

## SUPPORTING STATEMENT

### A. JUSTIFICATION

1. **Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The Job Corps Program is described in its enabling legislation under Public Law 105-220, Workforce Investment Act, as amended by Public Law 105-277. Section 145 of the Act outlines the recruitment, screening, selection and assignment of enrollees (Attachment 1).

The Department of Labor's regulation at 20 CFR 670.410 (a, b) (Attachment 2) further details the recruitment and applicant process of applicants.

Applicants wishing to enroll in the Job Corps Program must first be deemed eligible based on the eligibility criteria as defined in 20 CFR 670.410 (Attachment 2) and then selected based on the additional selection factors in 20 CFR 670.410 (Attachment 2). This admission process is carried out by admission counselors. This admission process ensures that applicants meet all eligibility requirements and additional selection factors as defined in Chapter One of the Policy and Requirements Handbook (PRH) July 2001.

Nonmedical personnel in the admissions office (admission counselors) conduct the screening interview and complete all required application forms.

2. **Indicate how, by whom, and for what purpose the information is to be used.**

The information on the ETA 6-53 is collected by the admissions counselors to enable the centers to determine the health needs of the applicant. The admissions counselors, after they have determined eligibility and the applicant has been selected for assignment into the Job Corps Program, complete the form and send it with the admission packet to the Job Corps center for review. After review at the center, the health staff may feel additional health information is needed, whereupon the admissions counselor would be contacted to obtain the information that has been requested from the applicant's health care provider.

If the center health staff approves the admission to the center, the applicant is enrolled at the earliest possible date. If the center health staff rejects the application, it is then sent forward to the center's Regional Office for review. If the Regional Health Consultants in the Regional Office concur with center staff, the application, along with the recommendation of the consultants, is forwarded to the Regional Director for final determination. If the Regional Director concurs with the recommendation, then the admission is rejected and admission to the program is denied. If the Regional Health

Consultants or the Regional Director overturns the decision of the center, then the applicant is enrolled at the earliest possible date.

Proposed changes to the currently approved ETA 6-53 form and instructions are as follows:

- Expanded Purpose – The purpose of this form has been expanded to include questions to determine whether an otherwise-eligible applicant offered enrollment may pose a direct threat to self or others.
- Added information to Instructions – To comply with regulatory requirements, language has been added to the instructions to ensure that applicants are provided with appropriate information before medical or disability- Instructions)
- Added direct threat questions - To determine whether an otherwise-eligible applicant offered enrollment may pose a direct threat to self or others. The purpose of these questions is to prevent illness, injury, or death on centers. (Question 8 l-w)
- Added new conditions – To better determine the health and accommodation/ modification needs of the applicant who has been offered enrollment, several new conditions have been added. (Question 9)
- Added authorization to provide basic oral care – This will eliminate the need for the student to sign a separate authorization to receive basic oral care and provides a description of what is included in basic oral care. (Authorization Section)
- Added requirement for AC to provide information – To ensure all applicants are informed of the health care to be provided by Job Corps, the AC is now required to provide each applicant a copy of the types of care that are considered “basic routine health care” from the Job Corps Policy and Requirements Handbook (currently Exhibit 6-4) before the ETA 6-53 is signed. (General Instructions)

3. **Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of response, and the basis for the decision for adopting this means of collection.**

In order to comply with the Government Paperwork Elimination Act, Job Corps has reduced the paperwork burden by implementing an electronic system of application data collection. Admissions counselors enter information provided during their interview with the applicant to an electronic version of the ETA 6-53. These responses are transmitted to the applicant’s center of assignment for use by the center’s health staff, in keeping with the Privacy Act and the Health Insurance Portability and Accountability (HIPAA) Law’s

Privacy Rule.

4. **Describe efforts to identify duplication.**

This questionnaire is specifically for the Job Corps Program to determine the health needs of the applicants who have been given a conditional assignment. This questionnaire is the only form administered to the applicant to help the centers determine the health needs of the applicant, and only one questionnaire is completed for each applicant.

5. **If the collection of information impacts small business or other small entities describe any methods used to minimize burden.**

This information would not impact small business.

6. **Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

The questionnaire is only administered once to each applicant who has been given a conditional assignment. If the questionnaire was not completed, then the centers would not be able to determine the health needs of the applicant and could potentially have students with severe mental health or health-related conditions enter the program that could pose a direct threat to themselves or other students. Also, if the applicant arrives on center with a serious health or mental health condition, the center would have to immediately medically separate these students from the Job Corps Program.

7. **Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **requiring respondents to report information to the agency more often than quarterly,**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of the any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not support by disclosures and data security policies that are consistent with the pledge, or which**

unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

- requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances.

8. **If applicable, provide a copy and identify the data and page number of the publication in the Federal Register of the agency's notice required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB.**

In accordance with the Paperwork Reduction Act of 1995, the public was given 60 days to review and comment on the Federal Register notice concerning this information collection, which was published April 3, 2007 (Volume 72, No. 63). Comments submitted and agency responses follow:

Public Comment Summary	Agency Response
<p>The majority of the comments/concerns submitted addressed the questions added to the Job Corps Health Questionnaire that assess direct threat because they were thought to be discriminatory, stigmatizing, and act as a bar/deterrent to enrollment in the Job Corps program for individuals with mental health conditions or history.</p>	<p>The ETA 6-53, Job Corps Health Questionnaire, is administered to all applicants after they have been determined eligible and conditionally selected for the program. The Job Corps program is prohibited by public law from gathering certain information prior to enrollment. Public Law 105-220, Workforce Investment Act of 1998, as amended by Public Law 105-277 and Section 145 therein establishes standards and procedures for obtaining data from each applicant relating to their needs. This form was expanded to identify and encompass the health and safety needs of the individual enrollee and all other enrollees in the Job Corps charge.</p>
<p>There were multiple comments suggesting that certain questions be excluded from the expanded Job Corps Health Questionnaire because they suggest that anyone with a history of mental health services or treatment are necessarily prone to violence.</p>	<p>DOL agrees that everyone who has a mental health disorder or seeks treatment in that regard is not prone to violence. The ETA 6-53 is a health questionnaire. The responses to the questions are voluntary. These questions are not mutually exclusive, They are asked in the context of developing a complete health profile of the trainee, addressing or accommodating any special needs they might require should they desire to disclose them. For example, someone with a extensive history of suicide attempts and a completed suicide of family members or close friends may put one at risk for future suicide attempts. A yes/no answer to any one question is not the determining factor for full enrollment. Failure to answer the questions and sign authorizations may result in the individual being denied enrollment Failure to advise of allergic reactions, epileptic episodes, etc., may put the Job Corps staff at risk, because they have a mandate to protect the individual and the public interest. Each applicant is assessed on a case by case basis.</p>

<p>Some comments concluded that applicants will be discouraged from seeking mental health treatment or continuing in treatment out of fear of retaliation/repercussions or disclosure of past or current mental health conditions.</p>	<p>The DOL recognizes that many people with mental/physical disabilities are often stigmatized. A report issued in October 2006, by the National Association of State Mental Health Program Directors entitled, "Morbidity and Mortality in People with Serious Illness" states that "People with serious mental illness die, on average 25 years earlier than the general population...Their increased morbidity and mortality are largely due to treatable medical condition that are caused by modifiable risk factors, such as smoking, obesity, substance abuse, and inadequate access to medical care". The report went on to say that services make a big difference in reducing premature death for persons with mental illness, especially when the services are designed to fit the individual's needs. The Job Corps utilizes a holistic approach to addressing the needs of its trainees and future members of the workforce by employing medical consultants, mental health consultants, nurse consultants, disabilities coordinators and substance abuse specialists. These specialist provide brief/short term interventions. The Job Corps understands that positive outcomes are greatly influenced by positive beginnings, hence—a more comprehensive health questionnaire is being proposed and the eligibility and screening requirements will be overhauled to ensure inclusion rather than exclusion. All information gathered by the centers is protected by law and will not be disclosed without the express permission of the individual or other authorized persons.</p>
<p>One comment related the additional questions in the ETA 6-53 to an occurrence 10 years ago in her home state regarding one's inability to obtain a driver's license if the applicant had a history of mental illness. Either applicants were completely deterred or felt the need to lie about their history in order to obtain a driver's license.</p>	<p>The DOL submits that the Job Corps Program has worked diligently with the DOL Civil Rights Center for the past four years to ensure that its policies are fully compliant under the ADA. First and foremost the Job Corps is an educational and training program. It provides residential dormitories for the majority of its participants, including enrolled parents and their children. Matriculating at a Job Corps center is not a solitary act. Living, learning and sharing in a group setting is an important and new experience for most participants. Educational/training placements within the Job Corps for certain occupations/trades are often dependent upon medical and physical conditions and accommodations. Employability is one of the primary objectives of the Job Corps. If the occupational/trade that an individual selects training is incompatible based on physical or mental disabilities, that individual is asked to make another selection, e.g., someone training for auto mechanics who is wheel chair bound might present liability problems for a prospective employer.</p>
<p>There were comments regarding employers not hiring because of the questions asked on the ETA 6-53.</p>	<p>The ETA 6-53 is filed in the trainee's health record at the Job Corps center and would be released only if it was authorized by the student, parent or legal guardian if the student is a minor.</p>
<p>There were several comments suggesting that asking these additional questions are in violation of the HIPAA.</p>	<p>As a part of the eligibility requirements as authorized in 65 Fed. Reg. 82462 at 83658, a HIPAA Authorization signed by the applicant or if a minor, a parent or legal guardian. The ETA-6-53 is for Job Corps center purposes. The files are not transmitted to prospective employers or others not affiliated with the Job Corps. An authorization by a trainee may be only for parts of the health record such as a record of immunizations.</p>

<p>There were multiple comments regarding the new questions about the inability to control anger, hearing voices, or attendance at a residential or day therapeutic program and suggestions that positive responses to these questions fail to correlate with one's propensity for violence.</p>	<p>Due to the residential nature of the Job Corps setting, the staff have responsibility for students beyond a typical training/work day and provides basic medical/health services similar to a college campus clinic setting. Job Corps constantly and usually successfully balances the rights of all applicants (with and without disabilities) and the responsibility to maintain a residential training program free of violence, threats of violence, contagious/infectious diseases, and any other behavior or situation that would result in harm to self or others.</p> <p>The population we are designed to serve is an underserved group and many of the applicants come from environments that may place them at risk for behavioral, emotional, or medical issues—many of which can be managed successfully at the Job Corps. However, there are occasions when an applicant /student may exhibit behaviors or conditions that cause great concern for the health and safety of those individuals or others. Screening and monitoring all students for Direct Threat allows the Job Corps to conduct an individualized assessment to determine if an applicant/student's behavior /condition create a situation that places the student or others at significant risk of harm. Once significant risk factors have been identified, and if the individual has a disability, the subject matter professional (s) will determine whether the threat is eminent or can be significantly reduced or eliminated by offering reasonable accommodations. On a daily basis, the Job Corps must address the same challenges faced by schools and colleges with incidents of suicidal/homicidal behavior, assaults, disciplinary problems and deaths. The loss of one life is one too many. The Job Corps goal is always to balance the needs of who we serve while maintaining a healthy and safe learning/training environment for all.</p> <p>The ETA 6-53, is only administered after an applicant has met the essential eligibility requirements and is given a conditional assignment to a Job Corps center. It is designed to gather as much specific information as possible from each applicant as it relates to medical, dental, mental health, substance use, and behavioral history. This allows for the continuity of care since basic health services, planning and development of accommodations, and when appropriate, further reviews by licensed medical and/or health staff, which could include a direct threat assessment.</p>
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**9. Explain any decision to provide any payment or gift to respondent, other than remuneration of contractors or grantees.**

There are no incentives.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

Applicants are advised that the information collected is confidential and it is covered

under the Privacy Act and the HIPAA Privacy Rule. Applicants are also given a copy of the Job Corps Privacy Act Statement, which explains the uses that will be made of the information that the applicants supply to Job Corps. Applicants also must sign an 'Authorization for Use and Disclosure of Your Health Information as required by the Health Insurance Portability and Accountability Act of 1996' form.

11. **Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent**

Questions 8, a, b, h, i, j, k, l, m, n, o, p, q, r, v, w and 9, f, m, n, o, q, r, s, t, u, v, w, x, y, z, aa, bb, cc, dd, would be considered questions of a sensitive nature. It is necessary to ask these questions for the safety and health of the applicant and other students on center. The applicant could pose a direct threat (one that cannot be eliminated or reduced by reasonable accommodation or modification) on the Job Corps center that would affect the safety and health of the applicant or others. If the questions were not asked, applicants could be enrolled who may potentially harm themselves or others. There is also a cost factor; it would be necessary to medically separate those students who were considered to be a direct threat and those applicants who were enrolled that have serious mental health or health issue. It would be costly to the centers to pay for transportation for students to return home. The information on the ETA 6-53 is reviewed by the Job Corps Health staff and the Job Corps Health Consultants. Applicants sign an *Authorization for use and disclosure of your Health Information as Required by the Health Insurance Portability and Accountability Act of 1996*.

12. **Provide estimates of the hour burden of the collection of information. The statement should:**

**Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

**If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of**

**OMB Form 83-I.**

**Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

87,943 respondents x 5 minutes / 60 = 7,329 hours. Because respondents are students, ETA has, therefore, assigned a dollar value of \$5.15 per hour (minimum wage). It takes approximately 5 minutes to complete the ETA 6-53. For the approximately 70 percent of the Job Corps applicants who have never worked, no value is determined. For the remaining 30 percent of applicants who have been in the work force previously for any length of time, whether full-time or less, the current minimum wage of \$5.15 is used to determine the value of the applicant time; therefore, the value would be \$11,323 (87,943 x 30% x 5 minutes / 60 x \$5.15).

13. **Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

**The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

**If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

**Generally, estimates should not include purchases of equipment or services, or**



portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no additional costs other than mentioned in item 12 above.

14. **Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

The form is maintained electronically; therefore, there would be no printing cost. The Health and Wellness Managers on the Job Corps Centers review the forms of all students, approximately 70,000, assigned to the Job Corps Program. It would take them approximately 5 minutes to review it, and the Health and Wellness Managers average about \$25.00 per hour.  $70,000 \times 5 \text{ (minutes)} / 60 \times \$25 = \$145,833$ . Approximately 2,000 forms would require an additional review at the Regional level by the Regional Nurse Consultants, and 200 forms by the Regional Physicians, Regional Dentists, or Regional Mental Health Consultants.  $2,000 \times 15 \text{ (minutes)} / 60 \times \$32 = \$16,000$ .  $200 \times 15 \text{ (minutes)} / 60 \times \$45 = \$2,250$ . A total cost of \$164,083.

15. **Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.**

The revisions made to Form ETA 6-53 do not affect the hour burden of this information collection. However, due to a **decrease in** the number of respondents, the total hours requested for this submission is now 7,329 hours.

16. **For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The purpose of the Health Questionnaire is to assess the health needs of the applicant who has been given a conditional assignment. No further tabulations or statistical analyses are made of the information provided on the Health Questionnaire.

17. **If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate**

ETA 6-53 will display the OMB control number and expiration date on the ETA 6-53 as required by the Paperwork Reduction Act of 1995.

- 18 **Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.**

There are no exceptions.