

**SUPPORTING STATEMENT**  
**Workforce Flexibility (Workflex) Plan Submission and Reporting Requirements**  
**OMB Control Number 1205-0432**

**A. Justification.**

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.*

Section 190 of the Workforce Innovation and Opportunity Act (WIOA), (P.L. 113-128, July 22, 2014) permits states to apply for a 5-year Workflex waiver authority to implement reforms to their workforce investment systems in exchange for program improvements. Under Workflex, governors are granted the authority to approve requests submitted by their local areas to waive certain statutory and regulatory provisions of WIOA Title I programs. States may also request waivers from the Secretary of certain requirements of the Wagner-Peyser Act (Sections 8-10) and the Older Americans Act of 1965. The Act provides that the Secretary may only grant Workflex waiver authority in consideration of a Workflex plan submitted by a State.

This is a continuation of the previous collection instructions request under the Workforce Investment Act, the legislation preceding WIOA.

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.*

The information forms the basis for approving applications from States for Workflex waiver authority. Applications consist of Workflex plans developed and submitted by States in accordance with the requirements specified in Section 190 of the Act, 20 CFR 679.630 et seq. and guidance issued by the Department. The Department maintains a quarterly update process by which States report on key data elements, which are implemented upon the approval of the Workflex request.

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 compliance with the Government Paperwork Elimination Act, the Department routinely accepts electronic submissions from its grantees. Electronic submissions must be in Word or PDF format (Macintosh versions cannot be accepted), and must follow the Department's current policy on the submission of signature pages.

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.*

States may submit Workflex plans as part of their WIOA 4-year State Plan, thereby avoiding duplication, especially in the public review and comment process required for both plans. States may also submit separate Workflex plans, in which case they are encouraged to cross-reference, rather than duplicate, pertinent sections of their WIOA State Plans. Once approved, the Workflex plan is incorporated into the WIOA 4-year State Plan through a grant modification.

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

Information collection applies to State Governments only.

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.*

Since submission of a Workflex plan is the only means by which a State may be granted Workflex waiver authority, not collecting this information would prevent the State from exercising its option under the Act to apply for such authority.

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.*

There are no special circumstances that require the collection of information to be conducted in a manner inconsistent with 5 CFR 1320.5.

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.*

In accordance with the Paperwork Reduction Act of 1995, the public was allowed 60 days to comment through the Federal Register Notice posted on November 17, 2017 (82 FR 54414). 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 are no payments made to respondents.

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

There are no assurances of confidentiality.

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.*

There is no information of a sensitive nature being requested.

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

All States, including the Insular Areas, may apply for Workflex waiver authority; therefore, the number of respondents indicated below is an estimate. Based on the historical level of interest, the number of respondents is expected to be quite low. Burden estimates are:

5 respondents x 1 frequency x 15 hours per respondent application = 75 total annual burden hours.

In addition to the Workflex plan, a State granted Workflex authority is required to submit quarterly reports consisting of seven items which summarize waiver activities in the State. We estimate that, at the high end, five states will request Workflex authority per year. Therefore burden estimates for quarterly reporting are:

5 respondents x 4 quarters x 8 hours per respondent per report = 160 total annual burden hours

Costs for respondents include drafting the application to meet the submission requirements and the goals and priorities of the Governor and various State and local partners/stakeholders. Individual staff costs to prepare an *application* are estimated at \$47.79 per hour times 15 hours

of preparation or \$716.85 per respondent. Staff costs to prepare *quarterly reports* are estimated at \$47.79 per hour times 8 hours of preparation multiplied by 4 reports or \$1,529.28 per respondent annually. The total monetized value of the respondents' time is \$11,230 (\$2,246.13 per respondent times 5 respondents).

The hourly rate is computed by dividing the FY 2017 national average personal services/personal benefits (PS/PB) annual salary for state staff as provided for through the distribution of state UI administrative grants ([https://wdr.doleta.gov/directives/attach/UIPL/UIPL\\_20-16-Attachment1\\_Acc.pdf](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-16-Attachment1_Acc.pdf)) by the number of hours worked in a year (1,711).  $\$81,777 \text{ annual rate} / 1,711 \text{ hours} = \$47.79$ .

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

Type of Respondent - Activity	Number of Respondents	Number of Responses per Respondent (Frequency)	Total Annual Number of Responses	Time per Response (in hours)	Total Annual Burden (in hours)	Average Hourly Wage Rate Value	Total Annualized Respondent Cost (Monetary Burden Hours Rounded)
Waiver Application	5	1	5	15	75	\$47.79	\$3,584.25
Quarterly Reporting	5	4	20	8	160	\$47.79	\$7,646.40
<b>Unduplicated Totals</b>	--	5	25	--	235	--	<b>\$11,230.65</b>

\* The hourly rate is computed by dividing the FY 2017 national average personal services/personal benefits (PS/PB) annual salary for state staff as provided for through the distribution of state UI administrative grants ([https://wdr.doleta.gov/directives/attach/UIPL/UIPL\\_20-16-Attachment1\\_Acc.pdf](https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-16-Attachment1_Acc.pdf)) by the number of hours worked in a year (1,711).  $\$81,777 \text{ annual rate} / 1,711 \text{ hours} = \$47.79$ .

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).*

There are no other costs involved.

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.*

Federal staff will be reviewing and approving applications and processing quarterly reports. Costs to review an *application* are estimated at \$38.04 per hour times 10 hours or \$380 per application. Staff cost to review *quarterly reports* are estimated at \$38.04 per hours times 8 hours multiplied by 4 or \$1,217 per respondent annually. The total annualized staff costs are \$7, 988 (\$1,597 per respondent times 5 respondents.)

ETA derives the wage figure from the current GS schedule for a GS-12, Step 4 employee (\$38.04) ([https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2017/RUS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2017/RUS_h.pdf).)

Type of Activity	Annual Total Count	Time per Activity (in hours)	Total Annual Time (in hours)	Average Hourly Wage Rate Value	Total Annualized Federal Cost (Monetary Burden Hours Rounded)
Application Review	5	10	50	\$38.04	\$1,902
Quarterly Reporting Review	20	8	160	\$38.04	\$6,086
<b>Unduplicated Totals</b>	<b>25</b>	<b>--</b>	<b>210</b>	<b>--</b>	<b>\$7,988</b>

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

Based on the published WIOA regulations and an improved understanding of a respondent’s time commitment for completing the requested information, the estimated total respondent burden was reduced. The Department reduced the Workflex application burden by including the Workflex Plan Collection Form, which outlines the required elements of a request. As a result, the currently approved total annual responses of 21 and the total annual burden hours of 320 are reduced to renewal totals of 25 responses and 235 annual burden hours. The total Federal burden also has been reduced from the currently approved total of 25 review items and 960 annual burden hours to a renewal total of 25 review items and 210 annual burden hours. The reduction in Federal burden can be attributed to improvements made in the review process.

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.

All approved Workflex plans will be published on the DOL website.

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 plans to seek non-display of the OMB approval.

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

No exceptions are requested.

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

This information collection does not employ statistical methods.