

**SUPPORTING STATEMENT FOR REQUEST FOR OMB APPROVAL
UNDER THE PAPERWORK REDUCTION ACT OF 1995**

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A. JUSTIFICATION

This is a justification for the Department of Labor, Employment and Training Administration's (ETA) request for a 3-year extension to the reporting and recordkeeping requirements of the Migrant and Seasonal Farmworker (MSFW) Program authorized under section 167 of the Workforce Investment Act (WIA). Each grantee administering funds under the MSFW program is required to submit a program planning report (ETA Form 9094), a budget information summary report (ETA Form 9093), and a quarterly program status report (ETA Form 9095). This latter form contains information related to levels of participation and service, related assistance activities, and actual placements in employment. In addition, each grantee submits a quarterly file of individual records on all participants who exit the program, called the Workforce Investment Act Standardized Participant Record (WIASPR).

The MSFW reporting and recordkeeping system includes the data collection elements necessary for tracking grantee progress against a set of common performance measures (begun on July 1, 2005), and reporting requirements related to recent Federal legislative (e.g., Jobs for Veterans Act, P.L. 107-288) and budgetary (e.g., elimination of MSFW youth program funding) actions.

The accuracy, reliability, and comparability of program reports submitted by grantees using Federal funds are fundamental elements of good public administration, and are necessary tools for maintaining and demonstrating system integrity. The use of a standard set of data elements, definitions, and specifications at all levels of the workforce system helps improve the quality of performance information that is received by the Department. The common measures are an integral part of ETA's performance accountability system, and ETA will continue to collect from grantees the data on program activities, participants, and outcomes that are necessary for program management and to convey full and accurate information on the performance of workforce programs to policymakers and stakeholders.

A.1 Circumstances Necessitating Data Collection

In 2001, the President announced a Management Agenda to improve the management and performance of the Federal government. Budget and performance integration, one of the five government-wide goals, emphasizes program effectiveness. As part of the President's Management Agenda, the Office of Management and Budget (OMB) and other Federal agencies developed a set of common performance measures to be applied to certain federally-funded employment and training programs with similar strategic goals.

The implementation of common performance measures across Federal job training and employment programs will enhance the government's ability to assess the effectiveness and impact of the workforce investment system, including the performance of the system in serving individuals facing significant barriers to employment. Multiple sets of performance measures have burdened states and grantees as they are required to report performance outcomes based on varying definitions and methodologies. By minimizing the different reporting and performance requirements, common performance measures can facilitate the integration of service delivery and

break down barriers to cooperation among programs.

The common measures are an integral component of the MSFW performance accountability system. The value of common measures is the ability to describe in a similar manner the core purposes of the workforce system - how many people found jobs; did people stay employed; and did earnings increase. Standardizing the definitions of the outcomes across programs simplifies reporting, and provides a greater ability to compare and manage results. The reporting requirements currently in place calculate the common measures for the MSFW program, enhance the Agency's ability to manage the programs, and assess the overall effectiveness of the workforce investment system.

ETA's statutory and regulatory authority to administer the MSFW program includes provisions allowing for the requirement of performance reporting from grantees. The Workforce Investment Act of 1998 (P.L. 105-220) includes provisions that require each grantee to furnish to the Secretary such information and reports as are necessary or appropriate for carrying out the purposes of section 167 of the Act.

Information is collected through the MSFW reporting and recordkeeping system under the following authority:

WIA section 167

(c) Program Plan.--

(1) In general.--To be eligible to receive a grant or enter into a contract under this section, an entity described in subsection (b) shall submit to the Secretary a plan that describes a 2-year strategy for meeting the needs of eligible migrant and seasonal farmworkers in the area to be served by such entity.

(2) Contents.--Such plan shall--

(A) identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the eligible migrant and seasonal farmworkers and dependents to obtain or retain unsubsidized employment or stabilize their unsubsidized employment;

(B) describe the related assistance and supportive services to be provided and the manner in which such assistance and services are to be integrated and coordinated with other appropriate services; and

(C) describe the indicators of performance to be used to assess the performance of such entity in carrying out the activities assisted under this section.

WIA Regulations Final Rule 20 CFR 667.300

§ 667.300(a) General. All States and other direct grant recipients must report financial, participant, and performance data in accordance with instructions issued by DOL. Required reports must be submitted no more frequently than quarterly within a time period specified in the reporting instructions.

WIA section 185 broadly addresses reports, recordkeeping and investigations across programs authorized under title I of the Act. The provisions of section 185:

- Require the Secretary to ensure that all elements of the information required for reports be defined and reported uniformly (WIA section 185(d)(2));
- Direct each state and each Local Board and each recipient (other than a sub-recipient, sub-grantee, or contractor of a recipient) to prescribe and maintain comparable management information systems, in accordance with the guidelines that shall be prescribed by the Secretary designed to facilitate the uniform compilation, cross tabulation, and analysis of programmatic, participant and financial data, on statewide, local area, and other appropriate bases, necessary for reporting, monitoring, and evaluating purposes, including data necessary to comply with section 188 (WIA section 185(c)(2));
- Require that recipients of funds under title I of WIA shall maintain such records and submit such reports in such form and containing such information as the Secretary may require regarding the performance of programs and activities carried out under title I of WIA (section 185(a)(2));
- Specify that the reports shall include information about programs and activities carried out under title I of WIA pertaining to:
 - Relevant demographic characteristics (including race, ethnicity, sex, and age) and other related information regarding participants;
 - Programs and activities in which participants are enrolled, and the length of time that participants are engaged in such programs and activities;
 - Outcomes of the programs and activities for participants, including the occupations of participants and placement for participants in nontraditional employment;
 - Specified costs of the programs and activities; and
 - Information necessary to prepare reports to comply with section 188 and 29 CFR Part 37 (section 185(d)(1) (a-e)).

A.2 How, by Whom, and For What Purpose the Information is to be Used

Grantees will be expected to implement these recordkeeping and reporting requirements with available funds. These reporting requirements will better organize data that are already being collected and help standardize the measurement of performance. At a minimum, information collected and reported through the Budget Information Summary Report Form 9093 (see Attachment A), the Program Planning Summary Report Form 9094 (see Attachment B), the Program Status Summary Report (see Attachment C), and the WIASPR files (see Attachment D), will be used by grantees and ETA for the following purposes:

1. To provide program and performance information to stakeholders including participants, businesses, taxpayers, Congress and others;
2. To continuously improve the quality, effectiveness and efficiency of customer services delivered through the MSFW program;
3. To provide management information for use in Federal program administration and oversight, including grant-specific participation, service, and outcome summaries. Selected demographic information will also be used to demonstrate compliance with all applicable laws and regulations, and to prepare and maintain grantee management reports; and
4. To measure compliance with the Government Performance and Results Act (GPRA) and to assess the program using the Administration's Performance Assessment Rating Tool (PART).

A.3 Use of Technology to Reduce Burden

In order to comply with the Government Paperwork Elimination Act, ETA has streamlined the collection of MSFW participant data and the preparation of quarterly performance reports to the extent feasible by providing uniform data elements and data definitions to grantees, and through the use of technology. All MSFW reports and records will be submitted to ETA via the Internet. However, it is left to the grantees to decide the best technology for collecting individual case management data given their unique circumstances and resource availability. Grantees collect, retain, and report all information electronically.

A.4 Efforts to Identify Duplication

The WIA section 167 program is unique, both by law and regulation. No other data source will supply the information needed to account for and evaluate the section 167 program.

A.5 Methods to Minimize Burden on Small Businesses

No small businesses or entities are impacted.

A.6 Consequences of Less Frequent Data Collection

The Workforce Investment Act is very specific about reporting requirements and reporting frequency. The Department would not be in compliance with the statute if it did not comply with these reporting requirements.

The Final Rule at 20 CFR 667.300(d) (65F.R. 49429 August 11, 2000) which governs the due date states:

§ 667.300(a) General. All States and other direct grant recipients must report financial, participant, and performance data in accordance with instructions issued by DOL. Required reports must be submitted no more frequently than quarterly within a time period specified in the reporting instructions.

Collection of this information is absolutely necessary to ensure proper accountability for Federal funds and ensuring that the funds are actually being spent for the purposes intended by the Congress. This collection of information gives staff the ability to provide timely technical assistance to grantees that are failing below acceptable performance levels. The collection of fewer data elements would seriously hamper the ability of the Department to respond to data requests from Congress and the Administration and compromise the Department's efforts to comply with the GPRA.

A.7 Special Circumstances for Data Collection

This data collection effort does not involve any special circumstances.

A.8 Federal Register Notice and Consultation Outside the Agency

A Notice was published in the Federal Register on September 15, 2006 (Vol. 71, No. 179, pp 54522-54523) to afford the public sixty days during which to submit comments on this information collection. No comments were received.

A.9 Payment of Gifts to Respondents

There is no payment of gifts to respondents under this data collection.

A.10 Confidentiality Assurances

ETA is responsible for protecting the confidentiality of the MSFW performance data and will maintain the data in accordance with all applicable federal laws, with particular emphasis upon compliance with the provisions of the Privacy and Freedom of Information Acts. MSFW performance data will not contain any individually identifying information. ETA may receive records on individuals, but they will submit them under an individual identifier, which must not be the individual's social security number.

A.11 Additional Justification for Sensitive Questions

There are no sensitive questions included in the proposed data collection. Client-level information may be provided to ETA using a unique personal identifier or pseudo-social security number.

A.12 Estimates of the Burden of Data Collection

The annual national burden for the MSFW reporting system has the following three components: (1) the annual program planning reports (ETA Form 9093 and 9094); (2) the quarterly program status report (ETA 9095); and (3) the WIASPR burden. This response provides a separate burden estimate for each of the components, and is based on our best understanding of the reporting burden using information gathered from the grantees who work with these reports regularly. There are approximately 53 grantees that will respond to this data collection.

- (1). Annual Program Planning Reports – Grantees submit an annual budget plan (ETA Form 9093) and an annual program plan (ETA Form 9094) at the beginning of the grant year. The data collection burden associated with these forms includes staff time to prepare budget and program planning figures, formatting, and transmitting the annual program planning reports to ETA.
- (2). Quarterly Program Status Report – Grantees submit a program status report (ETA Form 9095) each quarter of the grant year. The data collection burden associated with this form includes staff time to prepare aggregate performance information, program run times, data editing and checking, formatting, and transmitting the quarterly report to ETA.
- (3). WIASPR – The WIASPR burden considers the amount of information collected from individual program participants and reported that would not have to be collected by the grantees as part of their customary and usual burden to run the program. The data collection burden associated with the WIASPR includes program run times to extract program participant data, formatting, data editing and checking, and transmitting the files four times a year. The WIASPR estimate does not include the burden associated with collecting and reporting information required to meet EEO requirements, which is covered under a separate burden estimate.

Required Section 167 Activity/Report	Number of Respondents	Responses Per Year	Total Responses	Hours Per Response	Annual Burden Hours	Annual Cost
Plan Narrative	53	1	53	20	1,060	\$11,395
Budget Information Summary <i>ETA Form 9093</i>	53	1	53	15	795	\$8,546
Program Planning Summary <i>ETA Form 9094</i>	53	1	53	16	848	\$9,116
Program Status Summary <i>ETA Form 9095</i>	53	4	212	7	1,484	\$15,953
WIASPR Data	53	4	29,500	2.25	66,375	\$713,531
TOTALS	53	11	29,871	60.25	70,562	\$758,541

Hourly rates used to calculate cost depend upon the type of organization administering the program. Because the NFJP is largely administered through private non-profit organizations, an hourly rate of \$10.75 was used in calculating the total annual costs of this collection. This is the average hourly earnings in the Census Bureau's social assistance industry category (May 2003, Current Employment Statistics Survey, U.S. Census Bureau).

A.13 Estimated Cost to Respondents

There is no cost burden associated with this data collection for the respondent. Cost to maintain and disclose these data are covered by the WIA section 167 grant funds.

A.14 Estimates of Annualized Costs to Federal Government

ETA will continue to collect and maintain all reports through its Office of Performance and Technology's on-line Enterprise Business Support System (EBSS). Since the electronic mechanisms for collecting and storing grantee performance data on a quarterly basis are already in place to support other ETA programs, the annualized cost to the Federal government to incorporate the MSFW reports will be minimal. The annual costs of maintaining the MSFW quarterly reports and records through EBSS, matching SPIR data with state UI wage records and

other Federal employment databases, and generating quarterly performance reports for each grantee based on the common measures is estimated to be \$115,000.

For the quarterly progress report (ETA form 9095) and WIASPR files, it is estimated that staff spend approximately 40 hours per quarter (320 hours per year) monitoring the data, providing technical assistance for grantee report submissions, preparing special aggregate reports for internal program management purposes, and generating specific responses to Congressional and other inquiries. Using an average hourly staff rate of \$35.83, the estimated annual cost to the Federal government is \$11,466.

The total estimated annual cost to the Federal government for this data collection is \$126,466. The hourly rate used to calculate cost is the average hourly rate for a GS-13 (Step 1) employee in the Federal service (based on 2005 GS locality pay schedules [http://www.opm.gov/oca/05tables/.](http://www.opm.gov/oca/05tables/))

A.15 Changes in Burden

The total annual burden hours requested for this collection of information are 70,562 hours and remain unchanged from the currently approved inventory. The total annual costs of this collection are estimated at \$758,541. All costs to maintain and disclose these data are covered by the WIA section 167 grant funds.

A.16 Tabulation of Publication Plans and Time Schedules for the Project

Results from this collection of information are not published externally and are used internally for the exclusive purposes noted in our response to item A.2.

A.17 Approval Not to Display OMB Expiration Date

The expiration date for OMB approval will be displayed. We are not seeking approval to have this concealed.

A.18 Exceptions to OMB Form 83-I

No exceptions are requested in the “Certification of Paperwork Reduction Act Submissions.”

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This data collection does not employ any statistical methods.

ATTACHMENTS

Attachment A – Budget Information Summary Report (ETA Form 9093) and General Instructions

Attachment B – Program Planning Summary Report (ETA Form 9094) and General Instructions

Attachment C – Program Status Summary Report (ETA Form 9095) and General Instructions

Attachment D – Workforce Investment Act Standardized Participant Record (WIASPR)

Attachment E – Relevant Statutory/Regulatory Citations

Attachment F – Federal Register Notice