

SUPPORTING STATEMENT
“Required Elements for Submission of the Unified or Combined State Plan and Plan
Modifications under the Workforce Innovation and Opportunity Act”
OMB Control Number 1205-0522

A. Justification.

This Information Collection Request (ICR) seeks to revise the collection by making a number of changes. More specifically, changes are proposed to the Instrument to remove references to dates that have already passed, correct typographical errors, provide an optional data element, incorporate two separate data elements into another existing data element, and update instructions for collection elements in Appendix I of the ICR. This ICR is not affected by the recently concluded submission related to a proposed rule. See ICR Reference Number 201906-1205-005. This ICR does not address those changes.

- 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.**

This ICR is necessary to extend the expiration date of the Instrument beyond the current expiration, September 30, 2019. The information collection implements Sections 102 and 103 of the Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128). WIOA requires that each State, at a minimum, submit a Unified State Plan as a condition of receiving funds for core programs subject to the Unified State Plan requirements. In the alternative, States may submit a Combined State Plan as a condition of receiving funds under certain named programs subject to the Combined State Plan provisions. See [29 U.S.C. §§ 3112 and 3113](#). The Unified or Combined State Plan requirements are designed to improve service integration and ensure that the publicly-funded workforce system provides a range of employment, education, training, and related services and supports to help all jobseekers secure good jobs while providing businesses with the skilled workers they need to compete in the global economy. To that end, the Unified or Combined State Plan would describe how the State will develop and implement a unified, integrated service delivery system rather than discuss the State’s approach to operating each program individually.

Section 102(a) of WIOA requires each State, at a minimum, to submit a Unified State Plan that fosters strategic alignment of the core programs, which include the Adult, Dislocated Worker, and Youth programs (title I); Adult Education and Family Literacy Act program (title II); the Wagner-Peyser program (title III); and the Vocational Rehabilitation program (title IV). In the alternative, Section 103 of WIOA permits a State to submit a Combined State Plan including the aforementioned core programs plus one or more of the optional Federal programs listed in Section 103(b). States choosing to submit a Combined State Plan, are required to incorporate all of the common planning elements required in the Unified State Plan, additional

elements describing how the State will coordinate the optional programs with the core programs (WIOA Section 103(b)(3)), and elements required by the optional program(s) that are included in the Combined State Plan.

Once approved, a State's Combined State Plan meets the information collection requirements for the program-specific State plans for all optional programs that a State includes. If a Combined State Plan is approved, the State is not required to submit any other State plan to receive federal funding for any optional program covered under that Combined State Plan (WIOA Section 103(b)(2)). If a State plan for an optional program changes from the one approved under the Combined State Plan, the State may have to submit additional plans to the appropriate Department—such additional plans will be counted under the optional programs' existing information collection requirements.

Note that some of the optional programs that a State may include in the Combined State Plan currently fulfill their program-specific State planning requirements through a broader information collection administered by the program's appropriate Department. For example, Section 103(b)(2) of WIOA specifically allows the employment and training activities carried out under the Community Services Block Grant (CSBG) Act administered by the Department of Health and Human Services (HHS) and employment and training activities under the Department of Housing and Urban Development (HUD) to be included in a WIOA Combined State Plan. However, for example, the existing CSBG information collection includes planning elements for the employment and training activities along with planning elements for other activities under CSBG. Therefore, if States choose to include programs such as these in the Combined State Plan, only the portion of the existing planning requirements that address the employment and training activities are included in the Combined State Plan (WIOA Section 103), and, States are still required to separately submit all other required elements of a complete CSBG State Plan directly to the Federal agency that administers the program.

As mentioned above, this instrument is intended to cover the state planning information collection requirements in Sections 102 and 103 of WIOA. The Department requested, and OMB granted, a non-substantive change to the instrument for the 2018 planning cycle. The regulations that correspond to these information collection requirements are: 20 CFR Part 676 (WIOA Adult, Dislocated Worker, and Youth programs and Wagner-Peyser Act programs); 34 CFR Part 361, Subpart D (State Vocational Rehabilitation Services Program); and 34 CFR Part 463, Subpart H (Adult Education and Family Literacy Act programs).

Section 102(c)(1)(A) of WIOA states that States needed to submit their first Unified Plan to the Secretary of Labor not later than 120 days prior to the commencement of the second full program year after the date of enactment of WIOA, which was July 22, 2014. Therefore, the second full program year commenced on July 1, 2016, and the Unified or Combined State plans were to be submitted no later than March 3, 2016. New plans are required every four years, with

a modification update every two years. In 2018, the Department approved modifications to those plans and in 2020 states will be required to submit new plans.

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.

In order for a State to receive funding for the core programs, the State must submit a Unified or Combined State Plan every four years and a State plan modification at least every two years. A State must submit its Unified State Plan to the Secretary of Labor, who, in turn, shares the Unified State Plan with the Secretary of Education (WIOA sec. 102(c)(1)). Unified State Plans are subject to the approval of both the Secretary of Labor and the Secretary of Education, after approval by the Commissioner of the Rehabilitation Services Administration of the Vocational Rehabilitation services portion of the plan (WIOA Section 102(c)(2)). In approving the Unified State Plan, the Secretaries of Labor and Education must determine whether the plan is consistent with Unified State Plan requirements, as well as relevant requirements for each of the core programs (WIOA Section 102(c)(2)(B)).

When a State's Combined State Plan is approved, it will be considered as having met the information collection requirements for the program-specific State plans for all optional programs that a State includes. The State is not required to submit any other State plan to receive federal funding for any optional program that it included in the Combined State Plan (WIOA Section 103(b)(2)). If a State plan for an optional program changes from the one approved under the Combined State Plan, the state may have to submit additional plans to the appropriate Department—such additional plans will be counted under the optional programs' existing information collection requirements. As stated above, some of the optional programs that a State may include in the Combined State Plan fulfill their program-specific planning requirements through a broader information collection administered by the program's appropriate Department. One example is the CSBG program administered by HHS, where WIOA Section 103(b)(2) allows States to include the planning elements for employment and training activities carried out under the CSBG program Act in the Combined State Plan but does not include the planning requirements for the other activities of the CSBG program. If States choose to include programs such as these in the Combined State Plan, only the portion of the existing planning requirements that address the employment and training activities are included in the Combined State Plan (WIOA Section 103), and, States are still required to separately follow any other program specific State plan requirements.

Portions of the Combined State Plan covering a program or activity, excluding those related to the core programs, are subject to approval by the head of the Federal agency that administers such program (WIOA Section 103(d)(2)). The portions of the Combined State Plan related to the core programs are subject to the same approval requirements applicable to the Unified State Plan.

- 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.**

For the 2016 and 2018 submissions, States were required to submit a Unified or Combined State Plan through an online submission system developed by the Department of Education's Rehabilitation Services Administration (RSA). However, for the 2020 submissions and beyond, the Departments are jointly funding development of a new online submission system that will use current technology and offer expanded capabilities than the former system. The system features a web-based portal that allows users to enter data and text in response to the Unified or Combined State Plan elements, is 508 compliant, and allows for public posting of approved plans. Grantees will access this portal through a landing page on ED's website and maintained on servers hosted by the Office of Career, Technical, and Adult Education. The system is password protected, and multiple users within a State will be given access to the system. The system reduces the Federal burden of joint review by providing a common platform.

- 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.**

Currently, States submit program-specific State plans. The approved consolidated information collection, known as the "Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act," is the only data collection instrument for States to submit either a Unified or Combined State Plan under WIOA for the core programs. This consolidated information collection replaced program-specific State plan collections for each of the core programs. Providing a Combined State Plan response counts as a response for any existing program-specific State plan information collection requirements for any optional program or program activities that a State includes in its Combined State Plan. Unified and Combined State Plans help to improve program effectiveness by promoting an overall collaborative approach between the various State and Federal agencies that provide the services under the core and combined plan partner programs, and potentially will lead to increased efficiencies as service duplication will be minimized.

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

The proposed information collection affects only States, not small businesses or entities.

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.

Sections 102 and 103 of WIOA require that the State submit a Unified or Combined State Plan every four years and a plan modification at least every two years. A State will not receive funding for core programs if it fails to submit an acceptable Unified or Combined State Plan (WIOA Section 102(a)). If this information collection is not allowed, the Departments of Labor and Education will no longer have the authority to gather the required information past September 30, 2019, or to subsequently provide funding to states authorized by WIOA, and therefore, the statute will fail to be implemented as intended.

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 record keeping, 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.

The Department, in accordance with the PRA, published a 60-day *Federal Register* Notice (FRN) on January 2, 2019, page 19. The FRN is available at <https://www.govinfo.gov/content/pkg/FR-2019-01-02/pdf/2018-28358.pdf>. States have now

twice used the instrument to prepare and submit plans, and therefore, the Department believes any comments or lack of comments accurately reflect the user experience in using the instrument. The 60-day comment period closed on March 2, 2019.

The Department also received two comments, one of which was found to be outside the scope of this ICR, because the commenter raised issues related to wasteful government programs generally, and not the information collection. The remaining comment said:

The State Plan portal has severe limitations that restrict the inclusion of critical supporting information, including tables, charts and attachments in a useful manner. The portal frequently drops text, makes it difficult to format content, and requires many days of staff resources in addition to the state plan content development to complete the submittal process.

As a response, DOL and ED are funding the development of a new submission portal, and ED has executed a contract to develop and build a new State Plan portal on a Drupal platform. The more robust technology platform will provide greater flexibility and ease of use to States submitting State Plans for the Program Year 2020 planning cycle. We will take the comment under advisement throughout development of the portal.

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

There are no payments or gifts provided 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; respondents are State agencies, and State plans are public documents.

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 information of a sensitive nature is requested in the proposed information collection.

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

Respondents and Annual Responses

There are 57 States and outlying areas, including the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and, for certain programs, the Republic of Palau. These jurisdictions will submit a plan the first year that plans are required, and all 57 states and outlying areas are required to submit an update in the third year of the planning cycle. No other submissions are required unless it is a program-specific requirement for an optional program included in a State's Combined State Plan. This means that the Department estimates that it will receive 38 State Plans annually over three years. $[(57 + 57)/3 = 38.]$ For purposes of Reginfo.gov database entry, the Department assumes 38 respondents will annually submit an average of one response each.

Burden Hours and Monetized Time Value

The Department estimates the annual time burden to be 8,135.8 hours. The Department estimates that it will receive 38 State Plans annually over three years $[(57 + 57)/3 = 38.]$ The Department estimates each response will take 86 hours for the common elements portion of the Unified State Plan response (38 responses x 86 hours = 3,268 hours.) The Department estimates for core program-specific elements the following burden:

- Title I Adult, Dislocated Worker and Youth and W-P programs will take 1,520 hours (38 responses x 40 hours = 1,520 hours);
- AEFLA program will take 1,710 hours (38 responses x 45 hours = 1,710);
- Vocational Rehabilitation programs will take 1,628 hours (38 responses x 42.85 hours = 1,628 rounded).

Furthermore, for purposes of this analysis, the Department estimates 10 respondents will submit a Combined State Plan and that each response will take one additional hour to complete. (10 responses x 1 hours = 10 hours. $10 \text{ hours}/38 \text{ total responses} = 0.25$, rounded to the quarter hour). This results in an average total burden of hours per response (86 hours + 40 hours + 45 hours + 42.85 hours + 0.25 hours = 214 hours). The total annual time burden would be 8,132 hours. (214 x 38 responses = 8,132 hours.).

Burden Summary Table for All Agencies (See final paragraph of this section for information on how burden is to be apportioned among the participating agencies.)

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden Hours	Hourly Rate*	Monetized Value of Respondent Time
WIOA State Plan Preparation/ Submission for Common Elements	57	Every 2 years	38	86 hours	3,268	\$47.79 ¹	\$156,177
WIOA State Plan Preparation/ Submission for Title I (Adult, Dislocated Worker, Youth) and W-P program specific elements	57	Every 2 years	38	40 hours	1,520	\$47.79	\$72,641
WIOA State Plan Preparation/ Submission for AEFLA program-specific elements	57	Every 2 years	38	45 hours	1,710	\$47.79	\$81,721
WIOA State Plan Preparation/ Submission	57	Every 2 years	38	42.85 hours	1,628	\$47.79	\$77,802

¹ The hourly rate is computed by dividing the FY 2017 national average 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) by the number of hours worked in a year (1,711). \$81,777 annual rate/1,711 hours = \$47.79. (180+30=210 + 2= 212 x \$47.79=\$10,131.48)

for Vocational Rehabilitation Services Program-specific elements							
Total			38	213.85	8,126		\$388,341
Combined state Plan element	10		38	.25	10	47.79	\$478
Unduplicated total			38	214.1	8,136		\$388,819

The burden required for fulfilling the program-specific State Plan requirements (for the non-core, optional programs that may be included in the Combined State Plan) will continue to be separately accounted for under the non-core, optional programs' existing, approved Information Collections, where planning requirements exist for those programs. Those existing Information Collections are described in the table below for reference only, and the same burden exists for those programs regardless of inclusion in a Combined State Plan. In order to avoid double counting burden those figures are not included.

Freestanding Associated Information Collections

Optional Program Control Number	Approved Burden Hours
Control Number 1830-0029, Carl D. Perkins Career and Technical Education Act of 2006 (P.L. 109-270) State Plan Guide	3,654 hours
Control Number 0970-0145, Temporary Assistance for Needy Families (TANF) State Plan Guidance	594 hours

Control Number 0584-0083, Supplemental Nutrition Assistance Program (SNAP) Operating Guidelines, Forms, and Waivers, Program and Budget Summary Statement	1,119 hours ²
Control Number 1293-0009, Grant Application Requirements for the Jobs for Veterans State Grants Program	1,401 hours
Control Number 1205-0132, Unemployment Insurance State Quality Service Plan Planning and Reporting Guidelines	3,304 hours
Control Number 1205-0040, Senior Community Service Employment Program Four-Year State Plan	2,688 hours
Control Number 0970-0382, Community Services Block Grant (CSBG) Model Plan Applications	112 hours ³

In order to allow partner agencies to sign on to this common form instrument, all Departments, except Labor and Education, will assume one response for 214 hours, a combined burden share of 856 hours. (4 Departments x 214 hours = 856 hours.) Responses between the Departments of Labor/ETA and Education for the remaining 7,276 burden hours are respectively apportioned on a 33/67 percent split in accordance with the level of burden hours needed to address the responses for the common elements and core program elements of the Unified State Plan requirements as shown by the prior burden totals (i.e., 11 responses for DOL-ETA and 23 for ED). This yields 2,354 burden hours for DOL-ETA (11 responses x 214 hours = 2,354 hours) and 4,922 hours for ED (23 responses x 214 hours = 4,922 hours). While States receive funds that may be used for administration (in part to cover salaries) to ensure this information collection imposes no unfunded mandates, we have monetized the burden hours as follows: 8,132 hours x \$47.79⁴ = \$388,628. This cost is reflected in item 15.

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).

² This number represents estimated average burden for the portion of the SNAP plan that covers programs authorized under Sections 6(d)(4) and 6(o) of the Food and Nutrition Act of 2008 only.

³ This number represents estimated average burden for the portion of the CSBG plan that covers employment and training activities only.

⁴ The hourly rate is computed by dividing the FY 2017 national average 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) by the number of hours worked in a year (1,711). \$81,777 annual rate/1,711 hours = \$47.79. (180+30=210 + 2= 212 x \$47.79=\$10,131.48)

The agencies associate no other costs with this information collection. Program funds provided by the Federal government that may be used in part for administration may be used by States for any information technology systems needed to comply with this collection.

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.

Based on program experience and on an assessment of average times spent reviewing plans, it is estimated that, on average, 8 GS-13s based in the Washington, DC area will spend a total of 8 hours each, or 64 hours total, reviewing each plan. Pay for such an employee at the Step 4 level is \$51.11.⁵ Providing a 38 percent allowance to cover fringe benefits and other costs, total per hour cost for each employee is \$70.53 ($\$51.11 \times 1.38 = \70.53); thus, the Federal cost of reviewing and processing each Plan is estimated to be \$4,513.92. As noted previously, the Department estimates that it will receive 38 plans annually over three years, resulting in a total cost of \$171,528.96 for all 38 plans ($38 \text{ plans} \times 64 \text{ hours} \times \$70.53 = \$171,528.96$). Since plans are reviewed electronically, operational costs, including printing and support staff costs, do not apply. This information is summarized in the table below.

Federal Salary Summary Table

# Federal Staff	Hours Per Person to Review Each Plan	Per Person Hourly Rate (salary and benefits)	Cost Per Plan	Number of Plans	Total
8	8	\$70.53	\$4,513.92	38	\$171,528.96

The cost for developing the new Web portal for 2020 State Plans is estimated to require the redirection of existing Federal staff time to determine the business requirements of the Web portal, programming updates, and system testing as well as contracting with system developers. The redirection of existing FTE is estimated to require on average, 15 percent of 2 GS-14s (624 hours) and 50 percent of a GS-14 (1,040 hours) based in the Washington, DC area. Pay for such an employee at the Step 5 level is \$62.23.⁶ Providing a 38 percent allowance to cover fringe benefits and other costs, total per hour cost for each employee is \$85.88. Thus, the Federal

⁵ See [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/DCB\(LEO\)_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/DCB(LEO)_h.pdf).

⁶ See [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/DCB%20\(LEO\)_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/DCB%20(LEO)_h.pdf).

annual staff cost of advising on development of the Web portal is \$142,904 ($\$85.88 \times 1,664$ hours).

As calculated in item 12, the Federal cost related to funds used for administration that fund State salaries is estimated to be \$314,433 ($\$171,529 + \$142,904$).

To build the Web portal, the Departments contracted with a private sector firm specializing in development of web-based data systems. The contracted development cost for the base year is \$729,469, and option years 1 and 2 are \$219,815 and \$222,357 respectively. In addition, server hosting fees are \$65,000 annually. The average annual cost for web portal development, maintenance, and hosting during the next three years is \$455,547 ($\$729,469 + \$219,815 + \$222,357 + [65,000 \times 3] / 3 \text{ years} = \$455,547$).

Total Federal annualized costs are estimated to be \$769,980 based on the calculations included above ($\$171,529$ salary + $\$142,904$ Federal staff Web portal development + $\$455,547$ contractor costs = $\$769,980$).

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

There are no burden changes compared to the prior ICR approval for respondents to the information collection. The Federal government's annual cost burden has increased from \$294,477 to \$769,980 due to costs associated with development of the State Plan submission Web portal.

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.

State Plans are required to be submitted to DOL by April 1, 2020. The Departments of Education and Labor must complete analysis, review, and response on acceptability of State Plans within 90 days of receipt. For any Combined State Plan programs administered by HHS, USDA, or HUD that a State may include in its submission, response for that portion must be completed within 120 days of receipt. Once State Plans are approved, they are published electronically on the online submission platform. Such plans are made available on the Web portal publicly. States may choose to separately publish approved State Plans in their preferred format.

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.

ETA displays the OMB control number and the expiration date.

18. Explain each exception to the certification statement identified in the "Certification for Paperwork Reduction Act Submission."

No exceptions are requested.

B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.