

## Explanation of Table

Column 1: This column shows each State's unemployment rate for the twelve months ending September 1998.

Column 2: This column shows the amount of excess funds which are subject to recapture. PY 1998 funds in an amount equal to the excess of funds identified will be recaptured from such State and distributed as discussed below.

Column 3: This column shows total excess funds initially distributed among all "eligible States" by applying the regular Title III formula. "Eligible States" are those with unexpended PY 1997 funds at or below the level of 20 percent of their PY 1997 formula allotments as described above.

Column 4: Eligible States with unemployment rates higher than the national average, which was 4.6 percent for the 12-month period, are "eligible high unemployment States." These eligible high unemployment States received amounts equal to their share of the excess funds (the amounts shown in column 3) according to the regular Title III formula. This is Step 1 of the reallocation process. These amounts are shown in column 4 and total \$3,025,519.

Column 5: The sum of the remaining shares of available funds (\$1,474,005) is distributed among all eligible States, again using the regular Title III allotment formula. This is Step 2 of the reallocation process. These amounts are shown in column 5.

Column 6: Net changes in PY 1998 formula allotment are presented. This column represents the decreases in Title III funds shown in column 2, and the increases in Title III funds shown in columns 4 and 5. NOOs in the amounts shown in column 6 are being issued to the States listed.

## Equitable Procedures

Pursuant to section 303(d) of the Act, Governors of States required to make funds available for reallocation shall prescribe equitable procedures for making funds available from the State and substate grantees. 29 U.S.C. 1653(d).

## Distribution of Funds

Funds are being reallocated by the Secretary in accordance with section 303(a), (b), and (c) of the Act, using the factors described in section 302(b) of the Act. 29 U.S.C. 1652(b) and 1653(a), (b), and (c). Distribution within States of funds allotted to States shall be in accordance with section 302(c) and (d) of the Act (29 U.S.C. 1652(c) and (d)), and the JTPA regulation at 20 CFR 631.12(d).

Signed at Washington, D.C., this 5th day of March, 1999.

**Raymond Bramucci,**

*Assistant Secretary of Labor.*

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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 following proposed extension collections: (1) Regulations, 29 CFR Part 825, The Family and Medical Leave Act of 1993; and (2) Notice of Recurrence of Disability and Claim for Continuation of Pay/Compensation (Form CA-2a). A copy of the proposed information collection requests can be obtained by contacting the office listed below in the addressee section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before May 25, 1999. 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.

**ADDRESSES:** Ms. Patricia A. Forkel, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0339 (this is not a toll-free number), fax (202) 693-1451.

### SUPPLEMENTARY INFORMATION:

### Regulations, 29 CFR Part 825, The Family and Medical Leave Act of 1993 (WH-380 and WH-381)

#### I. Background

The Family and Medical Leave Act of 1993 (FMLA) requires private section employers of 50 or more employees, and public agencies, to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. Records are required so that the Department of Labor can determine employer compliance with FMLA.

#### II. Current Actions

The Department of Labor seeks an extension of approval to collect this information in order to carry out its statutory obligation under FMLA to investigate and ensure employer compliance with the Act.

*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 and WH-381.

*Affected Public:* Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; State, Local or Tribal government.

*Total Respondents:* 3.9 million.

*Frequency:* Recordkeeping; Reporting on occasion.

*Total Responses:* 9.1425 million.

*Time per Response:* 1 minute to 10 minutes.

*Estimated Total Burden Hours:* 645,625.

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

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

### Notice of Recurrence of Disability and Claim for Continuation of Pay/Compensation (CA-2a)

#### I. Background

The CA-2a is a form used by current, or occasionally former Federal

employees, to claim wage loss or medical treatment resulting from a recurrence of a work-related injury while Federally employed. The form is required of the public, and thus subject to the Paperwork Reduction Act of 1995, in cases where the claimant has left Federal employment at the time of a claimed recurrence. The information is necessary to ensure accurate benefit payments.

## II. Current Actions

The Department of Labor seeks the extension of approval to collect this information in order to determine whether a claimant has suffered a recurrence of disability related to an accepted injury, and, if so, the amount of benefits payable.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Title:* Notice of Recurrence of Disability and Claim for continuation Pay/Compensation.

*OMB Number:* 1215-0167.

*Agency Number:* CA-2a.

*Affected Public:* Individuals or households.

*Total Respondents:* 550.

*Frequency:* As needed.

*Total Responses:* 550.

*Average Time per Response:* 30 minutes.

*Estimated Total Burden Hours:* 275.

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

*Total Burden Cost (operating/maintenance):* \$198.00.

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: March 16, 1999.

**Eleanor Smith,**

*Deputy Director, Office of Management, Administration and Planning Employment Standards Administration.*

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## DEPARTMENT OF LABOR

### Wage and Hour Division

[Administrative Order No. 664]

### Special Industry Committee for All Industries in American Samoa; Appointment; Convention; Hearing

1. Pursuant to sections 5 and 6(a)(3) of the Fair Labor Standards Act (FLSA) of 1938, as amended (29 U.S.C. 205, 206(a)(3)), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p.

1004) and 29 CFR Part 511, I hereby appoint special Industry Committee No. 23 for American Samoa.

2. Pursuant to sections 5, 6(a)(3) and 8 of FLSA, as amended (29 U.S.C. 205, 206(a)(3), and 208), reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene the above-appointed industry committee;

(b) Refer to the industry committee the question of the minimum rate or rates for all industries in American Samoa to be paid under section 6(a)(3) of the FLSA, as amended; and,

(c) Give notice of the hearing to be held by the committee at the time and place indicated.

The industry committee shall investigate conditions in such industries, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the FLSA.

The committee shall meet in executive session to commence its investigation at 9:00 a.m. and begin its public hearing at 11:00 a.m. on June 7, 1999, in Pago Pago, American Samoa.

3. The rate or rates recommended by the committee shall not exceed the rate prescribed by section 6(a) or 6(b) of the FLSA, as amended by the Fair Labor Standards Amendments of 1996, of \$5.15 an hour effective September 1, 1997.

The committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum rate or rates of wages for such industries that it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in such industries, and will not give any industry in American Samoa a competitive advantage over any industry in the United States outside of American Samoa.

4. Where the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in the industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR Part 511.10, that will not substantially curtail employment in such classification and will not give a

competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following:

(a) Competitive conditions as affected by transportation, living, and production costs;

(b) Wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and

(c) Wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

5. Prior to the hearing, the Administrator of the Wage and Hour Division, U.S. Department of Labor, shall prepare an economic report containing the information that has been assembled pertinent to the matters referred to the committee. Copies of this report may be obtained at the Office of the Governor, Pago Pago, American Samoa, and the National Office of the Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210. Upon request, the Wage and Hour Division will mail copies to interested persons who make written request to the Wage and Hour Division. To facilitate mailing, such persons should make advance written request to the Wage and Hour Division. The committee will take official notice of the facts stated in this report. Parties, however, shall be afforded an opportunity to refute such facts by evidence received at the hearing.

6. The provisions of Title 29, Code of Federal Regulations, Part 511, will govern the procedure of this industry committee. Copies of this part of the regulations will be available at the Office of the Governor, Pago Pago, American Samoa, and at the National Office of the Wage and Hour Division. The proceedings will be conducted in English but in the event a witness should wish to testify in Samoan, an interpreter will be provided. As a prerequisite to participation as a party, interested persons shall file six copies of a pre-hearing statement at the aforementioned Office of the Governor of American Samoa and six copies at the National Office of the Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210. Each pre-