam Military Base Realignment Contractor Recruitment Standards." This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

**DATES:** Consideration will be given to all written comments received by [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden is included at the end of this notice and may be obtained free by contacting Michael DeMale by telephone

at 202-693-3948 TTY 877-889-5627, (these are not toll-free numbers) or by email at demale.michael.b@dol.gov.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Office of Workforce Investment, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room C-4516, Washington, DC 20210; by email: demale.michael.b@dol.gov; or by Fax 202-693-3015.

**FOR FURTHER INFORMATION CONTACT:** Contact Michael DeMale by telephone at 202-693-3948 (this is not a toll-free number) or by email at demale.michael.b@dol.gov.

**SUPPLEMENTARY INFORMATION:** The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

Section 2834(a) of the National Defense Authorization Act (NDAA) for Fiscal Year 2010 (Pub. L. 111-84, enacted October 28, 2009) amended Section 2824(c) of the Military Construction Authorization Act (Pub. L. 110-417, Division B) by adding a new subsection (6). This provision prohibits contractors engaged in construction projects related to the realignment of U.S. military forces from Okinawa to Guam from hiring non-U.S. workers unless the Governor of Guam (Governor), in consultation with the Secretary of Labor (Secretary), certifies that: 1) there is an insufficient number of U.S. workers that are able, willing, and qualified to perform the work; and 2) that the employment of non-U.S. workers will not have an adverse effect on either the wages or the working conditions of U.S. construction workers in Guam.

In order to allow the Governor to make this certification, the NDAA requires contractors to recruit workers in the U.S., including in Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the U.S. Virgin Islands, and Puerto Rico, according to the terms of a recruitment plan developed and approved by the Secretary. That recruitment plan has been reproduced in full in Section I below ("Contractor Recruitment Standards").

The Department has developed the Contractor Recruitment Standards in full consultation with, and with the approval of, the Guam Department of Labor (GDOL). Although the Department has developed the recruitment standards, it has assigned oversight of the Contractor Recruitment Standards and the NDAA-required consultation with the Governor to GDOL through a Memorandum of Understanding (MOU) between the Department and GDOL, effective November 22, 2011 (the MOU can be found on the RegInfo.gov Web site listed at the end of this Federal Register Notice).

Under the NDAA, no Guam base realignment construction project work may be performed by a person holding an H-2B visa under the Immigration and Nationality Act until the contractor complies with the Department's Contractor Recruitment Standards, and the Governor of Guam issues the certification noted above.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a

currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the ADDRESSES section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205-0484.

Submitted comments will also be a matter of public record for this ICR and posted on the Internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

### **Guam Military Base Realignment Contractor Recruitment**

**Standards:** Guam military base realignment contractors must take the following actions to recruit U.S. 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;

b. Submit a job posting with the state workforce agency's Internet job boards for the Commonwealth of the Northern Mariana Islands at <https://marianaslabor.net/employer.asp>, and the National Labor Exchange available to all states at <https://us.jobs/national-labor-exchange.asp>.

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. 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 the job posting on the National Labor Exchange 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 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, 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).

**Burden:**

Agency: DOL-ETA.

Type of Review: Revision.

Title of Collection: Guam Military Base Realignment Contractor Recruitment Standards.

Form: GES 514.

OMB Control Number: 1205-0484.

Affected Public: Private sector.

Estimated Number of Respondents: 25.

Frequency: Once.

Total Estimated Annual Responses: 999.

Estimated Average Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 117 hours.

Total Estimated Annual Other Cost Burden: \$0.

**Authority:** 44 U.S.C. 3506 (c) (2) (A).

Byron Zuidema,

Deputy Assistant Secretary for Employment and Training.

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