

Total Burden Cost (Operating/Maintaining): \$0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 20, 2004.

Cheryl Atkinson,

Administrator, Office of Workforce Security.

[FR Doc. E4-417 Filed 2-26-04; 8:45 am]

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DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, 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 (PRA95) (44 U.S.C. 3506(c)(2)(A)). 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 Employment Standards Administration is soliciting comments concerning the proposed collection: 29 CFR part 825, the Family and Medical Leave Act of 1993. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before April 27, 2004.

ADDRESSES: Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0418, fax (202) 693-1451, email bell.hazel@dol.gov. Please use only one method of transmission for comments (mail, fax, or email).

SUPPLEMENTARY INFORMATION:

I. Background

The Family and Medical Leave Act of 1993 (FMLA), Public Law 103.3, 107

Stat. 6, 29 U.S.C. 2601, which became effective on August 5, 1993, requires private sector employers of 50 or more employees and public agencies to provide up to 12 weeks of unpaid, job-protected leave during any 12-month period to "eligible" employees for certain family and medical reasons. Leave must be granted to "eligible" employees because of the birth of a child and to care for the newborn child, because of the placement of a child with the employee for adoption or foster care, because the employee is needed to care for a family member (child, spouse, or parent) with a serious health condition, or because the employee's own serious health condition makes the employee unable to perform any of the essential function of his or her job. This information collection contains recordkeeping and notification requirements associated with the Act and regulations. Implementing regulations are found at 29 CFR Part 825. Two optional forms are included in this information collection request. The WH-380, Certification of Health Care Provider, may be used to certify a serious health condition under FMLA. The WH-381, Employer Response to Employee Request for Family or Medical Leave, may be used by an employer to respond to a leave request under FMLA. Both forms are third-party notifications and are sent to the employee; they are not submitted to the Department of Labor. The current PRA authorization for 29 CFR part 825, The Family and Medical Leave Act of 1993, is scheduled to expire on July 31, 2004. DOL is requesting a three year extension of the OMB clearance for the current regulations and its information collection requirements. However, DOL does anticipate publication of a proposed revision to those regulations for public review and comment (68 FR 72522, December 22, 2003, RIN 1215-AB35) and a final rule prior to the expiration of the three year clearance for the current regulations and its information collection requirements. DOL will submit for clearance a revised information collection request once a proposed rule is published.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- 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 Department of Labor seeks approval for the extension of this information collection in order to ensure that both employers and employees are aware of and can exercise their rights and meet their respective obligations under FMLA, and in order for the Department of Labor to carry out its statutory obligation under FMLA to investigate and ensure employer compliance has been met.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: 29 CFR Part 825, The Family and Medical Leave Act of 1993.

OMB Number: 1215-0181

Agency Number: WH-380, WH-381

Affected Public: Individuals or household, business or other for-profit, not-for-profit institutions, farms, Federal government, State, local or tribal government.

Total Respondents: 6.657 million.

Total Responses: 15.058 million.

Time per Response: 1 to 20 minutes.

Frequency: On occasion (recordkeeping, third-party disclosure).

Estimated Total Burden Hours: 1,370,103.

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

Total Burden Cost (operating/maintenance): \$0 .

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 23, 2004.

Bruce Bohanon,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

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