



## **DEPARTMENT OF LABOR**

### **Wage and Hour Division**

#### **Agency Information Collection Activities: Comment Request; Information Collections:**

#### **Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration**

**AGENCY:** Wage and Hour Division, Department of Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that 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 on respondents can be properly assessed. Currently, the Wage and Hour Division is soliciting comments concerning the revision to Office of Management and Budget (OMB) approval of the Information Collections: Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration. A copy of the proposed information collection request can be obtained by contacting the office listed below in the FOR FURTHER INFORMATION CONTACT section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the addresses section below on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may submit comments, identified by Control Number 1235-0016, by either one of the following methods:

Email: WHDPRAComments@dol.gov.

Mail, Hand Delivery, Courier: Regulatory Analysis Branch, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20001.

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, D.C. area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for Office of Management and Budget approval of the information collection request.

**FOR FURTHER INFORMATION CONTACT:** Robert Waterman, Compliance Specialist, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20001; telephone: (202) 693-0406 (this is not a toll-free number). Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape or Disc), upon request, by calling (202) 693-0023 (not a toll-free number). TTY/TDD callers may dial toll-free (877) 889-5627 to obtain information or request materials in alternative formats.

**SUPPLEMENTARY INFORMATION:**

I. Background: The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) provides that no person shall engage in any farm labor contracting activity for any money or valuable consideration paid or promised to be paid, unless such person has a certificate of registration from the Secretary of Labor specifying which farm labor contracting activities such person is authorized to perform. *See* 29 U.S.C. 1802(7), 1811(a); 29 CFR 500.1(c), 500.20(i), 500.40. MSPA also provides that a Farm Labor Contractor (FLC) shall not hire, employ, or use any

individual to perform farm labor contracting activities unless such individual has a certificate of registration as a FLC or a certificate of registration as a Farm Labor Contractor Employee (FLCE) of the FLC that authorizes the activity for which such individual is hired, employed or used. 29 U.S.C. § 1811(b); 29 CFR 500.1(c). Form WH-530 is an application used to obtain a FLC or FLCE certificate of registration. The Department proposes to revise form WH-530 by dividing it into three separate forms, two of which are new forms (WH-535 and WH-540), serving separate purposes. Additionally, the Department proposes to develop electronic forms mirroring the revised and new paper forms so that applications may be submitted online for WH-530, WH-535, and WH-540.

MSPA section 401 (29 U.S.C. 1841) requires, subject to certain exceptions, all FLCs, agricultural employers, and agricultural associations to ensure that any vehicle they use or cause to be used to transport or drive any migrant or seasonal agricultural worker conforms to safety and health standards prescribed by the Secretary of Labor under the MSPA and with other applicable federal and state safety standards. These MSPA safety standards address the vehicle, driver, and insurance. The Wage and Hour Division (WHD) has created forms WH-514, WH-514a, and WH-515, which allow FLC applicants to verify to the WHD that the vehicles used to transport migrant/seasonal agricultural workers meet the MSPA vehicle safety standards and that anyone who drives such workers meets the Act's minimum physical requirements. The WHD uses the information collected on the forms in deciding whether to authorize the FLC/FLCE applicant to transport/drive any migrant/seasonal agricultural worker(s) or to cause such transportation. Form WH-514 is used to verify that any vehicle used or caused to be used to transport any migrant/seasonal agricultural worker(s) meets the Department of Transportation (DOT) safety standards. When the adopted DOT rules do not apply, FLC applicants seeking authorization to transport any migrant/seasonal agricultural workers use form WH-514a to verify that the vehicles meet the DOL safety standards. The form is complete when the applicant lists identifying vehicle information and an independent mechanic attests that the vehicle meets the

required safety standards. Form WH-515 is a doctor's certificate used to document that a motor vehicle driver or operator meets the minimum DOT physical requirements that the DOL has adopted.

II. Review Focus: 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 submissions of responses.

III. Current Actions: The DOL seeks to revise the information collection requests for the Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration.

Type of Review: Revision.

Agency: Wage and Hour Division.

Titles: Application for a Farm Labor Contractor or a Farm Labor Contractor Employee Certificate of Registration

OMB Control Number: 1235-0016.

Agency Numbers: Forms WH-514, WH-514a, WH-515, WH-530, WH-540, WH-535.

Affected Public: Businesses or other for-profits, Farms.

Total Estimated Respondents: 27,632

Total Annual responses: 34,672

Estimated Total Burden Hours: 13,304

Estimated Time Per Response: 5 minutes for the vehicle mechanical inspection reports (WH-514 or WH-514a) and 20 minutes for MSPA Doctor's Certification (WH-515) and 30 minutes for the Farm Labor Contractor and the FLCE Applications (WH-530 and WH-535) and 15 minutes for the Application Amendment (WH-540).

Frequency: On Occasion, but no more often than annual.

Total Burden Cost (capital/startup): \$0.

Total Burden Cost (operating/maintenance): \$988,006.79

DATED: November 11, 2020.

Amy DeBisschop,

Director, Division of Regulations, Legislation, & Interpretation.

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