

**PRA SUPPORTING STATEMENTS FOR REEMPLOYMENT AND ELIGIBILITY  
ASSESSMENT (REA) REPORTS: OMB Control Number 1205-0456,  
Emergency Revision Request**

A. Justification.

**Extension for existing approved forms, Eta 9128 and ETA 9129:** This is a justification for the Department of Labor's (DOL) request to extend the information collection by State Workforce Agencies (SWAs) on the Reemployment and Eligibility Assessments (REAs) they conduct, with a revision. The Secretary's authority to implement this reporting requirement is found in the Social Security Act (SSA) section 303(a)(6), 42 U.S.C. 503 (a)(6), which requires that state law include provision for:

The making of such reports, in such form and containing such information, as the Secretary of Labor may from time to time require, and compliance with such provisions as the Secretary of Labor may from time to time find necessary to assure the correctness and verification of such reports.

The Secretary interprets section 303(a)(6), SSA, to authorize DOL to prescribe standard definitions, methods and procedures, and reporting requirements for the collection of information on benefit payment accuracy and the reemployment of UI benefit recipients and to ensure accuracy and verification of these data.

**Revision:** DOL now requests approval to add a form to this existing collection in response to Public Law 112-96 (the Middle Class Tax Relief and Job Creation Act of 2012), which compels states to provide very specific reemployment interventions to claimants in the Emergency Unemployment Compensation Program of 2008 (EUC08) by March 23, 2012. This intervention is very similar to the current REA intervention, for all claimants in the current Federal Program.

SEC. 2142 of PL 112-96, REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES, compels states to perform REAs for all claimants receiving first payments in Tier 1, and in limited cases Tier 2, of EUC08. Prior to passage of Public Law 112-96, there was no such requirement that required the REAs themselves, as well as collection of data documenting state audit activities and results.

In addition to Public Law 112-96, collection for data necessary for oversight of the program is authorized under Section 303(a)(6) of the Social Security Act.

The Employment and Training Administration (ETA) proposes to include a modified ETA 9128, the report currently used to collect data on REAs, essentially using the same ETA-9128 but with minor modifications for the purpose of collecting data on EUC08 claimants for this newly mandate from Public Law 112-96. To distinguish this new form, it will be referred to as the ETA-9128U.

#### A-1. Reasons for Data Collection.

DOL uses the information collected in ETA 9128 and ETA 9129 1) to evaluate state performance in terms of service delivery; and 2) to report on the REAs, including the number of scheduled in-person reemployment and eligibility assessments, the number of individuals who failed to appear for scheduled assessments, actions taken as a result of individuals not appearing for an assessment (e.g., benefits terminated), results of assessments (e.g., referred to reemployment services, found in compliance with program requirements), estimated savings resulting from cessation of benefits, and estimated savings as a result of accelerated reemployment.

DOL must collect an expanded set of information via ETA 9128U, required by PL 112-96, 1) to evaluate state performance in terms of service delivery; and 2) to report on the REAs, including the number of scheduled in-person reemployment and eligibility assessments, the number of individuals who failed to appear for scheduled assessments, actions taken as a result of individuals not appearing for an assessment (e.g., benefits terminated), results of assessments (e.g., referred to reemployment services, found in compliance with program requirements), estimated savings resulting from cessation of benefits, and estimated savings as a result of accelerated reemployment.

#### A-2. Users, Purposes, and Consequences of Failure to Collect the Information.

Data on REA workload counts and outcomes include counts of claimant participation, disqualifications, overpayments, reemployment service referrals, average duration of claimant benefits. ETA wants to foster unemployment insurance claimant linkages to One-Stop Career Centers so that claimants are afforded the opportunity to be familiar with and take advantage of the array of available reemployment services. Concurrently, SWAs are afforded the opportunity to assess the claimant's eligibility, develop a service plan appropriate for each individual claimant and to provide labor market information geared towards the individual needs of the claimant. States have broad authority to establish eligibility requirements that are appropriate for the labor markets they serve. The REA program has been established to promote thorough assessments of claimants' eligibility which continues to be challenging especially with the advent of telephone and Internet initial claims systems. Some studies have shown that often claimants who are called into a One-Stop Career Center for services cease drawing benefits. The REA program provides the specific data required to monitor this premise and to address any policy changes needed to harmonize One-Stop Career Center services with clients' benefit eligibility.

Data collected from the existing REA program on workload counts and outcomes include counts of claimant participation, disqualifications, overpayments, reemployment service referrals, average duration of claimant benefits. ETA wants to foster unemployment insurance claimant linkages to One-Stop Career Centers so that claimants are afforded the opportunity to be familiar

with and take advantage of the array of available reemployment services. Concurrently, SWAs are afforded the opportunity to assess the claimant's eligibility, develop a service plan appropriate for each individual claimant and to provide labor market information geared towards the individual needs of the claimant. States have broad authority to establish eligibility requirements that are appropriate for the labor markets they serve. The REA program has been established to promote thorough assessments of claimants' eligibility which continues to be challenging especially with the advent of telephone and Internet initial claims systems. Some studies have shown that often claimants who are called into a One-Stop Career Center for services cease drawing benefits. The REA program provides the specific data required to monitor this premise and to address any policy changes needed to harmonize One-Stop Career Center services with clients' benefit eligibility. The data also provides a basis on which to answer questions from congress, which mandated the program, and offer the public data on the extent of reemployment services provided to claimants.

The additional data ETA proposes to collect will be used for evaluation of state activities, responses to congress and the public regarding actions taken to comply with Public Law 112-96. The data on the new form, ETA 9128U, is specific to REAs that are performed on EUC claimants so questions about services provided and eligibility status of these claimants will be answered from data collected on this instrument.

#### A-3. Technology and Obstacles Affecting Reporting Burden.

This data reporting requirement uses automated procedures for data collection, transmission, and analysis that utilize state and federal information processing technology. USDOL provides computers to each state and jurisdiction along with reporting software and a proprietary network to use to transmit data to the computers at the USDOL National Office.

#### A-4. Duplication.

There is no duplication between this report and other reports. Though the report is very similar to the other forms in 1205-0456, the difference here is the claimant population subject to the reemployment services and the reporting. This report will cover services on claimants who would not be reported on any other forms, and these claimants would not be reported on if not for these forms.

#### A-5. Small Business.

This collection does not impact small businesses.

#### A- 6. Consequences of Less Frequent Data Collection.

Collecting this information less frequently would not allow for adequate monitoring changes or evaluation of the impact of the reemployment and eligibility assessments. Because state wage records are submitted quarterly and SWAs already report workload counts to ETA each month,

collecting this data less frequently would not materially diminish the burden of this data collection initiative.

A-7. Special Circumstances Involved in Collection of Data.

Some of the proposed data elements are currently collected by SWAs. The proposed data collection requires initial programming to produce the specified quarterly reports. This request contains no other special circumstances. The timing of the data collection allows for the submission of workload counts one year in advance of the submission of outcomes data.

A-8. Preclearance Notices and Responses.

Traditional clearance processes would have resulted in a public harm by limiting the options states have to address the persistent unemployment problem, at a time when the law allows for greater flexibility; consequently, DOL is using emergency clearance procedures available under 5 C.F.R. 1320.13, including obtaining a waiver from publishing Notices in the *Federal Register* to seek public comments, for this information collection request. The agency is taking steps to work with state agencies to minimize the burden of collecting this information. Assuming approval of this request for a period of six months, ETA and DOL will ensure the public has an opportunity to comment when this information request is resubmitted for extension under regular procedures.

This is a revision of an existing approved collection, and the regular 60 day Federal Register Notice for extending the existing approved collection was published January 13, 2012 (vol 77, p 2088). No comments were received during the comment period.

A-9. Payments to Respondents.

No payments are made to respondents.

A-10. Confidentiality.

ETA maintains strict controls over the data gathered through the UI reporting system. ETA is not be able to identify any individual claimant from this data collection. Only aggregate data will be reported to DOL.

A-11. Questions of a Sensitive Nature.

No questions of a sensitive nature are included.

A-12. Respondents' Burden and Cost of Collecting Information.

The original submittal was made when the program was first begun and it was envisioned as something that eventually all 53 states and jurisdictions would participate in. However, the

funding is inadequate for this level of participation. Currently, the program has 18 states participating.

The total burden comprises SWA activities related to assembling automated record system files, conducting automated crossmatches of these files, and electronically reporting the results to DOL. Estimates of the burden follow, based on the fact that ETA awarded REA grants to states during fiscal year 2009, according to the availability of appropriated funds.

The new ETA 9128U will have 53 quarterly respondents because each state currently operates the EUC08 program, and all EUC08 first payments are subject to this new requirement to provide REAs. ETA estimates that it will take the same amount of time for states to complete the ETA 9128U as the ETA 9128 and the ETA 9129: 30 minutes, or .5 hours.

	ETA 9128	ETA 9129	ETA 9128U Quarterl y
Frequency:	Quarterly	Quarterly	y
Total Respondents:	41	41	53
Total annual (quarterly) Responses:	164	164	212
Estimated Time Per Response: (hours)	0.5	0.5	0.5
Burden Hours:	82	82	106

Total Burden Hours

82 + 82 +106= 270 hours

Total Unduplicated Responses

164+164+212= 540 responses

DOL believes the annualized value of State respondent time to be \$4,802.50. (270 hours x \$40.99 = \$11,067.30. In monetizing the burden, DOL assumes State Workforce Agency staff will typically prepare the responses. DOL has used the FY 2012 program planning hourly wage for State workforce personnel in producing this estimate.

This report is prepared from mainframe records of state administrative records on reemployment services provided. As a result, there is no claimant burden.

#### A-13. Annual Cost to Respondents.

There are no annualized costs to respondents.

#### A-14. Annualized Federal Cost.

Federal costs are the staff required to receive and analyze the data. These costs are summarized as follows:

Program Office Staffing Costs	\$24,654
Mathematical Statistician – 0.1 Staff year, GS-14	\$13,354
UI Program Specialist – 0.1 Staff year, GS-13	\$11,300
Total	\$49,308

A-15. Reasons for Change in Burden.

There are several changes to the burden of this collection. First, the number of states submitting regular program REA reports (the ETA 9128 and the ETA 9129) has changed from 18 to 41 as a result of a significant increase in funding from congress, specifically for this program over the last two years. These numbers have been changed in #12 above to better reflect the actual reporting burden of the states.

Second, there was a mathematical error in a prior submission. The report is quarterly, and the prior submission had indicated that in the regular program, 18 states were submitting the ETA 9128 and ETA 9129 at an estimated burden of 0.25 hours per submittal. However, the burden was incorrectly recorded as 72 hours for the ETA 9128 and 72 hours for the ETA 9129. With 18 states submitting report, at 4 reports per year, and 0.25 hours per report, the estimated annual burden should have been 36 hours, not 72. These numbers have been revised in section 12 above, but ETA wants to be clear regarding the change.

Third, the burden of submitting a single report has now been upwardly revised from 0.25 hours per submittal to 0.5 hours per submittal based on state feedback and expanding experience in operating the program. This increase more accurately reflects the total time respondents (state workforce agencies) would need to allocate for reporting on this program and submitting data. This doubling of respondent time per submission (from .25 hours to .5 hours) has been changed in section 12 above.

Finally, the estimated burden hours have increased because of the addition of a new form to this collection: the ETA 9128U. This form, which is largely unchanged from the existing ETA 9128, will collect data on new claimants to the EUC08 program. Public Law 112-96 compels states to perform REAs for all claimants receiving first payments in Tier 1, and in limited cases Tier 2, of EUC08. The burden for this form is estimated to be 0.5 hours, as it is largely unchanged from the current ETA 9128.

16. Publication Information.

Decisions on publication of data have not been made.

17. Display of OMB Expiration Date.

The expiration date for OMB approval will be displayed.

18. Exceptions to the Certification Statement.

There are no exceptions to the certification statement.

B. This collection does not employ statistical methods.