

This ICR contains recordkeeping and notification requirements associated with the Act and implementing regulations 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. This information collection is currently approved for use through July 31, 2003.

The Department of Labor seeks OMB 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 have been met.

**Ira L. Mills,**

*Departmental Clearance Officer.*

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

June 11, 2003.

The Department of Labor (DOL) has submitted the following public information collection requests (ICR's) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of the ICR's, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation, contact Vanessa Reeves on 202-693-4121 (this is not a toll-free number) or E-Mail: [reeves.vanessa2@dol.gov](mailto:reeves.vanessa2@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employee Benefits Security Agency, Office of Management and Budget, Room 10235, Washington, DC 20503 (202-395-7316/this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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 submission of responses.

*Agency:* Employee Benefits Security Administration (EBSA).

*Type of Review:* Extension of a currently approved collection.

*Title:* Prohibited Transaction Class Exemptions for Multiple Employer & Multiple Employer Apprenticeship Plans, PTCE 76-1, PTCE 77-10, PTCE 78-6.

*OMB Number:* 1210-0058.

*Affected Public:* Business or other for-profit and individuals or households.

*Frequency:* On occasion.

*Type of Response:* Recordkeeping.

*Number of Respondents:* 4,810.

Information collection requirements	Annual responses	Average response time (hours)	Annual burden hours
PTCE 76-1, Part A .....	0	0.00	0
PTCE 76-1, Part B .....	58	0.25	15
PTCE 76-1, Part C .....	4,623	0.25	1,156
PTCE 77-10 .....	0	0.00	0
PTCE 78-6 .....	645	0.08	54
Total .....	5,326	.....	1,225

*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* Prohibited Transaction Class Exemption 76-1, approved under OMB No. 1210-0058, provides an exemption, under specified conditions, from certain of ERISA's prohibited transaction provisions at section 406(a) for various transactions involving multi-employer or multi employer plans (together, multiple employer plans). Part A of PTCE 76-1 provides that an agreement between a plan and an employer for extending the time for a contribution must be in writing. Part B provides that permanent financing for

construction loans involving plans and participating employers must be in writing, and records must be maintained for six years. Part C permits plans to lease office space and provide administrative services or sell goods to a participating employer, employee organization, participating employer association or to another multiple employer plan that is a party in interest. A related exemption, PTCE 77-10, also approved under OMB No. 1210-0058, complements Part C of PTCE 76-1 by providing an exemption from sections 406(a) and 407(a) of ERISA.

The Department proposes to combine the information collection under PTCE 76-1 with the information collection in PTCE 78-6, currently approved under

OMB No. 1210-0080, by incorporating the information collection provisions of PTCE 78-6 into the revision ICR number OMB No. 1210-0058 and allowing the control number for PTCE 78-6 to expire. PTCE 78-6 provides an exemption to multiple employer apprenticeship plans for the purchase of personal property or the lease of real property by a plan to a contributing employer. The Department believes that the public will benefit by having the opportunity to comment on the three information collection provisions at the same time because the three exemptions are closely related in that they provide relief from prohibited transactions for multiple employer plans or multiple employer apprenticeship plans and they