

## **SUPPORTING STATEMENT**

### **Program Reporting and Performance Standards System for Indian and Native American Programs Under Title I, Section 166 of the Workforce Innovation and Opportunity Act (WIOA)**

**OMB Control No. 1205-0422**

#### **A. Justification.**

This ICR is being submitted in association with the Workforce Innovation and Opportunity Act (WIOA); Final Rule. This ICR adds the regulatory citations from the Final Rule.

The Department of Labor (DOL), Employment and Training Administration (ETA) request for approval to make revision to the existing program reporting and recordkeeping requirements of the Indian and Native American (INA) programs authorized under Public Law 113-128, Workforce Innovation and Opportunity Act of 2014 (WIOA), section 166 and to extend ETA Forms 9084 and 9085, which grantees use to submit quarterly reports. The only revision to the ETA Form 9085 is to increase the age range for youth to twenty-four, per the WIOA. (Line item 19 on the Supplemental Youth Services (SYS) Program Report (ETA Form 9085)).

Each grantee administering INA funds is required to submit a Comprehensive Services Program (CSP) Report (ETA 9084) and Standardized Participant Information Record (SPIR) (See Attachment A) and a SYS Program Report (ETA Form 9085) (See Attachment B). Extending the reporting and recordkeeping system is necessary in order to include data collection necessary for tracking grantee performance on the common performance measures currently tracked for the CSP and the current performance measures for the SYS.

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. 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.

*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.*

ETA's statutory and regulatory authority to administer the INA programs includes provisions requiring performance reporting from grantees. These authorities include 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 INA.

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

WIOA 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 4-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 leading to self-sufficiency;
- (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 accountability 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 purpose of program report submission, WIA, section 166 grantees utilize ETA's Enterprise Business Support System (EBSS) to electronically submit quarterly reports, which are automatically date stamped by the system. A postmark or date indicating receipt by a private express delivery service, or facsimile, is acceptable proof of timely submission when the electronic system is down on the due date. The report requirements are as follows:
- (1) Each INA grantee must submit a quarterly, cumulative report for both the CSP and SYS program on program participants, activities, and exiters. This report must be received no later than 45 days after the end of the quarter. The reporting format is developed by ETA, in consultation with the Council.
  - (2) For the CSP, a SPIR is also submitted in conjunction with the ETA 9084 to allow the tracking and data validation of the average earnings common measure.

## **§ 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.

WIOA 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; 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.

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.*

Grantees will be expected to meet recordkeeping and reporting requirements with available funds. At a minimum, information collected and reported through the CSP ETA Form 9084, SPIR, and SYS Program ETA Form 9085 will be 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).

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

In order to comply with the GPRA, ETA has streamlined the collection of the INA programs' participant data and the preparation of quarterly performance reports by providing a common case management and reporting system, or BearTracks, that WIOA, section 166 grantees have the option to use, as well as providing uniform report formats and data definitions to grantees across ETA programs. All of the INA programs' reports will be submitted to ETA via the Internet. Grantees will collect, retain, and report all information electronically through the EBSS.

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.*

The WIOA 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.

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

No small businesses entities are impacted.

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 WIOA 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 WIA 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.

7. *Explain any special circumstances that would cause an information collection to be conducted in a manner that requires further explanation pursuant to regulations 5 CFR 1320.5:*

These data collection efforts do not involve any special circumstances.

8. *If applicable, provide a copy and identify the date 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.*

A 60-day Notice was published in the Federal Register on April 22, 2016 (81 FR 23752). No public comments were received.

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

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

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

ETA and its contractor for the BearTracks reporting 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 Division of Strategic Planning and Performance 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, or EBSS, that will collect personally identifiable data on a quarterly basis.

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.*

While sensitive questions are asked of participants in the current data collection, data is encrypted and aggregated.

For the purpose of collecting demographic data, the confidentiality of participants will be protected as discussed in section A.10. In addition, security mechanisms will be maintained in the BearTracks data collection system by the ETA contractor as well as the agency's on-line grantee reporting system, EBSS. Participant responses to questions allow ETA to comprehensively evaluate the effectiveness of the INA program.

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

The annual national burden for the INA reporting system has three components: (1) the quarterly CSP reporting burden (ETA Form 9084); (2) the SPIR data collection burden; (3) and the quarterly SYS program reporting burden (ETA Form 9085). This response provides a separate burden estimate, based on a quarterly basis, for each of these components. Approximately 122 grantees are expected to respond to the CSP and SPIR data collection components, and approximately 81 grantees are expected to respond to the SYS program data collection component. Labor-funded grantees participating in the demonstration project under Public Law 102-477 will not be affected by this information collection request and have not been included in the following burden estimates.

(1). Quarterly CSP Report Burden

The INA **quarterly report burden for ETA Form 9084** assumes that all grantees will use the ETA-provided BearTracks system to generate ETA Form 9084. The BearTracks 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. It is assumed that each grantee will spend approximately twenty-four (24) hours per quarter preparing this report.

Report	Hrs. Per Year Per Grantee	Number of Grantees	Annual National Hours	Applicable Hourly Rate	Annual National Burden Dollars
ETA Form 9084	96	81 Tribal Grantees and 41 Not-for-Profit Grantees = 122	11,712 (7776 Tribal and 3936 Not-for-Profit)	\$27.34	\$320,206

(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. The participant data collection estimate also does not include the burden associated with collecting and reporting information required to meet EEO requirements, which is covered under a separate burden estimate. It is assumed that each grantee will spend approximately 2.5 hours per record preparing this report each quarter.

Record Type	Hrs. Per Record	PY 14 Actual National Participant Count	Annual National Burden Hours	Applicable Hourly Rate	Annual National Burden Dollars
SPIR Data, Grantee Staff	2.4	11,679	28,030	\$27.34	\$766,340
SPIR Data, Participant	.1	11,679	1,168	\$7.25 Federal Minimum Wage	\$31,933

Total participants = 11,679

(3). Quarterly Supplemental Youth Services Program Report Burden

The INA **quarterly report burden for ETA Form 9085** assumes that all grantees will use the ETA-provided BearTracks system to generate ETA Form 9085. The BearTracks 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. It is assumed that each grantee will spend approximately twenty-four (24) hours per quarter preparing this report.

Report	Hrs. Per Year Per Grantee	Number of Grantees	Annual National Hours	Applicable Hourly Rate	Annual National Burden Dollars
ETA Form 9085	96	81	7,776	\$27.34	\$212,596

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 (December 2009-January 2011, National Compensation Survey, U.S. Bureau of Labor Statistics, RSE Table 5).



*The following table can be used as a guide to calculate the total burden of an information collection.*

Required Section 166 Activity/Report	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)	Hourly Rate*	Monetized Value of Respondent Time
ETA Form 9084 (CS) (81 Tribal Gov. and 41 Private Non-profit)	122	4	488	24	11,712	\$27.34	\$320,206
SPIR Data, Grantees (81 Tribal Gov. and 41 Private Non-profit)	122	95.73	11,679	2.4	28,030	\$27.34	\$766,340
SPIR Data, Participants	11,679	1	11,679	.1	1,168	\$27.34	\$31,933
ETA Form 9085 (SYS)	81	4	324	24	7,776	\$27.34	\$212,596
<b>Unduplicated Totals</b>		<b>Various</b>	<b>24,170</b>		<b>48,686</b>		<b>\$1,331,075</b>

\*All hourly rates used to calculate cost are the mean hourly earnings in the Bureau of Labor Statistics' All Workers, Business and financial operations occupations, Management analyst occupational category within state and local government (December 2009-January 2011, National Compensation Survey, U.S. Bureau of Labor Statistics, RSE Table 5).

<http://www.bls.gov/ncs/ocs/sp/nctb1514.pdf>

13. *Provide an estimate for 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 already reflected on the burden worksheet).*

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

There are no start-up costs, as ETA provides grantees with the BearTracks data collection and reporting system that grantees may use to collect and maintain participant data, apply edit checks to validate the data, and generate all quarterly or semi-annual reports for electronic submission to the Department.

**b) Annual costs: \$0**

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

14. *Provide estimates of annualized costs 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 may also aggregate cost estimates from Items 12, 13, and 14 in a single table.*

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The cost for modifying the BearTracks software to collect, maintain, and extract the Standardized Participant Information Record, and generate all aggregate statistical data necessary to produce the ETA 9084, 9085 electronically, is estimated to be no more than \$10,000. The annual costs of maintaining the BearTracks system and developing training and technical assistance guides, is estimated to be \$10,000 to \$12,000.

ETA will continue to collect and maintain all quarterly reports through its Division of Strategic Planning and Performance's on-line EBSS. Since the electronic mechanisms for collecting and storing grantee performance data on a quarterly or semi-annual basis are already in place to support other ETA programs, the annualized cost to the Federal government to incorporate the INA reports will be minimal.

For the quarterly performance reports (ETA Forms 9084/SPIR and 9085), it is estimated that staff spend approximately 40 hours per quarter (160 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 \$44.15, the estimated annual cost to the Federal government is \$7,064.

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 2016 GS locality pay schedule).

*15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.*

There are no program changes to be made at this time. Estimates have been updated based on recent data and trends. The previous submission PY 11 Actual National Participant Count total 13,649, which estimated 2.4 hours per record. The current submission reflects PY 14 Actual National Participant Count total 11,679.

*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.*

Grantees will submit all performance reports on a quarterly basis to ETA within 45 days of the end of each quarter. Quarterly report data will be 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 will be included in these reports. The data will also be used to prepare GPRA reports, management and budget reports, and other ad hoc reports. All aggregate reports will be made available on the Internet and accessible to the public.

Product	Submission Date	Comments
<b>ETA Form 9084: CS Program Report</b>	Within 45 days after the end of the quarter.	Quarterly program reports (ETA Forms 9084 and 9085) and SPIR data will be submitted electronically using ETA’s On-Line EBSS.
<b>SPIR Data</b>	Within 45 days after the end of the quarter.	
<b>ETA Form 9085: SYS Program Report</b>	Within 45 days after the end of the quarter.	

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

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

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

There are no exceptions.

**B. Collections of Information Employing Statistical Methods**

This data collection does not employ statistical methods.

## **ATTACHMENTS**

Attachment A – General Reporting Instructions for the Comprehensive Services Program Report (ETA Form 9084) and Standardized Participant Information Record Data and Current Report

Attachment B – General Reporting Instructions for the Supplemental Youth Services Program Report (ETA Form 9085) and Current Report