

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

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A. JUSTIFICATION

The Department of Labor, Employment and Training Administration (ETA) now requests regular approval for extending the expiration date of the existing program reporting and recordkeeping requirements of the Indian and Native American programs as authorized under Public Law 105-220, Workforce Investment Act of 1998 (WIA), section 166, as approved by OMB on August 27, 2009, on an emergency submission basis.

Each grantee administering funds under the Indian and Native American programs is required to submit a Comprehensive Services Program (CSP) Report (ETA 9084) and Standardized Participant Record Data, a Supplemental Youth Services (SYS) Program Report (ETA Form 9085), and a quarterly financial report form, ETA 9130.

The accuracy, reliability, and comparability of program reports submitted by grantees expending Federal funds are fundamental elements of good public administration and are necessary 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.

Section 185 of the WIA requires funds recipients to keep records and submit such reports as may be required by the Secretary of Labor "to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully." The current WIA section 166 program regulations at 20 CFR 667.300 require quarterly financial reports from all "direct grant recipients." The Final Rule at 20 CFR 668.610 mandates an annual and "interim reports on program participants and activities" for the section 166 grantees

Emergency approval was granted this request on August 27, 2009, because The American Recovery and Reinvestment Act of 2009 (The Recovery Act), specifically Division A, Title VIII, of P.L. 111-5, added a temporary funding increase for an Indian and Native American component of a youth program, necessitating the collection of some additional data elements to ETA-9085. In addition, this information is now collected monthly to properly account for Recovery Act funds.

Because INA Youth program reports are submitted 45 days after the end of the calendar quarter (which is beyond the Recovery Act's statutory time requirement) a monthly report is currently required to make information available on www.recovery.gov 10 days after the end of the calendar quarter.

INA grantees report aggregate counts of all Recovery Act youth participants, including the characteristics of participants, the numbers of participants in summer employment, services received, attainment of a work readiness skill, which is required in the Recovery Act, and

completion of summer youth employment.

Beginning with the April – June, 2009 quarter, INA grantees began submitting the **ETA form 9085** youth program report for the “regular” SYSP program on a quarterly basis. These reports are due 45 days after the end of the calendar quarter. In addition to the quarterly program report, INA grantees submit a monthly Recovery Act report, due by the 15th of the following month.

Background. The Employment and Training Administration (ETA) requires the collection and reporting of data on eligible persons served under the WIA, Section 166 Supplemental Youth Service Program (SYSP) to assess the performance and delivery of services. The release of additional funds under the Recovery Act serves a greater number of youth and requires the collection and reporting of participant data to evaluate program performance.

INA grantees are required to submit quarterly participant data reports on all youth served by the SYSP (See Frequency of Reporting below) and to distinguish between youth served with Recovery Act funds and youth served with regular WIA Section 166 funds and report "Recovery Act" youth through a supplemental (monthly) youth report. In this supplemental report, INA grantees will report aggregate counts of all Recovery Act youth participants, including the characteristics of participants, the numbers of participants in summer employment, services received, attainment of a work readiness skill, required by the Recovery Act, and successful completion of summer youth employment.

Frequency of Reporting. Beginning with the April – June 2009 quarter, INA grantees submitted the ETA Form 9085 youth program report for the “regular” SYSP on a quarterly basis. These reports are due 45 days after the end of the calendar quarter. In addition to the quarterly program report, INA grantees also submit a monthly Recovery Act report by the 15th of the following month. The first monthly Recovery Act report was due on July 15th for the month of June. For this first report, grantees included any Recovery Act participants enrolled in the program prior to June 2009.

Mechanism for Reporting. The INA program has contracted with Social Policy Research Associates and Heitech Services, Inc., to revise the existing Bear Tracks youth software to collect data on both Recovery Act and regular Section 166 youth participants. The database was released in mid June 2009. The on-line reporting system located at www.eta-reports.doleta.gov is used to submit the monthly Recovery Act report and the quarterly report. The regular youth program continues to provide complete, comprehensive information in Form 9085.

Transparency and Accountability. The Recovery Act contains many provisions stressing transparency and accountability in the use of the funding provided by the Act, including the creation of a new website, www.recovery.gov. The emphasis on these provisions, along with national interest in the effect the Recovery Act has on the nation’s economy, means increased attention to the workforce system’s implementation of the Recovery Act. Consistent with the law, ETA will make the reported information publicly available on www.recovery.gov.

A.1 Circumstances Necessitating Data Collection

ETA’s statutory and regulatory authority to administer the Indian and Native American programs includes provisions allowing for the requirement of performance reporting from grantees. The

WIA 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 166 of the Act.

Information is collected through ETA's Indian and Native American programs' reporting and recordkeeping system under the following authorities:

WIA section 166

- (e) Program Plan.— In order to receive a grant or enter into a contract or cooperative agreement under this section an entity described in subsection (c) shall submit to the Secretary a program plan that describes a 2-year strategy for meeting the needs of Indian, Alaska Native, or Native Hawaiian individuals, as appropriate, in the area to be served by such entity. Such plan shall—
- (1) be consistent with the purpose of this section;
 - (2) identify the population to be served;
 - (3) identify the education and employment needs of the population to be served and the manner in which the activities to be provided will strengthen the ability of the individuals served to obtain or retain unsubsidized employment;
 - (4) describe the activities to be provided and the manner in which such activities are to be integrated with other appropriate activities; and
 - (5) describe, after the entity submitting the plan consults with the Secretary, the performance measures to be used to assess the performance of entities in carrying out the activities assisted under this section.

(h)(2)(a)— “establishing regulations to carry out this section, including performance measures for entities receiving assistance under such subsection, taking into account the economic circumstances of such entities; and”

WIA Regulations Final Rule 20 CFR Part 652 et al.

§ 668.600

- (a) The INA grantee is responsible to the Native American community to be served by INA funds.
- (b) The INA grantee is also responsible to the Department of Labor, which is charged by law with ensuring that all WIA funds are expended:
 - (1) According to applicable laws and regulations;
 - (2) For the benefit of the identified Native American client group; and
 - (3) For the purposes approved in the grantee's plans and signed grant document.

§ 668.610

- (a) Each INA grantee must establish its own internal policies and procedures to ensure accountability to the INA grantee's governing body, as the representative of the Native American community(ies) served by the INA program. At a minimum, these policies and

procedures must provide a system for governing body review and oversight of program plans and measures and standards for program performance.

- (b) Accountability to the Department is accomplished in part through on-site program reviews (monitoring), which strengthen the INA grantee's capability to deliver effective services and protect the integrity of Federal funds.
- (c) In addition to audit information, as described at §668.850 and program reviews, accountability to the Department is documented and fulfilled by the submission of reports. For the purposes of report submission, a postmark or date indicating receipt by a private express delivery service is acceptable proof of timely submission. These report requirements are as follows:
 - (1) Each INA grantee must submit an annual report on program participants and activities. This report must be received no later than 90 days after the end of the Program Year, and may be combined with the report on program expenditures. The reporting format is developed by ETA, in consultation with the Native American Advisory Council, and published in the **Federal Register** (Attachment D).
 - (2) Each INA grantee must submit an annual report on program expenditures. This report must be received no later than 90 days after the end of the Program Year, and may be combined with the report on program participants and activities.
 - (3) INA grantees are encouraged, but not required, to submit a descriptive narrative with their annual reports describing the barriers to successful plan implementation they have encountered. This narrative should also discuss program successes and other notable occurrences that effected the INA grantee's overall performance the year.
 - (4) Each INA grantee may be required to submit interim reports on program participants and activities and/or program expenditures during the Program Year. Interim reports must be received no later than 45 days after the end of the reporting period.

§ 668.620

Indicators of performance measures and levels of performance in use for INA programs will be those indicators and standards proposed in individual plans and approved by us, in accordance with guidelines we will develop in consultation with INA grantees under WIA section 166 (h) (2) (A).

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 records and submit reports containing such information as the Secretary may require “...to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully”. The WIA section 166 regulations (20 CFR 667.300) require quarterly financial reports from all “direct grant recipients”; and
- 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 are expected to implement revised recordkeeping and reporting requirements with available funds. These reporting requirements organize collected data and standardize the measurement of performance. At a minimum, information collected and reported through the CSP ETA Form 9084, SYS Program ETA Form 9085, and ETA Form 9130 (financial) are used by grantees and ETA for the following purposes:

1. To provide program and performance, including financial 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 Indian and Native American programs;
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

To comply with the Government Paperwork Elimination Act, ETA has streamlined the collection of the Indian and Native American programs’ participant data and the preparation of quarterly performance reports by providing a common case management and reporting system, formally called the Native American Workforce Investment Act (NAWIA) System, now called “Bear Tracks,” as well as uniform report formats and data definitions to grantees across ETA programs.

The monthly report is also submitted in “Bear Tracks” via a dedicated button. Thus, all of the Indian and Native American program reports are submitted to ETA via the Internet. Grantees collect, retain, and report all information electronically through the NAWIA management information system. All grantees submit financial status reports (ETA Form 9130) via the Internet and ETA’s Enterprise Business Support System (EBSS).

A.4 Efforts to Identify Duplication

The WIA section 166 program is unique, both by law and regulation. No other data source will supply the information needed to account for and evaluate the section 166 programs.

A.5 Methods to Minimize Burden on Small Businesses

No small businesses entities are impacted.

A.6 Consequences of Less Frequent Data Collection

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

The Final Rule at 20 CFR 667.300 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 of Federal funds and ensuring that the funds are 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

The data collection involves a special consideration for the collection of unemployment insurance wage data to track common measures. Currently, mechanisms are not in place to provide access to wage records for section 166 grantees. As specified in Training and Employment Guidance Letter No. 17-05, “For these grantees, supplemental sources of data will be permitted as an interim means of reporting on the earnings measure until all grantees in a program have access to wage records.”

A.8 Federal Register Notice and Consultation Outside the Agency

A Notice inviting sixty days’ public comment on this Information Collection Request was published in the *Federal Register* on November 5, 2009 (Vol. 74, No. 313, p57333 and 57334).

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 and its contractor for the Native American Workforce Investment Act (NAWIA) System are responsible for protecting the confidentiality of the INA participant and performance data and will maintain the data in accordance with all applicable federal laws, with particular emphasis on compliance with the provisions of the Privacy and Freedom of Information Acts. The Department works diligently to ensure the highest level of security whenever personally identifiable information is stored or transmitted. All contractors that have access to individually identifying information are required to provide assurances that they will respect and protect the confidentiality of the data. ETA's Performance and Technology Office (PROTECH) has been an active participant in the development and approval of data security measures – especially as they apply to the agency's on-line grantee reporting system (EBSS) that will collect personally identifiable data on a quarterly basis.

A key concern is for the protection of participant social security numbers (SSNs), which is voluntarily provided by the individual as part of this information collection request. The SSN is being requested in order to validate common measures and to match program participant records with state/federal wage record databases. The NAWIA System includes a statement that informs the individual where the information he/she has provided is being stored, the name and location of the system, and that the information is protected in accordance with the Privacy Act. When participant files are retrieved within the NAWIA System, their social security numbers are not displayed. Any information that is shared or made public is aggregated by the grantee or ETA and does not reveal personal information on specific individuals.

ETA and its contractor for the Native American Workforce Investment Act (NAWIA) System are responsible for protecting the confidentiality of the INA participant and performance data and maintaining the data in accordance with all applicable federal laws, with particular emphasis on compliance with the provisions of the Privacy and Freedom of Information Acts. The Department works diligently to ensure the highest level of security whenever personally identifiable information is stored or transmitted. All contractors with access to individually identifying information are required to provide assurances that they respect and protect the confidentiality of the data. ETA's Performance and Technology Office (PROTECH) has been an active participant in the development and approval of data security measures – especially as they apply to the agency's on-line grantee reporting system (EBSS), which collects personally identifiable data on a quarterly basis.

A.11 Additional Justification for Sensitive Questions

While sensitive questions are asked of participants in the proposed data collection, for the purpose of collecting demographic data, the confidentiality of participants is protected as discussed in section A.10. In addition, security mechanisms are built into the NAWIA data collection system

by the ETA contractor as well as the agency’s on-line grantee reporting system. Participant responses to these sensitive questions allow ETA to comprehensively evaluate the effectiveness of the INA program.

A.12 Estimates of the Burden of Data Collection

- The annual national burden for the INA reporting system has three components: (1) the quarterly Comprehensive Services Program reporting burden (ETA Form 9084); (2) the Standardized Participant Information Record (SPIR) data collection burden; and (3) the quarterly Supplemental Youth Services Program reporting burden, ETA Form 9085.

This response provides a separate burden estimate for each of these components. Of the total 127 grantees who respond to the Comprehensive Services Program and SPIR data collection components, 85, the federally recognized tribal government grantees, also respond to the Supplemental Youth Services Program data collection component. Grantees participating in the demonstration project under Public Law 102-477 are not affected by this information collection request and have not been included in the following burden estimates.

(1). Quarterly Comprehensive Services Program Report Burden

The INA **quarterly report burden for ETA Form 9084** assumes that all grantees use the ETA-provided NAWIA System to generate ETA Form 9084. The NAWIA System is designed to apply edit checks to participant data and to generate facsimiles of the aggregate information on enrollee characteristics, services provided, and supplemental outcomes data in quarterly report format. The burden includes reviewing and correcting errors identified by the grantee in the participant-level data and generating, reviewing, and approving the aggregate quarterly reports. Each grantee spends approximately twenty-four (24) hours per quarter preparing this report.

Report	Hrs. Per Year Per Grantee	Total Number of Grantees	Annual National Hours	Applicable Hourly Rate	Annual National Burden Dollars
ETA Form 9084	24 x 4 = 96	127	96 x 127 = 12,192	\$23.13	12,192 x 23.13 = \$282,000.96

(2). SPIR Data Collection Burden

The INA **SPIR data collection burden** considers the amount of participant and performance-related information collected and reported on the participant record that would not have to be collected by the grantees as part of their customary and usual burden to run the program. Thus the burden reflects the information collected solely to comply with the federal reporting requirements. The data collection burden includes program run times to extract program participant data, formatting, data editing and checking, and transmitting the files to the Department. Each grantee spends approximately 2.5 hours per record preparing this report annually. This includes an estimated ten minutes per program participant for orally presenting data to be keyed in by grantees.

Record Type	Hrs. Per Record	PY 08 Participants, total for 127 grantees or 162.36 av. Annual responses per grantee	Annual National Burden Hours	Applicable Hourly Rate	Annual National Burden Dollars
SPiR Data	2.5	14,868 (adults) + 5,752 (youth) = 20,620	2.5 hrs x 20,620 participants = 51,550 hours	\$23.13 x 51,550 hours	\$1,192,351.50

(3). Monthly Supplemental Youth Services Program Report Burden (only for tribal government grantees) The INA *monthly burden for ETA Form 9085* assumes that all grantees use the ETA-provided NAWIA System to generate ETA Form 9085. The NAWIA System is designed to apply edit checks to participant data and to generate facsimiles of the aggregate information on enrollee characteristics, services provided, and outcomes data in quarterly report format. The burden includes reviewing and correcting errors identified by the grantee in the participant-level data and generating, reviewing, and approving the aggregate quarterly reports. Each grantee spends approximately twenty-four (24) hours per quarter preparing this report.

Report	Annual hrs per Grantee	Grantees (tribal only)	Annual National Hours	Applicable Hourly Rate	Annual National Burden Dollars
ETA Form 9085	26	85	26x12 months =312 hours per grantee	\$23.13	\$7,216.56
Total			312 annual hrs per grantee x 85 grantees =26,520 hours		26,520 hours x \$23.13 = Total annualized \$613,407.60

All hourly rates used to calculate cost are the average hourly earnings in the Bureau of Labor Statistics' management analyst occupational category within state and local government (July 2004, National Compensation Survey, U.S. Bureau of Labor Statistics, Supplementary Table 3.1).

Estimated Total Burden Hours (section 166):

Required Section 166 Activity/Report	Number of Respondents	Responses Per Year	Total Responses	Average Hours	Annual Burden
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				Per Response	Hours
ETA Form 9084 (CS)	127	4	508	24	12,192
SPIR Data	127	1	20,620	2.5	51,550
ETA Form 9085 (SYS)	85	12	1020	26	26,520
TOTAL					90,262

A.13 Estimated Cost to Respondents

a) Start-up/capital costs: \$0

There are no start-up costs, as ETA provides grantees with a NAWIA data collection and reporting system that grantees use to collect and maintain participant data, apply edit checks to validate the data, and generate all quarterly reports for electronic submission to the Department. Also, grantees submit Financial Status Reports via the Internet and EBSS.

b) Annual costs: \$0

There are no annual costs, as ETA is responsible for the annual maintenance costs for the NAWIA data collection and reporting system and EBSS. All costs to maintain and disclose these data are covered by the existing WIA section 166 grant funds.

A.14 Estimates of Annualized Costs to Federal Government

The annual costs of maintaining the NAWIA system and developing training and technical assistance guides, estimated to be \$20,000, are borne by ETA.

ETA collects and maintains all quarterly 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 INA reports is minimal. The annual cost of maintaining the INA 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 performance reports (ETA Forms 9084, 9085), it is estimated that staff spend approximately 320 hours per quarter 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 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/>.) The total estimated annual

cost to the Federal government for this data collection is \$20,000 + \$115,000 + 11,466 = \$146,466.

A.15 Changes in Burden

There are no changes in burden.

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

Grantees submit all performance reports on a quarterly basis to ETA within 45 days of the end of each quarter. Quarterly report data is analyzed by ETA staff and used to evaluate performance outcomes and program effectiveness.

Each year, ETA issues an annual report summarizing program performance based on the Secretary’s goals. Data contained in the INA reports is included in these reports. The data is also used to prepare GPRA reports, management and budget reports, and other ad hoc reports. All aggregate reports are made available on the Internet and accessible to the public.

Product	Submission Date	Comments
ETA Form 9084: CS Program Report	Within 45 days after the end of the quarter.	Quarterly program reports (ETA Forms 9084 and 9085) and SPIR data are submitted electronically using ETA’s On-Line Enterprise Business Support System (EBSS).
SPIR Data	Within 45 days after the end of the quarter.	
ETA Form 9085: SYS Program Report	Within 45 days after the end of the quarter and then monthly.	

A.17 Approval Not to Display OMB Expiration Date

The expiration date for OMB approval is displayed.

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.