

Supporting Statement
Work Application/Job Order Recordkeeping
OMB Control No. 1205-0001
Associated with Rulemaking – RIN: 1205-AB73

A. JUSTIFICATION

Public Law 113–128, the Workforce Innovation and Opportunity Act of 2014 (WIOA), the information to be collected is that which enables the State to comply with regulations under 20 CFR 652 and the Wagner-Peyser Act, as amended. ETA issued a Notice of Proposed Rulemaking (80 FR 20689) on April 16, 2015 that provided a 60-day period for the public to comment on the proposed change to the collection of information. The Final Rule adopts the proposals made and will not affect the burden hours associated with creating work application and job order records. However, the rule will change the record retention requirements for work applications and job orders from 1 year to 3 years in order to align with other Wagner-Peyser record retention requirements.

1. *Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.*

Work applications (commonly referred to as the registrations) are used in One-Stop Career Centers for individuals seeking assistance in finding employment or employability development services. They are used to collect information such as: applicants' identification, qualifications, work experience, and desired pay. They also include services provided to applicants, such as job development, referral to supportive service.

Job orders are used in One-Stop Career Centers to obtain information on employer job vacancies. Information in the job orders include employer identification, job requirements, pay information as well as identification of persons referred, hired, or refused. The information is collected at the employer's request in order to publicize job vacancies. The information is collected by One-Stop Career Centers and posted on electronic job banks.

The exact information to be collected on work applications and job orders (and the manner in which it is maintained) is determined by the State. At a minimum, the information to be collected is that which enables the State to comply with regulations under 20 CFR 652 and the Wagner-Peyser Act, as amended.

20 CFR 652.8 states in pertinent part as follows:

“Each State shall retain basic documents for the minimum period specified below:

- (i) Work Application: three years
- (ii) Job orders: three years”

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

Retention of data for three years is necessary 1) to align with other Wagner-Peyser Act requirements, 2) in event of issues that may arise when information must be verified. The Department of Labor can thus report on data that can be verified to a source record and 3) should a complaint arise, this information will show the services provided to the applicant and the terms and conditions of the job listed in the job order.

- 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 responses, and the bias for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.*

State Workforce Agencies through One-Stop Career Centers collect this information electronically.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.*

No duplication exists.

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

This data collection does not impact small businesses.

- 6. Describe the consequence 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 only requirement is for retention of work application and job order information for three years. The burden is rather minimal and if the information is not maintained DOL would be unable to conduct required monitoring activities and data validation.

- 7. Explain any special circumstances that would cause an information collection to be conducted.*

There are no special circumstances that would cause an information collection to be conducted.

8. *If applicable, provide a copy and identify the data and page number of 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. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.*

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years—even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

Concurrent with submission of this ICR, ETA issued a Notice of Proposed Rulemaking (80 FR 20689) on April 16, 2015 that provided a 60-day period for the public to comment on the proposed change to the collection of information. The NPRM instructed that comments on the information collections in the proposed rule could be sent directly to OMB during a 30-day period.

The revision increases the record retention requirements for work applications and job orders from one year to three years to align with other Wagner-Peyser Act record retention requirements. The Department received no public comments during the NPRM comment period.

The Department also published a 60-day Federal Register Notice on March 18, 2016 (81 FR 14892) soliciting public comments on the information collection request (ICR) concerning a proposed extension without changes of the data retention required by CFR 652.8(d)(5) of the Wagner-Peyser Act (OMB Control No. 1205-0001) because the existing ICR expires on August 31, 2016. The Department received one public comment during this 60-day period.

Comments: The National Association of State Workforce Agencies (NASWA) recommends a one year period be used, to align with OFCCP regulations, which require federal contractors maintain job listing records with state agencies between one to two years. NASWA recommends conformity of job order retention requirements to limit confusion and additional costs.

Department's Response: The Department proposed in its Notice of Proposed Rule Making at 20 CFR 652.8 to change the job order retention requirements from one year to three years to align with other records retention reporting requirements. During the 60-

day public comment on the proposed rule the Department received no comments on the change from one year to three years. The Department adopted this change in the Final Rule at 20 CFR 652.8. The Department appreciates the commenter's concerns for conformity in records retention requests. The change to three years was done to conform to section 29 CFR 97.42, which covers the retention period for all grants.

9. *Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*

There is no payment or gift to respondents.

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

No assurance of confidentiality is involved with the retention of data.

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.*

No sensitive questions are included in this request.

12. *Provide estimates of the hour burden of the collection of information.*

The burden of maintaining work application and job orders data in the automated environment, which exists in all States, is minimal since maintaining records, updating files, purging records and preparing reports are a necessary part of normal State labor exchange operations. The annual burden estimated for retention of information is estimated at 8 hours per state, (52x8) or 416 hours total.

The burden hours are based on a workload of 25,000 bundled files of openings and applications electronically archived at approximately 1 minute per bundle. This is a total of 416 hours. When divided by the total number of respondents (52), the workload is roughly 8 hours per respondent.

\$53.14 (hourly staff time) x 416 annual hours' burden = \$22,106

Estimated Annualized Respondent Hour and Cost Burdens

No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg, Burden per Response (in Hours)	Total Burden Hours	Hourly Wage Rate*	Total Cost Burden
52	1	52	8	416	\$53.14	\$22,106

Data is from the BLS electronic tool for the “Employer Costs for Employee Compensation,” BLS Survey, available at <http://www.bls.gov/ncs/ect/#data>
 Data is for Professional and Related Occupations.

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).*

There are no additional costs to the respondent other than the cost of their time identified in section 12.

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.*

There are no federal costs associated with this data collection.

15. *Explain the reasons for any program changes or adjustments.*

The record retention requirement was changed from one year to three years to conform with the regulatory requirements under the 2014 Workforce Innovation and Opportunity Act.

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.*

There are no plans to publish data.

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.*

There are no forms associated with this request

18. *Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions,”*

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There are no exceptions.

B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.